

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 185 Session of
2005

INTRODUCED BY STAIRS, CALTAGIRONE, CORNELL, CRAHALLA, CREIGHTON,
DALEY, J. EVANS, GEIST, GEORGE, HERSHEY, KENNEY, LEACH,
LEDERER, MANDERINO, MCGILL, MELIO, PRESTON, REICHLEY, SEMMEL,
E. Z. TAYLOR, WILT, YOUNGBLOOD, CAUSER, SURRA, DENLINGER,
ALLEN, BELARDI, SIPTROTH AND MCGEEHAN, FEBRUARY 1, 2005

SENATOR RHOADES, EDUCATION, IN SENATE, AS AMENDED,
MARCH 14, 2006

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for ~~school district~~ <—
6 ~~notification of residential development and for contracts for~~
7 ~~competitive food or beverage contracts; further providing for~~
8 ~~funding for charter schools, for cyber charter school~~
9 ~~requirements and prohibitions and for enrollment and~~
10 ~~notification; and providing for free and reduced price school~~
11 ~~lunches for certain students.~~ COMPETITIVE FOOD OR BEVERAGE <—
12 CONTRACTS AND FOR NUTRITIONAL GUIDELINES FOR FOOD AND
13 BEVERAGE SALES IN SCHOOLS; FURTHER PROVIDING FOR CERTAIN
14 HEALTH SERVICES AND FOR ADVISORY HEALTH COUNCILS; PROVIDING
15 FOR LOCAL WELLNESS POLICIES, FOR AN INTERAGENCY COORDINATING
16 COUNCIL FOR CHILD HEALTH AND NUTRITION, FOR DUTIES OF THE
17 DEPARTMENT OF EDUCATION AND FOR PHYSICAL EDUCATION; AND
18 FURTHER PROVIDING FOR PHYSIOLOGY AND HYGIENE.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. The act of March 10, 1949 (P.L.30, No.14), known~~ <—
22 ~~as the Public School Code of 1949, is amended by adding an~~
23 ~~article to read:~~

1 ~~ARTICLE II A~~

2 ~~NOTIFICATION OF RESIDENTIAL DEVELOPMENT~~

3 ~~Section 201 A. Definitions.~~

4 ~~The following words and phrases when used in this article~~
5 ~~shall have the meanings given to them in this section unless the~~
6 ~~context clearly indicates otherwise:~~

7 ~~"Applicant." A landowner or developer who has filed an~~
8 ~~application for development with a governing body. The term~~
9 ~~includes the landowner's or developer's heirs, successors and~~
10 ~~assigns.~~

11 ~~"Application for development." Every application, whether~~
12 ~~preliminary, tentative or final, required by law or ordinance to~~
13 ~~be filed and approved prior to start of construction or~~
14 ~~development, including, but not limited to, an application for a~~
15 ~~building permit, for the approval of a subdivision plat or plan~~
16 ~~or for the approval of a residential development plan.~~

17 ~~"Developer." Any landowner, agent of the landowner or tenant~~
18 ~~with the permission of the landowner, who makes or causes to be~~
19 ~~made a subdivision of land or a land development.~~

20 ~~"Governing body." The council in cities, boroughs and~~
21 ~~incorporated towns; the board of commissioners in townships of~~
22 ~~the first class; the board of supervisors in townships of the~~
23 ~~second class; the board of commissioners in counties; or as may~~
24 ~~be designated in the law providing for the form of government.~~

25 ~~"Landowner." The legal or beneficial owner or owners of~~
26 ~~land, including the holder of an option or contract to purchase,~~
27 ~~whether or not such option or contract is subject to any~~
28 ~~condition, a lessee if the lessee is authorized under the lease~~
29 ~~to exercise the rights of the landowner or other person having a~~
30 ~~proprietary interest in land.~~

1 ~~"Planned residential development."— An area of land,~~
2 ~~controlled by a landowner, to be developed as a single entity~~
3 ~~for a number of dwelling units, or combination of residential~~
4 ~~and nonresidential uses, the development plan for which does not~~
5 ~~correspond in lot size, bulk, type of dwelling, or use, density,~~
6 ~~or intensity, lot coverage and required open space to the~~
7 ~~regulations established in any one district created, from time~~
8 ~~to time, under the provisions of a municipal zoning ordinance.~~

9 ~~"Planning agency."— A planning commission, planning~~
10 ~~department or a planning committee of the governing body.~~

11 ~~"Plat."— The map or plan of a subdivision or land~~
12 ~~development, whether preliminary or final.~~

