

By: Representative Brown

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1079

1 AN ACT TO AMEND SECTION 37-13-137, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE OFFICE OF HEALTHY SCHOOLS OF THE STATE DEPARTMENT
3 OF EDUCATION TO PROVIDE COMPREHENSIVE TRAINING ON CERTAIN FOOD
4 SERVICE PRACTICES PROVIDED BY LOCAL SCHOOL DISTRICTS; TO AUTHORIZE
5 THE DEPARTMENT TO DETERMINE THE TIME, LOCATION AND FREQUENCY WITH
6 WHICH THE TRAININGS ARE HELD; TO REQUIRE CERTAIN DISTRICT
7 PERSONNEL TO ATTEND THE TRAININGS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 37-13-137, Mississippi Code of 1972, is
10 amended as follows:

11 37-13-137. (1) The State Board of Education shall adopt
12 regulations as provided in this section not later than March 1,
13 2008, which shall be effective for compliance by school districts
14 beginning with the 2008-2009 school year, for the Child Nutrition
15 School Breakfast and Lunch Programs that are not in conflict with
16 the regulations of the United States Department of Agriculture
17 (USDA). The regulations shall take into account the most recent
18 and advanced scientific principles regarding good human health and
19 fitness, and the effect of the regulations must be that the good
20 health, well-being and fitness of Mississippi school children
21 shall be advanced. The regulations shall include, but not be
22 limited to, the following areas:

- 23 (a) Healthy food and beverage choices;
- 24 (b) Healthy food preparation;
- 25 (c) Marketing of healthy food choices to students and
26 staff;
- 27 (d) Food preparation ingredients and products;
- 28 (e) Minimum and maximum time allotment for students and
29 staff lunch and breakfast periods;



30 (f) The availability of food items during the lunch and
31 breakfast periods of the Child Nutrition School Breakfast and
32 Lunch Programs; and

33 (g) Methods to increase participation in the Child
34 Nutrition School Breakfast and Lunch Programs.

35 (2) The Office of Healthy Schools of the State Department of
36 Education shall provide comprehensive training for
37 superintendents, business managers, food service directors and
38 food service managers of a local school district, or the designees
39 appointed by those individuals for training purposes, as required
40 by the department on marketing healthy foods, creating a healthy
41 cafeteria environment, effective and efficient food service
42 operations, the standards and expectations of food service staff,
43 and other topics as identified by the department. The department
44 may determine the time and location of the trainings and the
45 frequency with which they are held. Persons employed by a local
46 school district having the certification as a Food Service
47 Administrator III or IV shall be exempt from the training
48 requirements of this subsection.

49 (3) To assist the State Board of Education in developing the
50 regulations required by this section, the State Superintendent of
51 Public Education shall appoint an advisory committee comprised of
52 the following members: one (1) representative of the Office of
53 Child Nutrition in the State Department of Education; one (1)
54 member of the State Board of Education; one (1) licensed
55 dietitian; one (1) licensed physician; one (1) local public school
56 superintendent; one (1) school food service director from each of
57 the four (4) congressional districts; one (1) principal of a local
58 public elementary or middle school; one (1) principal of a local
59 public high school; the president of the Mississippi School
60 Nutrition Association or his designee; one (1) member of the
61 Senate, who shall serve in an advisory capacity only; and one (1)
62 member of the House of Representatives, who shall serve in an



63 advisory capacity only. All members of the advisory committee
64 must be residents of the state and active practitioners in their
65 respective fields. The State Superintendent shall appoint the
66 members of the advisory committee not later than April 30, 2007,
67 and shall designate the member who will be the chairman of the
68 committee. The advisory committee shall hold its first meeting
69 not later than June 1, 2007, and shall meet at such other times as
70 necessary. The advisory committee shall make its recommendations
71 to the State Board of Education on the regulations required by
72 this section not later than October 15, 2007.

73 To effectuate the purposes of this section, upon the request
74 of the chairman of the advisory committee, any department,
75 division, board, bureau, commission or agency of the state or of
76 any political subdivision of the state shall provide to the
77 committee such facilities, assistance and data that will enable
78 the committee to properly carry out its functions under this
79 section.

80 Members of the advisory committee who are not public
81 employees who live in the Jackson, Mississippi, metropolitan area
82 or a member of the Legislature shall receive per diem at the rate
83 authorized by Section 25-3-69 for attending meetings of the
84 committee, and shall be reimbursed in accordance with Section
85 25-3-41 for mileage and actual expenses incurred in the
86 performance of their duties. The legislative members of the
87 committee shall be paid from the contingent expense fund of the
88 house of which he or she is a member in the same manner as
89 provided for committee meetings when the Legislature is not in
90 session; however, no per diem or expense for attending meetings of
91 the committee may be paid while the Legislature is in session. A
92 committee member may not incur per diem, travel or other expenses
93 unless previously authorized by vote, at a meeting of the
94 committee, which action must be recorded in the official minutes
95 of the meeting. Nonlegislative members will be paid from funds



96 available to the State Department of Education or from any other
97 funds made available to the committee for that purpose.

98 (4) Local school districts may adopt rules and regulations
99 that may be more stringent but not in conflict with those adopted
100 by the State Board of Education under this section.

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

