

**Resolution Regarding Approval of Proposed Amended Chancellor's Regulation A-812,
Competitive Foods**

WHEREAS, pursuant to Education Law § 2590-g the Panel for Educational Policy has the power and duty to approve all regulations proposed by the Chancellor and any amendments made thereto; and

WHEREAS, in accordance with Education Law § 2590-g(8), the Panel for Educational Policy undertook a public review process for review and comment on proposed amendments to Chancellor's Regulation A-812, Competitive Foods; and

WHEREAS, such review process included notice of the proposed amendments to the Chancellor's Regulation via the Department of Education's internet website and circulation of the notice of proposed regulation to all community superintendents, community district education councils, community boards, and school based management teams; and

WHEREAS, such notice further included: a) a description of the purpose and substance of the proposed amended Chancellor's Regulation; b) information regarding where the full text of the proposed amended regulation could be obtained; c) the name, office, address, email and telephone number of the Department of Education representative from whom information concerning the proposed amended regulation could be obtained; d) the date, time and place of the meeting of the Panel at which the Panel will vote on the proposed amended regulation; and e) information on how to submit written or oral comments regarding the proposed amended regulation; and

WHEREAS, such notice and public review process commenced on January 8, 2010, more than forty-five days in advance of the February 24, 2010 meeting of the Panel at which the proposed amendments to the regulation came before the Panel for a vote; and

WHEREAS, following the public review and comment period, the Panel made available to the public, including via the Department of Education's internet web site, an assessment of all public comments concerning the proposed amendments to the regulation; and

WHEREAS, the assessment of public comments included a summary and analysis of the issues raised and any significant suggested alternatives; a statement of the reasons why any significant alternatives were not incorporated into the proposed amended regulation; a description of any changes to the proposed amended regulation as a result of the public comments; and information regarding where the full text of any approved amended regulation may be obtained; and

WHEREAS, the Chancellor recommends that the Panel for Educational Policy approve the proposed amended Chancellor's Regulation A-812; and

WHEREAS, it is the desire of the Panel for Educational Policy to approve the proposed amended regulation; now therefore be it

RESOLVED, that in accordance with Education Law § 2590-g, the Panel for Educational Policy hereby approves the proposed amended Chancellor's Regulation A-812, Competitive Foods, attached hereto.