13 ~~"Residential development plan."— The provisions for~~
14 ~~residential development, including a planned residential~~
15 ~~development, a plat of subdivision, all covenants relating to~~
16 ~~use, location and bulk of buildings and other structures,~~
17 ~~intensity of use or density of development, streets, ways and~~
18 ~~parking facilities, common open space and public facilities. The~~
19 ~~phrase "provisions for residential development" when used in~~
20 ~~this section shall mean the written and graphic materials~~
21 ~~referred to in this definition.~~

22 ~~"School district."— Includes school districts of all classes.~~
23 ~~Section 202 A. Notification of subdivision and land development~~
24 ~~in school districts.~~

25 ~~An applicant shall send via certified mail return receipt~~
26 ~~requested, within five days after filing with a governing body~~
27 ~~or planning agency, a copy or summary of the application for~~
28 ~~preliminary approval of a residential development plan to the~~
29 ~~superintendent of the school district wherein the residential~~
30 ~~development plan is proposed. A summary shall include, but not~~

1 ~~be limited to, the location of the development, the number and~~
2 ~~types of units to be included in the development and the~~
3 ~~proposed construction schedule of the development and where~~
4 ~~required by local ordinance to be included in the application,~~
5 ~~an economic assessment of the proposed development. The~~
6 ~~applicant shall provide a copy of the return receipt to the~~
7 ~~governing body showing compliance with this section.~~

8 ~~Section 203 A. School district comments.~~

9 ~~The school district may submit written comments, within 30~~
10 ~~days after receipt of the copy or summary of the application, to~~
11 ~~the governing body or planning agency that is considering the~~
12 ~~residential development plan. If the governing body or planning~~
13 ~~agency does not receive the written comments from the school~~
14 ~~district within 30 days, the governing body or planning agency~~
15 ~~shall proceed with consideration of the application. Nothing in~~
16 ~~this section shall empower the school district with any~~
17 ~~authority to approve or deny any application for approval of a~~
18 ~~plat.~~

19 ~~Section 2. The act is amended by adding a section to read:~~

20 ~~Section 504.1. Competitive Food or Beverage Contracts. (a)~~
21 ~~Exclusive competitive food or beverage contracts may not be~~
22 ~~entered into or renewed by the district or a school within the~~
23 ~~district unless the board of the school district provides~~
24 ~~reasonable public notice or holds a public hearing about the~~
25 ~~contract. As used in this subsection, "reasonable public notice"~~
26 ~~shall mean providing notice to all parents or guardians~~
27 ~~utilizing normal school communication procedures at least 30~~
28 ~~days prior to the school entering into an exclusive competitive~~
29 ~~food or beverage contract. The notice must include guidance for~~
30 ~~parents or guardians on how to offer public comment to the~~

1 ~~school regarding the contract.~~

2 ~~(b) Contracts prohibiting a school district employe from~~
3 ~~disparaging the goods or services of the party contracting with~~
4 ~~the school board may not be entered into by any school board.~~

5 ~~(c) Any contract entered into under this section may not~~
6 ~~include a confidentiality clause prohibiting a school or school~~
7 ~~district from making any part of the contract public. Contracts~~
8 ~~entered into or renewed under this section shall be made~~
9 ~~accessible to the public pursuant to section 2 of the act of~~
10 ~~June 21, 1957 (P.L.390, No.212), referred to as the Right to~~
11 ~~Know Law.~~

12 ~~(d) The school board shall report to the parents and the~~
13 ~~community the amounts and specific sources of funds received and~~
14 ~~the nature of expenditures made from funds received from~~
15 ~~competitive food or beverage contracts at a regularly scheduled~~
16 ~~board meeting, a public hearing or on the district's Internet~~
17 ~~website.~~

18 ~~(e) Advertising, products or services on a nonexclusive~~
19 ~~basis may be sold only with the approval of the school board.~~

20 ~~(f) The school board may post signs publicly expressing the~~
21 ~~district's appreciation of a business or person for their~~
22 ~~support of the district's educational programs.~~

23 ~~(g) As used in this section, the term "competitive food"~~
24 ~~means any food or beverages offered or sold in competition with~~
25 ~~reimbursable meals served under the National School Lunch or~~
26 ~~School Breakfast Program.~~

27 Section 3. Section 1725 A(a) of the act, amended June 29,
28 2002 (P.L.524, No.88), is amended to read:

29 Section 1725 A. Funding for Charter Schools. (a) Funding
30 for a charter school shall be provided in the following manner:

