

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 139

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1272b (MCL 380.1272b).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1272b. (1) In all **SCHOOL MEAL** programs established and
2 operated ~~pursuant to~~ **UNDER** section 1272a, **ALL OF THE FOLLOWING**
3 **APPLY:**

4 (a) ~~Nutritional~~ **SUBJECT TO SUBSECTION (2), NUTRITIONAL**
5 standards prescribed by the United States ~~department~~ **DEPARTMENT** of
6 ~~agriculture~~ **AGRICULTURE** pursuant to section 9 of the national
7 school lunch act, 42 ~~U.S.C.~~ **USC** 1758, shall be met and maintained.

8 (b) The board **OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A**
9 **PUBLIC SCHOOL ACADEMY** may charge a fee for meals or milk, but the
10 fee shall not exceed the actual average daily cost, including
11 necessary supervision, of the meal or milk and accessories, less

1 the amount of food and financial assistance received by the board
2 **OR BOARD OF DIRECTORS** for the meal or milk.

3 (c) The board **OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A**
4 **PUBLIC SCHOOL ACADEMY** shall provide free and reduced price meals
5 and free milk to all pupils eligible under the maximum standards
6 prescribed by the United States ~~department~~ **DEPARTMENT** of
7 ~~agriculture~~ **AGRICULTURE** pursuant to section 9 of the national
8 school lunch act, 42 ~~U.S.C.~~ **USC** 1758; shall ensure the
9 confidentiality of all information contained in applications for
10 eligibility; and shall further ensure that eligible pupils are not
11 discriminated against or overtly identified in any manner.

12 (d) The board **OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A**
13 **PUBLIC SCHOOL ACADEMY** shall provide for parent and pupil
14 participation in the planning and evaluation of school meals and
15 other foods sold or dispensed on school premises.

16 (2) **IN ALL SCHOOL MEAL PROGRAMS ESTABLISHED AND OPERATED UNDER**
17 **SECTION 1272A, THE DEPARTMENT SHALL TAKE ALL STEPS NECESSARY TO**
18 **ENSURE MAXIMUM STATE AND LOCAL CONTROL OVER THE IMPLEMENTATION OF**
19 **THE PROGRAMS, INCLUDING, BUT NOT LIMITED TO, ESTABLISHING AN UPPER**
20 **LIMIT ON THE NUMBER AND FREQUENCY OF FUND-RAISING ACTIVITIES THAT**
21 **MAY TAKE PLACE IN A PUBLIC SCHOOL DURING SCHOOL HOURS THAT ALLOW**
22 **THE SALE FOR IMMEDIATE CONSUMPTION OF FOOD OR BEVERAGE ITEMS THAT**
23 **DO NOT MEET THE NUTRITIONAL STANDARDS. THE DEPARTMENT SHALL ENSURE**
24 **THAT THIS UPPER LIMIT IS NOT LESS THAN 2 FUND-RAISING ACTIVITIES**
25 **PER WEEK. FOR THE PURPOSES OF THIS UPPER LIMIT, AN ONGOING FUND-**
26 **RAISING ACTIVITY THAT IS SCHEDULED TO TAKE PLACE AT MORE THAN 1**
27 **TIME DURING A SCHOOL DAY OR THROUGHOUT THE SCHOOL DAY SHALL BE**

1 CONSIDERED TO BE A SINGLE FUND-RAISING ACTIVITY.

2 (3) IF A PUBLIC SCHOOL ALLOWS A FUND-RAISING ACTIVITY TO TAKE
3 PLACE AS DESCRIBED IN SUBSECTION (2), THE PERSON OR GROUP
4 CONDUCTING THE FUND-RAISING ACTIVITY SHALL ENSURE THAT NOTIFICATION
5 OF THE ACTIVITY IS MADE TO THE PARENTS AND LEGAL GUARDIANS OF
6 PUPILS ENROLLED IN THE PUBLIC SCHOOL AT LEAST 1 WEEK BEFORE THE
7 DATE OF THE ACTIVITY. THE NOTICE SHALL INCLUDE AT LEAST THE DATE
8 AND TIME PERIODS FOR THE ACTIVITY, NOTIFICATION THAT THE ACTIVITY
9 WILL INCLUDE THE SALE OR AVAILABILITY OF FOOD OR BEVERAGES THAT DO
10 NOT MEET THE NUTRITIONAL STANDARDS, AND A DESCRIPTION OF THE
11 PRODUCTS TO BE SOLD AT THE ACTIVITY.

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.