

House Bill 1098

By: Representatives Ashe of the 56th, Millar of the 79th, Manning of the 32nd, Wilkinson of the 52nd, and Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to local boards of education, so as to provide for the establishment of at least one
3 summer food service program in each local school system for at least 40 days during the
4 summer months within five miles of an elementary school where 50 percent or more children
5 are eligible for free or reduced price school meals; to provide standards and guidelines for
6 participation; to provide for promulgation of rules and regulations; to provide for related
7 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local
11 boards of education, is amended by adding a new Code Section 20-2-66.1 to read as follows:

12 "20-2-66.1.

13 (a) All local school systems in this state in which 50 percent or more children in elementary
14 school are eligible for free or reduced price school meals during the academic year shall
15 establish a summer food service program for at least 40 consecutive week days consisting
16 of at least one summer food service meal site either at a school or within five miles of a
17 school. This requirement can be met by participating in the Seamless Summer Meal
18 Waiver program available through the Georgia Department of Education or the Summer
19 Food Service Program available through the Georgia Department of Early Care and
20 Learning. Each local school system required to establish a summer food service program
21 must have at least one site operational by June 1, 2006.

22 (b) Each local school system in this state is encouraged to establish a summer food service
23 program for all eligible students for at least 40 days consecutive week days during the
24 period between the spring quarter or semester and the fall quarter or semester.

25 (c) Each local school system operating a summer food service program will be reimbursed
26 by the Summer Food Service Program available through the Georgia Department of Early

1 Care and Learning at the federal reimbursement rate per meal prepared and served or the
2 Seamless Summer Meal Waiver Program available through the Georgia Department of
3 Education at the federal reimbursement rate per meal prepared and served. Reimbursement
4 to a local school system for a summer food service program shall be automatically
5 terminated if federal funding for the program ceases.

6 (d) The Georgia Department of Early Care and Learning shall promulgate rules and
7 regulations for the summer food service programs which shall:

8 (1) Establish the minimum nutritional requirements which meet or exceed the minimum
9 federal regulations;

10 (2) Provide for compliance with the standards and regulations of the National School
11 Lunch Act and Child Nutrition Act of 1966, 42 U.S.C. Section 1751, et. seq.;

12 (3) Use the October School Indicator Report on free and reduced price school meal
13 eligibility to determine those elementary schools in each school district that meet the
14 criteria in subsection (a) of this Code section. The School Nutrition Section of the
15 Georgia Department of Education shall provide such data to the superintendent of each
16 local school system and to the Georgia Department of Early Care and Learning by
17 November 30 of each year;

18 (4) Provide by February 15 of each year to the superintendent of each local school
19 system a list of local community organizations that have filed an Intent to Participate
20 letter with the Georgia Department of Early Care and Learning;

21 (5) Provide that it is the responsibility of the superintendent of each local school system
22 to implement a collaborative plan that may include local county and municipal
23 governments and private, nonprofit, social service agencies and organizations to ensure
24 outreach and access to the summer food service program;

25 (6) Require each local school system to indicate to the Georgia Department of Early Care
26 and Learning the school system's plans for summer food service program sponsors and
27 sites by May 15 of each year;

28 (7) Utilize the federal standards of income eligibility for free or reduced price school
29 lunches used for the Summer Food Service Program of the Department of Early Care and
30 Learning and the Seamless Waiver Program of the Georgia Department of Education for
31 participation by low-income children;

32 (8) Provide guidance and assistance to the local school systems for applying for and
33 obtaining any applicable federal start-up grant money; and

34 (9) Encourage the use of local food producers and purveyors.

35 (e)(1) A waiver to the requirements of subsection (a) of this Code section may be granted
36 by the Georgia Department of Early Care and Learning to a local school system if:

- 1 (A) The local school system demonstrates that there are fewer than 50 children in the
2 local school system currently eligible for free or reduced price school meals; or
3 (B) The local school system is unable to operate a summer program due to renovation
4 or construction within the local school system and an appropriate alternative provider
5 or site is not available.
- 6 (2) Local school systems intending to submit waiver requests must include the issue on
7 a regular school board meeting agenda that is publicly noticed, provide an opportunity
8 for public comment, and hold a public school board vote on the waiver request. The local
9 school system superintendent shall notify the Georgia Department of Early Care and
10 Learning within ten days of any affirmative vote by the school board for a waiver request.
11 Any waivers granted by the Georgia Department of Early Care and Learning shall be
12 valid for one year only.
- 13 (f) If federal funding for this program ceases, local school systems shall not be required
14 to comply with this Code section."

15 **SECTION 2.**

16 This Act shall become effective upon its approval by the Governor or upon its becoming law
17 without such approval.

18 **SECTION 3.**

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