1 ~~(1) There shall be no tuition charge for a resident or~~
2 ~~nonresident student attending a charter school except for~~
3 ~~students at cyber charter schools who do not meet the residency~~
4 ~~requirements of clause (2).~~

5 ~~(2) For non special education students, the charter school~~
6 ~~shall receive for each student enrolled no less than the~~
7 ~~budgeted total expenditure per average daily membership of the~~
8 ~~prior school year, as defined in section 2501(20), minus the~~
9 ~~budgeted expenditures of the district of residence for nonpublic~~
10 ~~school programs; adult education programs; community/junior~~
11 ~~college programs; student transportation services; for special~~
12 ~~education programs; facilities acquisition, construction and~~
13 ~~improvement services; and other financing uses, including debt~~
14 ~~service and fund transfers as provided in the Manual of~~
15 ~~Accounting and Related Financial Procedures for Pennsylvania~~
16 ~~School Systems established by the department. This amount shall~~
17 ~~be paid by the district of residence of each student.~~
18 ~~Notwithstanding any other provision of law to the contrary, in~~
19 ~~the case of cyber charter schools, for the purposes of this~~
20 ~~clause a student is a resident of a school district only if both~~
21 ~~of the following criteria are met:~~

22 ~~(i) it is the school district in which his parents or the~~
23 ~~guardian of his person resides; and~~

24 ~~(ii) it is the school district in which the student sleeps~~
25 ~~at least one hundred eighty three (183) nights of the year~~
26 ~~during which payment is made.~~

27 ~~(3) For special education students, the charter school shall~~
28 ~~receive for each student enrolled the same funding as for each~~
29 ~~non special education student as provided in clause (2), plus an~~
30 ~~additional amount determined by dividing the district of~~

1 ~~residence's total special education expenditure by the product~~
2 ~~of multiplying the combined percentage of section 2509.5(k)~~
3 ~~times the district of residence's total average daily membership~~
4 ~~for the prior school year. This amount shall be paid by the~~
5 ~~district of residence of each student.~~

6 ~~(4) A charter school may request the intermediate unit in~~
7 ~~which the charter school is located to provide services to~~
8 ~~assist the charter school to address the specific needs of~~
9 ~~exceptional students. The intermediate unit shall assist the~~
10 ~~charter school and bill the charter school for the services. The~~
11 ~~intermediate unit may not charge the charter school more for any~~
12 ~~service than it charges the constituent districts of the~~
13 ~~intermediate unit.~~

14 ~~(5) Payments shall be made to the charter school in twelve~~
15 ~~(12) equal monthly payments, by the fifth day of each month,~~
16 ~~within the operating school year. A student enrolled in a~~
17 ~~charter school shall be included in the average daily membership~~
18 ~~of the student's district of residence for the purpose of~~
19 ~~providing basic education funding payments and special education~~
20 ~~funding pursuant to Article XXV. If a school district fails to~~
21 ~~make a payment to a charter school as prescribed in this clause,~~
22 ~~the secretary shall deduct the estimated amount, as documented~~
23 ~~by the charter school, from any and all State payments made to~~
24 ~~the district after receipt of documentation from the charter~~
25 ~~school.~~

26 ~~(6) Within thirty (30) days after the secretary makes the~~
27 ~~deduction described in clause (5), a school district may notify~~
28 ~~the secretary that the deduction made from State payments to the~~
29 ~~district under this subsection is inaccurate. The secretary~~
30 ~~shall provide the school district with an opportunity to be~~

1 ~~heard concerning whether the charter school documented that its~~
2 ~~students were enrolled in the charter school, the period of time~~
3 ~~during which each student was enrolled, the school district of~~
4 ~~residence of each student and whether the amounts deducted from~~
5 ~~the school district were accurate.~~

6 * * *

7 ~~Section 4. Section 1743 A of the act is amended by adding a~~
8 ~~subsection to read:~~

9 ~~Section 1743 A. Cyber charter school requirements and~~
10 ~~prohibitions.~~

11 * * *

12 ~~(a.1) Truancy. In order to enroll a student, the school~~
13 ~~district in which the student is a resident must certify to the~~
14 ~~cyber charter school that the student is in compliance with~~
15 ~~section 1327.~~

16 * * *

17 ~~Section 5. Section 1748 A(a) of the act is amended by adding~~
18 ~~a paragraph to read:~~

19 ~~Section 1748 A. Enrollment and notification.~~

20 ~~(a) Notice to school district.~~

21 * * *

22 ~~(3) When a school district has received notice under~~
23 ~~paragraph (1), the school district shall certify to the cyber~~
24 ~~charter school whether the student is in compliance with~~
25 ~~section 1327.~~

