

House Bill 696

By: Representatives Santos of the 117th, Smith of the 18th, Berry of the 56th, Neal of the 79th,
Frye of the 122nd, 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 attend a school among the lowest performing 25 percent of schools
5 in the state; to provide for school breakfast programs under the Quality Basic Education Act;
6 to provide for funding; to require local school systems to maximize access to federal funding;
7 to provide for participating in the United States Department of Agriculture's Community
8 Eligibility Provision (CEP); to provide for rules and regulations; to encourage the use of
9 Georgia grown products in school breakfast and lunch programs; to provide for a short title;
10 to provide for 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 "Every Child Fed Act."

H. B. 696

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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 under the "Quality Basic Education Act," by revising Code Section
 21 20-2-187, relating to state-wide school lunch program, instruction in nutrition, hygiene,
 22 etiquette, and social graces, and school food and 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 enrolled in a public
 29 school that performed in the lowest 25 percent of all public schools based on the
 30 cumulative individual school ratings, as provided for in subsection (d) of Code
 31 Section 20-14-33, for the two most recent school years for which the Office of Student
 32 Achievement issued such ratings.

33 (2) The state board shall, ~~by regulation,~~ provide for certifying and classifying school
 34 ~~lunch~~ food and nutrition supervisors and managers and establish training programs for
 35 school ~~lunch~~ food and nutrition personnel. The state board is authorized to provide for
 36 the payment of:

37 (A) Operating costs of school ~~lunchrooms~~ cafeterias, including, but not limited to, such
 38 operating costs for breakfast costs, as programs financed by federal funds, for those
 39 students eligible under federal guidelines;

40 (B) State supplements to the salaries paid to such personnel by local units of
41 administration; and

42 (C) State incentive pay for satisfactory completion of such training programs.

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

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

50 (2) Each local school system that has a school that performed in the lowest 25 percent
51 of all public schools based on the cumulative individual school ratings, as provided for
52 in subsection (d) of Code Section 20-14-33, for the two most recent school years for
53 which the Office of Student Achievement issued such ratings shall establish and support
54 a school breakfast program.

55 (3) Each local school system operating a school breakfast program pursuant to
56 paragraph (1) or (2) of this subsection shall be reimbursed by the state at the federal
57 reimbursement rate per eligible meal prepared and served; provided, however, that, if
58 federal funding for the school breakfast program ceases, the state shall reimburse each
59 local school system operating a school breakfast program at the federal reimbursement
60 rate per eligible meal prepared and served that was in effect during the most recent full
61 school year during which federal funds were available. The State Board of Education
62 shall annually determine the amount of state funds needed to ensure all students enrolled
63 in public schools in this state operating a school breakfast program have access to high
64 quality healthy meals to support student learning, and such amount shall include, but shall
65 not be limited to, funds sufficient to ensure that such meals are offered at no cost to
66 students who are enrolled in a school that performed in the lowest 25 percent of all public

67 schools based on the cumulative individual school ratings, as provided for in
68 subsection (d) of Code Section 20-14-33, for the two most recent school years for which
69 the Office of Student Achievement issued such ratings.

70 (c) An application of local five mill share funds pursuant to Code Section 20-2-164 shall
71 not be made for payments to local units of administration under this Code section. Any
72 state funds appropriated for this purpose shall be used to supplement federal funds as a
73 means of maximizing student participation in school lunch programs and school breakfast
74 programs, to ensure all students enrolled in public schools in this state have access to high
75 quality healthy meals to support student learning and that such meals are offered at no
76 charge to all students enrolled in a public school in this state as provided for in this Code
77 section.

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

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

- 93 (1) Establish minimum nutritional requirements for school lunch programs and school
94 breakfast programs which meet or exceed the minimum federal requirements;
95 (2) Utilize federal standards of income eligibility for free or reduced price meals for
96 low-income students;
97 (3) Prescribe uniform methods of determining eligibility for free or reduced price meals
98 that are discreet and accessible. Each participating local school system shall establish a
99 method to regularly notify parents of the availability of such programs;
100 (4) Provide that each participating local school system submit a plan of compliance;
101 (5) Provide that compliance with the standards and regulations of the National School
102 Lunch Act and Child Nutrition Act of 1966, as amended, shall be deemed compliance
103 with the requirements promulgated by the board;
104 (6) Assist participating local school systems in applying for and obtaining start-up grant
105 money for such programs; and
106 (7) Encourage and assist participating local school systems in using Georgia grown
107 produce, dairy, and poultry products.
- 108 ~~(b)~~(f) The State Board of Education is authorized to prescribe by appropriate rules and
109 regulations that there may be included as part of the program of every public school in this
110 state a course of instruction in nutrition, hygiene, etiquette, and the social graces relating
111 to the partaking of meals and is further authorized to allot funds, in a manner consistent
112 with the funding for the other various components of the instructional program, to local
113 units of administration for costs directly associated with this program. There may be
114 utilized in the course of instruction the full resources available to each individual school,
115 including its cafeterias, school ~~lunch~~ food and nutrition personnel, and all practical
116 demonstrations in the preparation and consumption of food which may be necessary to
117 formulate a comprehensive course of instruction in such subject matter. Any period of the
118 school day may be utilized for the teaching of this course of instruction, including that
119 period usually reserved for the lunch period.

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

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

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

141 **SECTION 4.**

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