~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 17, 2021

**H. 3319**

Introduced by Rep. King

S. Printed 3/17/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3319) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑63‑785 so as to provide students eligible for free and reduced‑price meals, etc., respectfully

**REPORT:**

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

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires students who are eligible for free and reduced meal benefits to receive the same federally reimbursable meal as students not eligible for free and reduced meals as prescribed in 7 C.F.R. Part 215 and the Special Milk Program. Federally reimbursable meals must be offered even if the student owes money for previous meals. Schools that offer food and beverages separately from federally reimbursable meals may not allow students to accrue a balance when purchasing items and may only accept cash or allow funds to be electronically drawn from a prepaid balance. Schools or districts may not penalize students for failing to pay for a school lunch. These penalties include, but are not limited to, prohibiting students from attending field trips, participating in graduation or other recognition ceremonies, or attending other academically related activities. Further, SDE must develop and provide a model policy and template regarding the collection of school meal debt to each school district.

**State Department of Education.** The expenditure impact of this bill on SDE is pending, contingent upon a response from the agency.

**State Agency Schools.** The Governor’s School for the Arts and Humanities indicates that the agency contracts with Aramark to provide meal service to its students and the program is not connected to federal funding. The Governor’s School for Science and Mathematics indicates that the agency does not accept federal reimbursement for student meals and is reimbursed by its foundation for any needs-based student. The Governor’s School for Agriculture at John de la Howe indicates that the bill would have no expenditure impact. The School for the Deaf and Blind indicates that it does not charge students for meals. The Wil Lou Gray Opportunity School indicates that students receive meals as part of the enrollment process. Therefore, we do not expect this bill will have an expenditure impact on the state agency schools.

**Local Expenditure**

This bill requires students who are eligible for free and reduced meal benefits to receive the same federally reimbursable meal as students not eligible for free and reduced meals as prescribed in 7 C.F.R. Part 215 and the Special Milk Program. Federally reimbursable meals must be offered even if the student owes money for previous meals. Schools that offer food and beverages separately from federally reimbursable meals may not allow students to accrue a balance when purchasing items and may only accept cash or allow funds to be electronically drawn from a prepaid balance. Schools or districts may not penalize students for failing to pay for a school lunch. These penalties include, but are not limited to, prohibiting students from attending field trips, participating in graduation or other recognition ceremonies, or attending other academically related activities. Further, SDE must develop and provide a model policy and template regarding the collection of school meal debt to each school district.

The expenditure impact on local school districts is pending, contingent upon a response from SDE.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑785 SO AS TO PROVIDE STUDENTS ELIGIBLE FOR FREE AND REDUCED‑PRICE MEALS MUST BE OFFERED THE SAME FEDERALLY REIMBURSABLE MEAL AS INELIGIBLE STUDENTS, TO PROVIDE SUCH MEALS MUST BE OFFERED REGARDLESS OF WHETHER STUDENTS OWE MONEY FOR PREVIOUS MEALS, TO PROVIDE SCHOOLS THAT OFFER FOOD AND BEVERAGES SEPARATELY FROM FEDERALLY REIMBURSABLE MEALS MAY NOT ALLOW STUDENTS TO ACCRUE BALANCES WHEN PURCHASING SUCH ITEMS AND ONLY MAY ACCEPT CASH PAYMENT OR ALLOW FUNDS TO BE ELECTRONICALLY DRAWN FROM PREPAID BALANCES, TO PROVIDE SCHOOLS AND SCHOOL DISTRICTS MAY NOT PENALIZE STUDENTS FOR FAILING TO PAY FOR SCHOOL LUNCHES, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP AND PROVIDE A MODEL POLICY AND TEMPLATE REGARDING THE COLLECTION OF SCHOOL MEAL DEBT TO EACH SCHOOL DISTRICT.

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

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

“Section 59‑63‑785. (A) Students ~~determined~~ eligible for free and reduced meal benefits must be offered the same federally reimbursable meal as students not eligible for free and reduced meals as prescribed in 7 C.F.R. Part 215 and the Special Milk Program. Federally reimbursable meals must be offered even if the student owes money for previous meals ~~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 7 C.F.R. Part 215. The provisions of this section do not prohibit a school from offering an alternate menu item to students who are required to pay full price or a reduced price for lunch but fails to pay as required~~.

(B) Schools that offer food and beverages separately from federally reimbursable meals may not allow students to accrue a balance when purchasing items, and only may accept cash payment or allow funds to be electronically drawn from a prepaid balance.

(C) A school or school district may not penalize students for failing to pay for a school lunch including, but not limited to, prohibiting students from attending field trips, participating in graduation or other recognition ceremonies, or attending other academically related activities.

(D) The State Department of Education shall develop and provide a model policy and template regarding the collection of school meal debt to each school district.”

SECTION 2. This act takes effect August 1, 2023.

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