26 * * *

27 ~~Section 6. The act is amended by adding a section to read:~~

28 ~~Section 2505.2. Supplemental Funding for School Lunches.~~

29 ~~Notwithstanding Federal funding of school lunches for~~

30 ~~individuals who qualify for free or reduced price lunches, there~~

1 ~~shall be a supplement from the General Fund annually to achieve~~
2 ~~the following:~~

3 ~~(1) Individuals who live at or under one hundred eighty five~~
4 ~~per centum (185%) of the Federal poverty guideline shall receive~~
5 ~~free school lunch each school day.~~

6 ~~(2) Individuals who live between one hundred eighty five per~~
7 ~~centum (185%) and two hundred fifty per centum (250%) of the~~
8 ~~Federal poverty guideline shall receive school lunch each school~~
9 ~~day at the reduced price specified under Federal guidelines.~~

10 Section 7. ~~This act shall take effect as follows:~~

11 ~~(1) The addition of section 504.1 of the act shall take~~
12 ~~effect in 180 days.~~

13 ~~(2) The remainder of this act shall take effect in 60~~
14 ~~days.~~

15 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN ←
16 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING SECTIONS
17 TO READ:

18 SECTION 504.1. COMPETITIVE FOOD OR BEVERAGE CONTRACTS.--(A)

19 (1) A BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT OR ANY OF
20 THE SCHOOLS UNDER ITS JURISDICTION SHALL NOT ENTER INTO AN
21 EXCLUSIVE COMPETITIVE FOOD OR BEVERAGE CONTRACT UNLESS THE BOARD
22 OF SCHOOL DIRECTORS PROVIDES REASONABLE PUBLIC NOTICE OR HOLDS A
23 PUBLIC HEARING ABOUT THE CONTRACT.

24 (2) AS USED IN THIS SUBSECTION, "REASONABLE PUBLIC NOTICE"
25 SHALL MEAN PROVIDING NOTICE TO PARENTS OR GUARDIANS UTILIZING
26 NORMAL SCHOOL COMMUNICATION PROCEDURES AT LEAST 30 DAYS PRIOR TO
27 THE BOARD OF SCHOOL DIRECTORS OR ANY OF THE SCHOOLS UNDER ITS
28 JURISDICTION ENTERING INTO AN EXCLUSIVE COMPETITIVE FOOD OR
29 BEVERAGE CONTRACT, WHICH NOTICE INCLUDES GUIDANCE FOR PARENTS OR
30 GUARDIANS ON HOW TO OFFER PUBLIC COMMENT REGARDING THE CONTRACT.

1 (B) A BOARD OF SCHOOL DIRECTORS OR ANY OF THE SCHOOLS UNDER
2 ITS JURISDICTION SHALL NOT ENTER INTO ANY CONTRACT PROHIBITING A
3 SCHOOL DISTRICT EMPLOYE FROM DISPARAGING THE GOODS OR SERVICES
4 OF THE PARTY CONTRACTING WITH THE BOARD OF SCHOOL DIRECTORS OR
5 ANY OF THE SCHOOLS UNDER ITS JURISDICTION.

6 (C) (1) NO CONTRACT ENTERED INTO UNDER THIS SECTION MAY
7 INCLUDE A CONFIDENTIALITY CLAUSE PROHIBITING A BOARD OF SCHOOL
8 DIRECTORS OR ANY OF THE SCHOOLS UNDER ITS JURISDICTION FROM
9 MAKING ANY PART OF THE CONTRACT PUBLIC.

10 (2) A CONTRACT ENTERED INTO OR RENEWED UNDER THIS SECTION
11 SHALL BE MADE ACCESSIBLE TO THE PUBLIC PURSUANT TO SECTION 2 OF
12 THE ACT OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS THE
13 RIGHT-TO-KNOW LAW.

14 (D) THE BOARD OF SCHOOL DIRECTORS SHALL REPORT THE AMOUNTS
15 AND SPECIFIC SOURCES OF FUNDS RECEIVED AND THE NATURE OF
16 EXPENDITURES MADE FROM FUNDS RECEIVED FROM A COMPETITIVE FOOD OR
17 BEVERAGE CONTRACT AT A REGULARLY SCHEDULED BOARD MEETING, A
18 PUBLIC HEARING OR ON THE SCHOOL DISTRICT'S INTERNET WEBSITE.

