

By: Representatives Porter, McLean, Hulum,
Nelson, Mickens

To: Education

HOUSE BILL NO. 1396

1 AN ACT TO AMEND SECTION 37-13-137, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE SCHOOL DISTRICTS THAT HAVE AN IDENTIFIED STUDENT
3 PERCENTAGE OF 25% OR MORE OF ENROLLED STUDENTS RECEIVING FREE
4 LUNCH, AS DETERMINED BY PRIOR YEAR ENROLLMENT, TO APPLY TO THE
5 UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE
6 (FNS) FOR PARTICIPATION IN THE COMMUNITY ELIGIBILITY PROGRAMS,
7 WHICH WOULD MAKE THE NATIONAL SCHOOL LUNCH PROGRAM AND SCHOOL
8 BREAKFAST PROGRAM FREE TO ALL STUDENTS ENROLLED AT A PARTICULAR
9 SCHOOL OR IN THE ENTIRE DISTRICT REGARDLESS OF REPORTED INCOME;
10 AND FOR RELATED PURPOSES.

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

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

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



23 health, well-being and fitness of Mississippi school children
24 shall be advanced. The regulations shall include, but not be
25 limited to, the following areas:

26 (a) Healthy food and beverage choices;

27 (b) Healthy food preparation;

28 (c) Marketing of healthy food choices to students and
29 staff;

30 (d) Food preparation ingredients and products;

31 (e) Minimum and maximum time allotment for students and
32 staff lunch and breakfast periods;

33 (f) The availability of food items during the lunch and
34 breakfast periods of the Child Nutrition School Breakfast and
35 Lunch Programs; and

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

38 (2) The Office of Healthy Schools of the State Department of
39 Education shall provide comprehensive training for
40 superintendents, business managers, food service directors and
41 food service managers of a local school district, or the designees
42 appointed by those individuals for training purposes, as required
43 by the department on marketing healthy foods, creating a healthy
44 cafeteria environment, effective and efficient food service
45 operations, the standards and expectations of food service staff,
46 and other topics as identified by the department. The department
47 may determine the time and location of the trainings and the



48 frequency with which they are held. Persons employed by a local
49 school district having the certification as a Food Service
50 Administrator III or IV shall be exempt from the training
51 requirements of this subsection.

52 (3) Local school districts may adopt rules and regulations
53 that may be more stringent but not in conflict with those adopted
54 by the State Board of Education under this section.

55 (4) Each school board that governs a local school or school
56 district that contains any public elementary or secondary school
57 that has a minimum identified student percentage (ISP) of
58 twenty-five percent (25%) in the prior school year of students
59 receiving free lunch under the National School Lunch Program and
60 School Breakfast Program, and is consequently eligible to
61 participate in the Community Eligibility Provision (CEP)
62 administered by the United States Department of Agriculture Food
63 and Nutrition Service (FNS) shall apply to FNS for participation
64 in the CEP for each such school under its governance, pursuant to
65 guidelines prescribed by FNS. School districts seeking inclusion
66 for participation in the CEP shall apply to FNS by submitting:

67 (a) Identified student percentage (ISP) data to FNS by
68 April 1 of the year initial participation is requested, unless an
69 extension is in effect, or by the deadline established for
70 reenrollment in the program after an eligibility term expires; and

71 (b) The school district's completed application to FNS
72 by June 30 of the year initial participation is requested, unless



73 an extension is in effect, or by the deadline established for
74 reenrollment in the program after an eligibility term expires.

75 (5) Nothing in this section shall be construed to prohibit
76 any school board from grouping elementary or secondary schools in
77 the local school division and applying to FNS to participate in
78 CEP for such group of schools.

79 (6) The State Superintendent for Public Education shall
80 issue a waiver to the requirement set forth in subsection (4) if,
81 in the sole circumstance, an evaluation of a school or group of
82 schools eligible to participate in CEP determines that
83 participation in CEP is not financially viable to such school or
84 group of schools. The Department of Education shall develop a
85 process and criteria for considering such waivers, including a
86 process and criteria for conducting such CEP evaluations.

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2024.

