

House Bill 60

By: Representatives Barnes of the 86th, Hugley of the 141st, Oliver of the 84th, Holcomb of the 101st, Alexander of the 66th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to provide for school lunch and school breakfast
3 programs for public school students in this state; to provide for such meals to be offered at
4 no cost to students who qualify for reduced price meals under federal and state guidelines;
5 to provide for school breakfast programs under the Quality Basic Education Act; to provide
6 for funding; to require local school systems to maximize access to federal funding; to provide
7 for participating in the United States Department of Agriculture's Community Eligibility
8 Provision (CEP); to provide for rules and regulations; to encourage the use of Georgia grown
9 products in school breakfast and lunch programs; to provide a short title; to provide for
10 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Healthy Start."

14

SECTION 2.

15 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
 16 secondary education, is amended in Article 3, relating to local boards of education, by
 17 repealing and reserving Code Section 20-2-66, relating to school breakfast programs.

18

SECTION 3.

19 Said chapter is further amended in Part 5 of Article 6, relating to program weights and
 20 funding requirements, by revising Code Section 20-2-187, relating to state-wide school lunch
 21 program, instruction in nutrition, hygiene, etiquette, and social graces, and school food and
 22 nutrition personnel, as follows:

23 "20-2-187.

24 (a)(~~1~~) The State Board of Education shall annually determine the amount of state funds
 25 needed to provide a state-wide school lunch program to ensure all students enrolled in
 26 public schools in this state have access to high-quality healthy meals to support student
 27 learning, and such amount shall include, but shall not be limited to, funds sufficient to
 28 ensure that such meals are offered at no cost to students who are eligible for reduced price
 29 meals under federal and state guidelines. The state board shall, ~~by regulation,~~ provide for
 30 certifying and classifying school ~~lunch~~ food and nutrition supervisors and managers and
 31 establish training programs for school ~~lunch~~ food and nutrition personnel. The state board
 32 is authorized to provide for the payment of:

33 (~~A~~)(1) Operating costs of school ~~lunchrooms~~ cafeterias, including, but not limited to,
 34 breakfast costs, ~~as~~ financed by federal funds, for those students eligible under federal
 35 guidelines;

36 (~~B~~)(2) State supplements to the salaries paid to such personnel by local units of
 37 administration; and

38 (~~C~~)(3) State incentive pay for satisfactory completion of such training programs.

39 ~~(2) An application of local five mill share funds pursuant to Code Section 20-2-164 shall~~
40 ~~not be made for payments to local units of administration under this Code section. Any~~
41 ~~state funds appropriated for this purpose shall be used to supplement federal funds as a~~
42 ~~means of keeping sale prices within reach of paying students and of maximizing~~
43 ~~participation and quality meals for all students.~~

44 (b)(1) Each local school system in this state is encouraged to establish and support a
45 school breakfast program to make breakfast available to students.

46 (2) Each local school system that has a school or site with an identified student
47 percentage of at least 40 percent, or an identified student percentage of less than 40
48 percent if authorized by federal law, as determined annually by the deadline set by the
49 United States Department of Agriculture, shall establish and support a school breakfast
50 program.

51 (3) Each local school system operating a school breakfast program pursuant to
52 paragraph (1) or (2) of this subsection shall be reimbursed by the state at the federal
53 reimbursement rate per eligible meal prepared and served; provided, however, that, if
54 federal funding for the school breakfast program ceases, the state shall reimburse each
55 local school system operating a school breakfast program at the federal reimbursement
56 rate per eligible meal prepared and served that was in effect during the most recent full
57 school year during which federal funds were available. The State Board of Education
58 shall annually determine the amount of state funds needed to ensure all students enrolled
59 in public schools in this state operating a school breakfast program have access to
60 high-quality healthy meals to support student learning, and such amount shall include, but
61 shall not be limited to, funds sufficient to ensure that such meals are offered at no cost to
62 students who are eligible for reduced price meals under federal and state guidelines.

63 (c) An application of local five mill share funds pursuant to Code Section 20-2-164 shall
64 not be made for payments to local units of administration under this Code section. Any
65 state funds appropriated for this purpose shall be used to supplement federal funds as a

66 means of maximizing student participation in school lunch programs and school breakfast
67 programs, to ensure all students enrolled in public schools in this state have access to
68 high-quality healthy meals to support student learning and that such meals are offered at
69 no charge to all students enrolled in a public school in this state.