19 (E) THE BOARD OF SCHOOL DIRECTORS MAY POST SIGNS PUBLICLY
20 EXPRESSING THE SCHOOL DISTRICT'S APPRECIATION OF A BUSINESS OR
21 PERSON THAT SUPPORTS THE SCHOOL DISTRICT'S EDUCATIONAL PROGRAMS.

22 (F) AS USED IN THIS SECTION, THE TERM "COMPETITIVE FOOD OR
23 BEVERAGE" MEANS ANY FOOD OR BEVERAGES OFFERED OR SOLD IN
24 COMPETITION WITH REIMBURSABLE MEALS SERVED UNDER THE NATIONAL
25 SCHOOL LUNCH OR SCHOOL BREAKFAST PROGRAM.

26 SECTION 1337.2. NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE
27 SALES IN SCHOOLS.--(A) (1) PRIOR TO THE COMMENCEMENT OF THE
28 2006-2007 SCHOOL YEAR, EACH LOCAL EDUCATION AGENCY WITH A SCHOOL
29 THAT PARTICIPATES IN THE SCHOOL LUNCH PROGRAM SHALL REVIEW THE
30 NUTRITIONAL VALUE OF ALL FOODS AND BEVERAGES AVAILABLE DURING

1 THE SCHOOL DAY AND ADOPT NUTRITIONAL GUIDELINES FOR ALL FOOD AND
2 BEVERAGES AVAILABLE DURING THE SCHOOL DAY.

3 (2) SUBSEQUENT REVIEWS OR REVISIONS MAY OCCUR AT THE
4 DISCRETION OF THE LOCAL EDUCATION AGENCY, BUT NOT LESS THAN ONCE
5 EVERY FIVE YEARS.

6 (3) A LOCAL EDUCATION AGENCY TO WHICH 22 PA. CODE § 4.13
7 (RELATING TO STRATEGIC PLANS) APPLIES SHALL CONDUCT THE REVIEW
8 REQUIRED UNDER THIS SUBSECTION PRIOR TO THE SUBMISSION OF THE
9 STRATEGIC PLAN REQUIRED UNDER 22 PA.CODE § 4.13.

10 (B) THE NUTRITIONAL GUIDELINES MAY INCLUDE, BUT SHALL NOT BE
11 LIMITED TO:

12 (1) STANDARDS FOR SCHOOL MEALS AND FOODS OF MINIMAL
13 NUTRITIONAL VALUE BEYOND FEDERAL NUTRITIONAL SCHOOL FOOD
14 REGULATIONS.

15 (2) RESTRICTIONS ON THE SALE OF COMPETITIVE FOODS, INCLUDING
16 VENDING MACHINE SALES ON SCHOOL PROPERTY.

17 (C) THE NUTRITIONAL GUIDELINES MAY ENCOURAGE SKIM OR NONFAT
18 MILK, BUT MAY NOT LIMIT THE VARIETY OF FLUID MILK SALES,
19 INCLUDING VARIOUS FAT CONTENT, FLAVOR OR LACTOSE-FREE OPTIONS
20 OFFERED BY THE SCHOOL ON SCHOOL PREMISES OR ANY SCHOOL-SPONSORED
21 EVENT.

22 (D) BEFORE ADOPTING NUTRITIONAL GUIDELINES, EACH LOCAL
23 EDUCATION AGENCY TO WHICH THIS SECTION APPLIES SHALL CONSIDER AS
24 A RESOURCE THE NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
25 DEVELOPED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 204
26 OF THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004
27 (PUBLIC LAW 108-265, 118 STAT. 729).

28 (E) FOR PURPOSES OF THIS SECTION, THE TERMS "SCHOOL" AND
29 "SCHOOL LUNCH PROGRAM" SHALL HAVE THE SAME MEANINGS AS GIVEN TO
30 THOSE TERMS IN SECTION 1337.1(D). THE TERM "LOCAL EDUCATION

