

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

1 necessary supervision, of the meal or milk and accessories, less  
2 the amount of food and financial assistance received by the board  
3 **OR BOARD OF DIRECTORS** for the meal or milk.

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

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

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

1 THROUGHOUT THE SCHOOL DAY SHALL BE CONSIDERED TO BE A SINGLE FUND-  
2 RAISING ACTIVITY.

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