70 (d) Local school systems shall maximize access to federal funds for the cost of school
71 lunch and school breakfast programs by adopting the United States Department of
72 Agriculture's Community Eligibility Provision or any other federal provision that, in the
73 opinion of the Department of Education, results in the most possible federal funding for
74 meals served in such program. Each local school system that has a school or site with an
75 identified student percentage of at least 40 percent, or an identified student percentage of
76 less than 40 percent if authorized by federal law, as determined annually by the deadline
77 set by the United States Department of Agriculture, shall participate in the federal
78 Community Eligibility Provision in the subsequent school year and throughout the duration
79 of the Community Eligibility Provision's four-year cycle. Local school systems, to the
80 extent practicable, shall group public schools for purposes of maximizing the number of
81 schools eligible to participate in the Community Eligibility Provision.

82 (e) The State Board of Education shall promulgate rules and regulations which:

83 (1) Establish minimum nutritional requirements for school lunch programs and school
84 breakfast programs which meet or exceed the minimum federal requirements;

85 (2) Utilize federal standards of income eligibility for free or reduced price meals for
86 low-income students;

87 (3) Prescribe uniform methods of determining eligibility for free or reduced price meals
88 that are discreet and accessible. Each participating local school system shall establish a
89 method to regularly notify parents of the availability of such programs;

90 (4) Provide that each participating local school system submit a plan of compliance;

91 (5) Provide that compliance with the standards and regulations of the National School
 92 Lunch Act and Child Nutrition Act of 1966, as amended, shall be deemed compliance
 93 with the requirements promulgated by the board;

94 (6) Assist participating local school systems in applying for and obtaining start-up grant
 95 money for such programs; and

96 (7) Encourage and assist participating local school systems in using Georgia grown
 97 produce, dairy, and poultry products.

98 ~~(b)~~(f) The State Board of Education is authorized to prescribe by appropriate rules and
 99 regulations that there may be included as part of the program of every public school in this
 100 state a course of instruction in nutrition, hygiene, etiquette, and the social graces relating
 101 to the partaking of meals and is further authorized to allot funds, in a manner consistent
 102 with the funding for the other various components of the instructional program, to local
 103 units of administration for costs directly associated with this program. There may be
 104 utilized in the course of instruction the full resources available to each individual school,
 105 including its cafeterias, school ~~lunch~~ food and nutrition personnel, and all practical
 106 demonstrations in the preparation and consumption of food which may be necessary to
 107 formulate a comprehensive course of instruction in such subject matter. Any period of the
 108 school day may be utilized for the teaching of this course of instruction, including that
 109 period usually reserved for the lunch period.

110 ~~(c)(1)~~(g)(1) The State Board of Education shall establish a system of allotments of funds
 111 to local units of administration to provide for services rendered on a ten-month basis by
 112 school food and nutrition personnel. The amount of funds paid to any local unit of
 113 administration shall be paid in 12 monthly payments and shall be based upon the number
 114 of full-time equivalent school ~~lunch~~ food and nutrition positions needed to plan, prepare,
 115 and serve meals in that local unit of administration, multiplied by an annual base
 116 payment. For each school food and nutrition manager, the local unit of administration
 117 shall earn the base payment as well as an amount not to exceed \$100.00 per month.

118 (2) The base payment shall be calculated on the basis of 1,520 hours in an annual school
119 year for a full-time equivalent school ~~lunch~~ food and nutrition position, multiplied by an
120 amount not less than \$161.00 per month for 12 months. Future annual increases in the
121 base payment shall reflect the same percentage increase provided by the state for other
122 state funded positions. The state board shall annually establish a state performance
123 standard and shall determine the number of full-time equivalent school ~~lunch~~ food and
124 nutrition positions needed to plan, prepare, and serve meals based on the state
125 performance standard and the average daily number of student ~~lunches~~ meals served
126 during the preceding school year.

127 (3) Each local unit of administration shall establish a staffing pattern and determine the
128 number of personnel to employ. Local units of administration shall establish the salary
129 schedule for school food and nutrition personnel and shall use the base payments in
130 financing the locally established salary schedule."

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SECTION 4.

132 All laws and parts of laws in conflict with this Act are repealed.