~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 20, 2020

**H. 3328**

Introduced by Reps. King, Clyburn, Henegan, Garvin and McDaniel

S. Printed 2/20/20--H. [SEC 2/24/20 4:30 PM]

Read the first time January 8, 2019.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3328) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑63‑785 so as to provide students determined eligible to receive free lunches and students, 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 striking 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. (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 separate 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 invoke penalties for failing to pay for a school lunch, including but limited to, prohibiting students from attending field trips, participating in graduation or other recognition ceremonies, or attending other academic related activities.

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

SECTION 2. This act takes effect August 1, 2021. /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by House Education and Public Works Subcommittee on February 12, 2020**

**State Expenditure**

The amended bill requires students who are eligible to receive federally reimbursable meals and students eligible to receive reduced price federally reimbursable meals to be offered the same choice of meals and milk offered to children that pay full price for meals and milk, regardless of whether one lunch or milk meets the requirements prescribed in the National School Lunch Program and the Special Milk Program for Children. The provisions of the amended bill do not prohibit a school from offering an alternate menu item to students that are required to pay full price or a reduced price for meals, but fail to pay as required.

The Governor’s School for the Arts and Humanities (GSAH), the Governor’s School for Science and Mathematics (GSSM), the John de la Howe School, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that they do not provide alternate meals to students who are eligible to receive federally reimbursable meals. Therefore, the amended bill will have no expenditure impact on these agencies.

**Local Expenditure**

The amended bill requires students who are eligible to receive federally reimbursable meals and students eligible to receive reduced price federally reimbursable meals to be offered the same choice of meals and milk offered to children that pay full price for meals and milk, regardless of whether one lunch or milk meets the requirements prescribed in the National School Lunch Program and the Special Milk Program for Children. The provisions of the amended bill do not prohibit a school from offering an alternate menu item to students that are required to pay full price or a reduced price for meals, but fail to pay as required.

**Regular School Districts and Charter School Districts.** The State Department of Education surveyed the regular school districts and the charter school districts regarding the expenditure impact of this bill. Thirty-two school districts responded and indicate that they do not provide an alternate meal to students who are eligible to receive federally reimbursable meals. Based upon these responses, we anticipate that none of the school districts provide alternate meals to students who receive federally reimbursable meals. Therefore, we anticipate that the amended bill will have no expenditure impact on the regular school districts and the charter school districts.

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 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.

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. 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 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 fail to pay as required.”

SECTION 2. This act takes effect upon approval by the Governor.

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