~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 19, 2016

**S. 484**

Introduced by Senators Shealy, Jackson, Cleary and Rankin

S. Printed 5/19/16--H.

Read the first time May 26, 2015.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 484) to amend Section 59‑10‑310 of the 1976 Code, relating to the establishment of elementary school food service meals and competitive food requirements, to provide that all school, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Article 7, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59‑63‑785. Students determined eligible to receive free lunches and students determined eligible to receive reduced price lunches must be offered the same choice of meals and milk offered to children who pay the full price for their meals or milk, regardless of whether one lunch or type of milk offered meets the requirements prescribed in the National School Lunch Program, found in 7 C.F.R. Part 210, and the Special Milk Program for Children, found in C.F.R. Part 215. Students eligible to receive free or reduces priced lunches may not be denied a meal or provided an alternative meal if they owe the school for meals.”

SECTION 2. Section 59‑10‑310 of the 1976 Code is amended to read:

“Section 59‑10‑310. (A) In an effort to promote optimal healthy eating patterns and academic success, the State Board of Education by policy shall establish requirements for ~~elementary school food service meals and competitive foods based upon the recommendations outlined in the State Department of Education Task Force on Student Nutrition and Physical Activity Report, National School Lunch Act, and the most recent applicable Dietary Guidelines for Americans~~ all school food service meals and competitive foods provided in kindergarten through twelfth grade during the academic school year, which must meet or may exceed, the nutritional requirements established by the United States Department of Agriculture Food and Nutrition Service. The nutritional requirements must be continuously updated to reflect the current United States Department of Agriculture Food and Nutrition Service standards. A school district board of trustees may adopt a more restrictive policy. A school or district shall not restrict the food that a parent or guardian may provide for student consumption at school.

(B) School fundraisers must be exempted from the requirements in this section; however, nothing in this section shall restrict or prohibit the department from establishing policy with regard to school fundraisers, as authorized by the United States Department of Agriculture.”

SECTION 3. Section 59‑10‑330(B) of the 1976 Code is amended to read:

“Section 59‑10‑330. (B) Each district, in collaboration with the CSHAC, shall develop a school health improvement plan that addresses strategies for improving student nutrition, health, and physical activity and includes the district’s wellness policy. The school health improvement plan must report compliance with the requirements contained in Section 59‑10‑310. The district health improvement plan goals and progress toward those goals must be included in the district’s strategic plan required pursuant to Section 59‑20‑60.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

MERITA A.ALLISON for Committee.

**A** **BILL**

TO AMEND SECTION 59‑10‑310 OF THE 1976 CODE, RELATING TO THE ESTABLISHMENT OF ELEMENTARY SCHOOL FOOD SERVICE MEALS AND COMPETITIVE FOOD REQUIREMENTS, TO PROVIDE THAT ALL SCHOOL SERVICE MEALS AND COMPETITIVE FOODS PROVIDED IN KINDERGARTEN THROUGH TWELFTH GRADE DURING THE ACADEMIC SCHOOL YEAR MUST MEET OR MAY EXCEED THE NUTRITIONAL REQUIREMENTS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, TO PROVIDE THAT A SCHOOL DISTRICT BOARD OF TRUSTEES MAY ADOPT A MORE RESTRICTIVE POLICY AND THE POLICY DOES NOT RESTRICT THE FOOD A PARENT OR GUARDIAN MAY PROVIDE FOR STUDENT CONSUMPTION AT SCHOOL, AND TO PROVIDE THAT ALL A LA CARTE ITEMS SOLD FOR STUDENT CONSUMPTION MUST BE INCLUDED ON SCHOOL MENUS IN ADDITION TO THE REGULAR MEAL; TO AMEND SECTION 59‑10‑330(B), RELATING TO THE COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND THE DEVELOPMENT OF HEALTH WELLNESS PLANS, TO PROVIDE THAT THE SCHOOL HEALTH IMPROVEMENT PLAN MUST REPORT COMPLIANCE WITH THE REQUIREMENTS CONTAINED IN SECTION 59‑10‑310.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑10‑310 of the 1976 Code is amended to read:

“Section 59‑10‑310. (A) In an effort to promote optimal healthy eating patterns and academic success, the State Board of Education by policy shall establish requirements for ~~elementary school food service meals and competitive foods based upon the recommendations outlined in the State Department of Education Task Force on Student Nutrition and Physical Activity Report, National School Lunch Act, and the most recent applicable Dietary Guidelines for Americans~~ all school food service meals and competitive foods provided in kindergarten through twelfth grade during the academic school year, which must meet or may exceed, the nutritional requirements established by the United States Department of Agriculture Food and Nutrition Service. The nutritional requirements must be continuously updated to reflect the current United States Department of Agriculture Food and Nutrition Service standards. A school district board of trustees may adopt a more restrictive policy. This policy does not restrict the food that a parent or guardian may provide for student consumption at school.

(B) School fundraisers must be exempted from the requirements in this section; however, nothing in this section shall restrict or prohibit the department from establishing policy with regard to school fundraisers, as authorized by the United States Department of Agriculture.”

SECTION 2. Section 59‑10‑330(B) of the 1976 Code is amended to read:

“Section 59‑10‑330. (B) Each district, in collaboration with the CSHAC, shall develop a school health improvement plan that addresses strategies for improving student nutrition, health, and physical activity and includes the district’s wellness policy. The school health improvement plan must report compliance with the requirements contained in Section 59‑10‑310. The district health improvement plan goals and progress toward those goals must be included in the district’s strategic plan required pursuant to Section 59‑20‑60.”

SECTION 3. This act takes effect upon approval by the Governor.

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