

By: Representative Brown

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1078

1 AN ACT TO CREATE NEW SECTION 37-11-8, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THE OFFICE OF HEALTHY SCHOOLS OF THE STATE
3 DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT THE HEALTHIER
4 SCHOOL INITIATIVE TO PROMOTE HEALTHIER SCHOOL ENVIRONMENTS, TO
5 REQUIRE THE OFFICE TO PROVIDE FINANCIAL INCENTIVES TO SCHOOLS
6 RECEIVING RECOGNITION THROUGH THE HEALTHIERUS SCHOOL CHALLENGE, TO
7 PROVIDE FINANCIAL AWARDS, SUBJECT TO LEGISLATIVE APPROPRIATION,
8 FOR SCHOOLS RECEIVING CERTAIN LEVELS OF RECOGNITION, TO REQUIRE
9 LOCAL SCHOOL DISTRICTS TO INCLUDE INFORMATION RELEVANT TO THE
10 HEALTHIERUS SCHOOL CHALLENGE ON THEIR DISTRICT WEBSITES, TO
11 REQUIRE THE OFFICE TO PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS THAT
12 ELECT TO PARTICIPATE IN THE CHALLENGE TO BECOME A HEALTHIERUS
13 SCHOOL, TO ESTABLISH THE CRITERIA REQUIRED TO BE MET BY SCHOOLS
14 PARTICIPATING IN THE CHALLENGE, TO REQUIRE AN APPLICATION FOR
15 CERTIFICATION AS A HEALTHIERUS SCHOOL TO BE SUBMITTED TO THE STATE
16 DEPARTMENT OF EDUCATION FOR REVIEW BY THE OFFICE OF HEALTHY
17 SCHOOLS, TO REQUIRE THE OFFICE TO FORWARD APPROVED APPLICATIONS TO
18 THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR CONSIDERATION, AND
19 TO AUTHORIZE SCHOOLS TO MODIFY AN APPLICATION THAT IS NOT APPROVED
20 BY THE OFFICE; AND FOR RELATED PURPOSES.

21 WHEREAS, the United States Department of Agriculture's Food
22 and Nutrition Service (FNS) recognizes schools that take a
23 leadership role in helping students learn to make healthy eating
24 and active lifestyle choices through the HealthierUS School
25 Challenge (HUSSC); and

26 WHEREAS, the HealthierUS School Challenge (HUSSC) was
27 established to recognize schools that are creating healthier
28 school environments through their promotion of good nutrition and
29 physical activity on four (4) levels of superior performance:
30 Bronze, Silver, Gold, and Gold Award of Distinction; and

31 WHEREAS; to qualify for the awards, a school must submit a
32 formal application and meet basic criteria set forth by the Food
33 and Nutrition Service reflecting the HUSSC criteria recommended in
34 the 2005 Dietary Guidelines for Americans and the Institute of



35 Medicine's (IOM) recommendations published in April 2007 for foods
36 that should be served in schools, outside of the organized school
37 lunch meals; and

38 WHEREAS, HealthierUS Schools also must have a local school
39 wellness policy as mandated by the United States Congress which
40 supports the HUSSC initiative and affirms that the school plays a
41 critical role in promoting student health, preventing childhood
42 obesity, and combating problems associated with poor nutrition and
43 physical inactivity; NOW, THEREFORE,

44 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

45 **SECTION 1.** The following shall be codified as Section
46 37-11-8, Mississippi Code of 1972:

47 37-11-8. (1) The Office of Healthy Schools of the State
48 Department of Education shall develop and implement the Healthier
49 School Initiative, consistent with the HealthierUS School
50 Challenge developed by the United States Department of Agriculture
51 and administered through its Food and Nutrition Service, to
52 facilitate healthy choices and practices by local school districts
53 through the promotion of healthier school environments. The
54 office shall establish standard procedures to be adhered to by
55 schools electing to participate in the program and shall establish
56 a deadline for the submission of applications for participation in
57 the initiative.

58 (2) Subject to the availability of funds whether
59 appropriated by the Legislature, in an amount not to exceed Two
60 Hundred Thousand Dollars (\$200,000.00), or received as gifts,
61 bequests, endowments or grants from any public or private source,
62 the Office of Healthy Schools shall provide financial incentives
63 to schools receiving recognition through the HealthierUS School
64 Challenge for purposes of funding the resources and staff training
65 needed to meet healthy eating, nutrition education and physical
66 education guidelines. The department shall allocate the funds to
67 schools receiving recognition in the following amounts:



68 (a) One Thousand Dollars (\$1,000.00) shall be awarded
69 to schools receiving the Bronze Award level of recognition;

70 (b) Two Thousand Dollars (\$2,000.00) shall be awarded
71 to schools receiving Silver Award level of recognition;

72 (c) Three Thousand Dollars (\$3,000.00) shall be awarded
73 to schools receiving Gold Award level of recognition; and

74 (d) Four Thousand Dollars (\$4,000.00) shall be awarded
75 to schools receiving Gold Award of Distinction level of
76 recognition.

77 (3) The Office of Healthy Schools shall require local school
78 districts to include information relevant to the HealthierUS
79 School Challenge on their district Web sites and shall provide
80 technical assistance to schools that elect to participate in the
81 challenge to become a HealthierUS School. The office shall
82 require participating schools to:

83 (a) Enroll as a Team Nutrition School;

84 (b) Offer reimbursable lunches that demonstrate healthy
85 menu planning practices and principles of the Dietary Guidelines
86 for Americans and that meet United States Department of
87 Agriculture nutrition standards;

88 (c) Provide nutrition education to students;

89 (d) Provide students with physical education and the
90 opportunity for physical activity;

91 (e) Maintain an Average Daily Participation of school
92 enrollment for reimbursable lunches; and

93 (f) Adhere to guidelines established by Food and
94 Nutrition Service for foods served and/or sold in schools outside
95 the National School Lunch Program.

96 (4) To be eligible for participation, a school must:

97 (a) Be a public elementary or secondary school;

98 (b) Participate in the National School Lunch Program;

99 (c) Be enrolled in United States Department of

100 Agriculture Team Nutrition;



101 (d) Not have previous certification as a HealthierUS
102 School; and

103 (e) Submit an application to the United States
104 Department of Agriculture.

105 (5) Application for certification as a HealthierUS School
106 must be submitted to the State Department of Education for review
107 by the Office of Healthy Schools, which, upon its approval, shall
108 forward the applications to the United States Department of
109 Agriculture for consideration. Any application that is not
110 approved based on standards for submission established by the
111 Office of Healthy Schools shall be returned with instructions for
112 modification and resubmission by the submitting school.

113 **SECTION 2.** This act shall take effect and be in force from
114 and after July 1, 2010.