1 AGENCY" SHALL HAVE THE MEANING AS GIVEN TO IT IN SECTION 220(C).

2 SECTION 2. SECTION 1402(A) OF THE ACT, AMENDED AUGUST 9,
3 1963 (P.L.642, NO.340), IS AMENDED TO READ:

4 SECTION 1402. HEALTH SERVICES.--(A) EACH CHILD OF SCHOOL
5 AGE SHALL BE GIVEN BY METHODS ESTABLISHED BY THE ADVISORY HEALTH
6 BOARD, (1) A VISION TEST BY A SCHOOL NURSE, MEDICAL TECHNICIAN
7 OR TEACHER, (2) A HEARING TEST BY A SCHOOL NURSE OR MEDICAL
8 TECHNICIAN, (3) A MEASUREMENT OF HEIGHT AND WEIGHT BY A SCHOOL
9 NURSE OR TEACHER, WHO SHALL USE THE MEASUREMENT TO COMPUTE A
10 CHILD'S WEIGHT-FOR-HEIGHT RATIO, (4) TESTS FOR TUBERCULOSIS
11 UNDER MEDICAL SUPERVISION, AND (5) SUCH OTHER TESTS AS THE
12 ADVISORY HEALTH BOARD MAY DEEM ADVISABLE TO PROTECT THE HEALTH
13 OF THE CHILD. VISION TESTS SHALL BE GIVEN AT LEAST ANNUALLY AND
14 OTHER TESTS AT INTERVALS ESTABLISHED BY THE ADVISORY HEALTH
15 BOARD.

16 * * *

17 SECTION 3. SECTION 1422 OF THE ACT, AMENDED JANUARY 14, 1970
18 (1969 P.L.468, NO.192), IS AMENDED TO READ:

19 SECTION 1422. ADVISORY HEALTH COUNCILS.--DISTRICT
20 SUPERINTENDENTS MAY SET UP ADVISORY HEALTH COUNCILS TO STUDY
21 HEALTH NEEDS [AND TO]_ ASSIST IN ORGANIZING FOLLOW-UP PROGRAMS[.
22 AN] AND PROVIDE RECOMMENDATIONS ON THE DEVELOPMENT OF THE
23 NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE SALES REQUIRED
24 UNDER SECTION 1337.2 AND ON THE DEVELOPMENT OF THE LOCAL
25 WELLNESS POLICY REQUIRED UNDER SECTION 1422.1. TO EVERY EXTENT
26 POSSIBLE, AN ADVISORY HEALTH COUNCIL SHALL BE COMPOSED OF
27 DISTRICT REPRESENTATIVES, INCLUDING A SCHOOL ADMINISTRATOR, A
28 STUDENT AND A SCHOOL FOOD SERVICE PROFESSIONAL, AND
29 REPRESENTATIVES OF THE MEDICAL AND DENTAL ASSOCIATIONS, SOCIAL
30 ORGANIZATIONS, [VETERANS' ORGANIZATIONS,] PARENT-TEACHER

1 ASSOCIATIONS, SERVICE CLUBS, PHYSICAL EDUCATION, HEALTH
2 EDUCATION, SCHOOL COUNSELING, SCHOOL PSYCHOLOGICAL AND SOCIAL
3 SERVICES, HEALTH AND WELLNESS PROFESSIONALS, INCLUDING A
4 CERTIFIED SCHOOL NURSE AND A LICENSED DIETITIAN, AND OTHER
5 FAMILY AND COMMUNITY ORGANIZATIONS IN THE AREA SERVED. THOSE
6 MAKING THE MEDICAL AND DENTAL EXAMINATIONS SHALL MAKE TO THIS
7 ADVISORY COUNCIL AN ANNUAL REPORT, AND LATER A REPORT ON THE
8 REMEDIAL WORK WHICH HAS BEEN ACCOMPLISHED DURING THE SCHOOL
9 YEAR.

10 SECTION 4. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

11 SECTION 1422.1. LOCAL WELLNESS POLICY.--(A) NOT LATER THAN
12 THE FIRST DAY OF THE SCHOOL YEAR BEGINNING AFTER JUNE 30, 2006,
13 EACH LOCAL EDUCATION AGENCY SHALL, PURSUANT TO SECTION 204 OF
14 THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004 (PUBLIC
15 LAW 108-265, 118 STAT. 729), ESTABLISH A LOCAL WELLNESS POLICY
16 FOR SCHOOLS WITHIN THE LOCAL EDUCATION AGENCY.

17 (B) A LOCAL EDUCATION AGENCY TO WHICH 22 PA. CODE § 4.13
18 (RELATING TO STRATEGIC PLANS) APPLIES SHALL INCLUDE THE LOCAL
19 WELLNESS POLICY AS PART OF THE STRATEGIC PLAN REQUIRED UNDER 22
20 PA. CODE § 4.13.

21 (C) A LOCAL EDUCATION AGENCY MAY SUBMIT ITS LOCAL WELLNESS
22 POLICY OR INFORMATION ON OTHER INITIATIVES REGARDING CHILD
23 HEALTH, NUTRITION AND PHYSICAL EDUCATION TO THE DEPARTMENT OF
24 EDUCATION FOR INCLUSION IN THE CLEARINGHOUSE ESTABLISHED UNDER
25 SECTION 1422.3(3).

