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BILL ANALYSIS

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Senate Bill 139 (as introduced 2-18-15)
Sponsor: Senator Patrick J. Colbeck
Committee: Education

Date Completed: 3-3-15

CONTENT

The bill would amend the Revised School Code to do the following:

-- **Require the Department of Education to take all steps necessary to ensure maximum State and local control over the implementation of school breakfast and lunch programs.**
-- **Require the Department to establish an upper limit on the number and frequency of fund-raising activities during school hours that would allow the sale of food or beverage not meeting Federal nutritional standards.**
-- **Require the upper limit to be not less than three such activities per week.**

Section 1272a of Code requires the board of a K to 12 school district to establish school breakfast and lunch programs for all full-time pupils enrolled and in regularly daily attendance at each school in the district. Under Section 1272b, for those programs, all of the following apply:

-- Nutritional standards prescribed by the United States Department of Agriculture (USDA) must be met and maintained.
-- The board of a school district or board of directors of a public school academy may charge a fee for meals or milk, not to exceed the average daily cost of the meals or milk, less any food or financial assistance received by the board or board of directors.
-- The board or board of directors must provide free and reduced price meals and free milk to all eligible pupils; ensure the confidentiality of applications for eligibility; and ensure that eligible pupils are not discriminated against or overtly identified.
-- The board or board of directors must provide for parent and pupil participation in planning and evaluating school meals and other foods sold on school premises.

The bill would require the Department to take all steps necessary to ensure maximum State and local control over the implementation of school meal programs established under Section 1279a. This would include establishing an upper limit on the number and frequency of fund-raising activities that could take place in a public school during school hours that allowed the sale of food or beverage items that did not meet USDA-prescribed nutritional standards. The Department would have to ensure that the upper limit was not less than three fund-raising activities per week. For the purposes of the upper limit, an ongoing fund-raising activity that was scheduled to take place at more than one time during a school day, throughout the school day, or for more than one school day would be considered a single fund-raising activity.

MCL 380.1272b   Legislative Analyst: Jeff Mann

FISCAL IMPACT

State: The bill would have a small negative impact on the Department of Education. The current nutrition guidelines do not allow schools to have fund-raisers that sell food during school hours if the food does not meet nutrition standards. If the food will not be consumed at school, however, or if it is sold during non-school hours, Federal standards give state agencies the flexibility to choose how many fund-raising events can be held to sell food that does not meet nutrition standards. To comply with the bill, the Department simply would need to modify the school fund-raising section of the nutrition guideline. The costs would be minimal and the Department would not require additional funds in order to implement the amended standards.

Local: The bill could have a positive impact on schools that raise funds by selling food during school hours, as they would be allowed to sell food that does not meet nutrition standards. This impact would be minimal, since these types of fund-raising activities do not generate a large amount of revenue for schools; however, they are used to supplement extracurricular programs and activities.

Fiscal Analyst: Cory Savino