~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 14, 2015

**S. 484**

Introduced by Senators Shealy, Jackson and Cleary

S. Printed 5/14/15--S.

Read the first time February 25, 2015.

**THE COMMITTEE ON EDUCATION**

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, page 2, by striking lines 1‑19, and inserting:

/ “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.” /

Renumber sections to conform.

Amend title to conform.

JOHN E. COURSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

The expenditure impact on this bill is undetermined.

**Explanation of Fiscal Impact**

**State Expenditure**

The bill requires the Department of Education and local school districts to provide meals to kindergarten through twelfth grade that must meet or exceed the nutritional requirements established by the United States Department of Agriculture (USDA) Food and Nutrition Service. All a la carte items sold for student consumption must be included on school menus in addition to the regular meals.

The State Department of Education indicates that this bill may affect local school districts in several ways, some positive and some negatively. The result is unknown.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**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 service meals and competitive foods provided in kindergarten through twelfth grade during the academic school year, including summer school, 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) All a la carte items sold for student consumption must be included on school menus in addition to the regular meal.”

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

“Section‑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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