26 SECTION 1422.2. INTERAGENCY COORDINATING COUNCIL FOR CHILD
27 HEALTH AND NUTRITION.--(A) THE SECRETARY OF EDUCATION, THE
28 SECRETARY OF HEALTH AND THE SECRETARY OF AGRICULTURE SHALL
29 ESTABLISH AN INTERAGENCY COORDINATING COUNCIL WHICH SHALL
30 ANNUALLY REVIEW AND REVISE THE PENNSYLVANIA NUTRITION AND

1 ACTIVITY PLAN TO PREVENT OBESITY AND RELATED CHRONIC DISEASES.
2 THE COUNCIL SHALL BE COMPOSED OF EMPLOYES OF THE DEPARTMENT OF
3 EDUCATION, THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
4 AGRICULTURE. THE SECRETARY OF EDUCATION SHALL APPOINT THE
5 CHAIRMAN OF THE COUNCIL.

6 (B) THE SECRETARY OF EDUCATION SHALL ESTABLISH AN ADVISORY
7 COMMITTEE TO OFFER RECOMMENDATIONS TO THE COUNCIL. THE SECRETARY
8 SHALL APPOINT NO FEWER THAN EIGHT MEMBERS TO THE ADVISORY
9 COMMITTEE, WHO MAY INCLUDE EXPERTS FROM THE FIELDS OF HEALTH,
10 EDUCATION, RESEARCH, COMMUNITY DEVELOPMENT AND BUSINESS. THE
11 ADVISORY COMMITTEE SHALL MEET AT LEAST TWICE ANNUALLY.

12 (C) IN ITS ANNUAL REVIEW AND REVISION OF THE PENNSYLVANIA
13 NUTRITION AND ACTIVITY PLAN TO PREVENT OBESITY AND RELATED
14 CHRONIC DISEASES, THE COUNCIL SHALL REVISE THE PLAN TO INCLUDE
15 RECOMMENDATIONS REGARDING:

16 (1) NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGES SOLD IN
17 SCHOOLS.

18 (2) LOCAL WELLNESS POLICIES.

19 (3) PHYSICAL EDUCATION CURRICULUM.

20 (4) TEACHING ABOUT NUTRITION AND OBESITY.

21 (5) THE UTILIZATION OF ANY FEDERAL FUNDS IDENTIFIED BY THE
22 COUNCIL THAT MAY BE AVAILABLE TO LOCAL EDUCATION AGENCIES TO
23 ENHANCE INITIATIVES REGARDING CHILD HEALTH, NUTRITION, PHYSICAL
24 EDUCATION, LOCAL WELLNESS POLICIES AND ADVISORY HEALTH COUNCILS.

25 (6) A PROCESS THROUGH WHICH THE SECRETARY OF EDUCATION MAY
26 MONITOR AND EVALUATE ANY OUTCOMES THAT MAY RESULT FROM THE
27 IMPLEMENTATION OF INITIATIVES REGARDING CHILD HEALTH, NUTRITION,
28 PHYSICAL EDUCATION, LOCAL WELLNESS POLICIES AND ADVISORY HEALTH
29 COUNCILS.

30 (D) THE COUNCIL SHALL SUBMIT THE REVISED PLAN TO THE

1 SECRETARY OF EDUCATION, THE SECRETARY OF HEALTH AND THE
2 SECRETARY OF AGRICULTURE NO LATER THAN MAY 1, 2007, AND MAY 1 OF
3 EACH YEAR THEREAFTER. THE SECRETARY OF EDUCATION SHALL SUBMIT
4 THE FINAL REVISED PLAN TO THE GOVERNOR, THE PRESIDENT PRO
5 TEMPORE OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE
6 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER
7 OF THE HOUSE OF REPRESENTATIVES BY JUNE 1, 2007, AND JUNE 1 OF
8 EACH YEAR THEREAFTER. THE FINAL REVISED PLAN SHALL BE INCLUDED
9 ON THE DEPARTMENT OF EDUCATION'S, DEPARTMENT OF HEALTH'S AND
10 DEPARTMENT OF AGRICULTURE'S INTERNET WEBSITES.

11 SECTION 1422.3. DUTIES OF DEPARTMENT OF EDUCATION.--THE
12 DEPARTMENT OF EDUCATION SHALL, IN ORDER TO PROMOTE INITIATIVES
13 REGARDING CHILD HEALTH, NUTRITION AND PHYSICAL EDUCATION:

14 (1) TO EVERY EXTENT POSSIBLE, INCLUDE PROGRAMS RELATED TO
15 CHILD HEALTH, NUTRITION AND PHYSICAL EDUCATION AS PART OF THE
16 CONTINUING PROFESSIONAL EDUCATION COURSES, PROGRAMS, ACTIVITIES
17 OR LEARNING EXPERIENCES REQUIRED UNDER SECTION 1205.2(F).

18 (2) COLLABORATE WITH THE DEPARTMENT OF HEALTH TO APPLY FOR
19 FEDERAL FUNDS RELATED TO COORDINATED SCHOOL HEALTH FUNDING TO
20 ENHANCE INITIATIVES REGARDING CHILD HEALTH, NUTRITION, PHYSICAL
21 EDUCATION, LOCAL WELLNESS POLICIES AND ADVISORY HEALTH COUNCILS.

22 (3) ESTABLISH A CLEARINGHOUSE OF WELLNESS POLICIES AND
23 INFORMATION REGARDING CHILD HEALTH, NUTRITION AND PHYSICAL
24 EDUCATION SUBMITTED TO THE DEPARTMENT BY LOCAL EDUCATION
25 AGENCIES PURSUANT TO SECTION 1422.1(C). SUCH INFORMATION SHALL
26 BE MADE AVAILABLE ON THE DEPARTMENT'S INTERNET WEBSITE.

27 (4) TO EVERY EXTENT POSSIBLE, MAINTAIN INFORMATION RELATED
28 TO TEACHING ABOUT NUTRITION AND OBESITY, WHICH INFORMATION SHALL
29 INCLUDE CONCEPTS OF HEALTHY EATING, INCLUDING NUTRIENT DENSITY
30 AND PORTION CONTROL, AND THE PHYSICAL, PSYCHOLOGICAL AND

1 NUTRITIONAL CAUSES OF OBESITY. SUCH INFORMATION SHALL BE MADE
2 AVAILABLE ON THE DEPARTMENT'S INTERNET WEBSITE.

3 SECTION 1512.1. PHYSICAL EDUCATION.--(A) THE BOARD OF
4 SCHOOL DIRECTORS IN EVERY SCHOOL DISTRICT SHALL ESTABLISH A
5 CURRICULUM ALIGNED WITH ACADEMIC STANDARDS ON HEALTH, SAFETY AND
6 PHYSICAL EDUCATION THAT, PURSUANT TO 22 PA. CODE § 4.27
7 (RELATING TO PHYSICAL EDUCATION AND ATHLETICS), REQUIRES PUPILS
8 ENROLLED IN THE DISTRICT TO PARTICIPATE IN PHYSICAL EDUCATION.

9 (B) ANY PHYSICAL EDUCATION CURRICULUM ESTABLISHED UNDER THIS
10 SECTION SHALL INCLUDE SUITABLE ADAPTED PHYSICAL EDUCATION FOR
11 STUDENTS WHO ARE MEDICALLY UNABLE TO PARTICIPATE IN REGULAR
12 PHYSICAL EDUCATION INSTRUCTION OR ACTIVITIES.

13 SECTION 5. SECTION 1513 OF THE ACT IS AMENDED TO READ:

14 SECTION 1513. PHYSIOLOGY AND HYGIENE.--PHYSIOLOGY AND
15 HYGIENE, WHICH SHALL IN EACH DIVISION OF THE SUBJECT SO PURSUED
16 INCLUDE SPECIAL REFERENCE TO THE EFFECT OF ALCOHOLIC DRINKS,
17 STIMULANTS, AND NARCOTICS UPON THE HUMAN SYSTEM, AND WHICH SHALL
18 ALSO INCLUDE SPECIAL REFERENCE TO TUBERCULOSIS AND ITS
19 PREVENTION, AS WELL AS NUTRITION AND OBESITY, SHALL BE
20 INTRODUCED AND STUDIED AS A REGULAR BRANCH BY ALL PUPILS IN ALL
21 DEPARTMENTS OF THE PUBLIC SCHOOLS, AND IN ALL EDUCATIONAL
22 INSTITUTIONS SUPPORTED WHOLLY OR IN PART BY APPROPRIATIONS FROM
23 THIS COMMONWEALTH.

24 SECTION 6. THIS ACT SHALL TAKE EFFECT JULY 1, 2006, OR
25 IMMEDIATELY, WHICHEVER IS LATER.