

By: Representatives Nelson, Butler-
Washington, McCray

To: Education;
Appropriations A

HOUSE BILL NO. 1182

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ANNUALLY
 2 DETERMINE THE AMOUNT OF STATE FUNDS NEEDED TO PROVIDE A STATEWIDE
 3 SCHOOL BREAKFAST AND LUNCH PROGRAMS FOR ALL PUBLIC SCHOOL
 4 STUDENTS, WHICH SHALL BE OFFERED AT NO COST TO STUDENTS WHO
 5 QUALIFY FOR REDUCED PRICE MEALS UNDER FEDERAL AND STATE
 6 GUIDELINES; TO PROVIDE FOR THE SOURCE OF FUNDING TO ENSURE
 7 STUDENTS EAT FREE OF CHARGE; TO REQUIRE THE STATE BOARD OF
 8 EDUCATION TO PROMULGATE RULES AND REGULATIONS FOR THE
 9 ADMINISTRATION OF SCHOOL BREAKFAST AND LUNCH PROGRAMS; TO
 10 ENCOURAGE THE USE OF MISSISSIPPI GROWN PRODUCTS IN SCHOOL
 11 BREAKFAST AND LUNCH PROGRAMS; TO AMEND SECTIONS 37-11-7 AND
 12 37-28-53, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
 13 PROVISIONS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) (a) The State Board of Education shall
 16 annually determine the amount of state funds needed to provide a
 17 statewide school lunch program to offer quality and healthy meals
 18 to students enrolled in the public schools in this state, and that
 19 amount shall include, but shall not be limited to, funds
 20 sufficient to ensure that meals are offered at no cost to the
 21 students who are eligible for reduced price meals under federal
 22 and state guidelines.



23 (b) The State Board of Education shall promulgate rules
24 and regulations which:

25 (i) Establish minimum nutritional requirements for
26 school lunch programs and school breakfast programs which meet or
27 exceed the minimum federal regulations;

28 (ii) Utilize federal standards of income
29 eligibility for free or reduced price meals for low-income
30 students;

31 (iii) Prescribe uniform methods of determining
32 eligibility for free or reduced price meals that are discreet and
33 accessible, and requiring each participating local school district
34 to establish a method to regularly notify parents of the
35 availability of such programs;

36 (iv) Provide that each participating local school
37 district submit a plan of compliance;

38 (v) Provide that compliance with the standards and
39 regulations of the "National School Lunch Act" and "Child
40 Nutrition Act of 1966," as amended, shall be deemed compliance
41 with the requirements promulgated by the board;

42 (vi) Assist participating local school district in
43 applying for and obtaining grant money for such programs; and

44 (vii) Encourage and assist participating local
45 school districts in using Mississippi grown produce, dairy and
46 poultry products.

47 (2) Each local school district operating a school breakfast



48 program pursuant to Section 37-11-7(3) shall be reimbursed by the
49 state at the federal reimbursement rate per eligible meal prepared
50 and served.

51 (3) An application of millage or percentage rate required
52 for the local revenue effort in support of the adequate education
53 program, pursuant to Section 37-151-7(2) shall not be made for
54 payments to local school districts under this section. Any state
55 funds appropriated for this purpose shall be used to supplement
56 federal funds as a means of maximizing student participation in
57 school lunch programs and school breakfast programs, ensuring that
58 meals are offered at no charge to all students enrolled in a
59 public school in this state, and ensuring quality and healthy
60 meals for all such students.

61 (4) (a) The State Board of Education shall establish a
62 system of allotments of funds to local school boards to provide
63 for services rendered on a nine-month basis by school food and
64 nutrition personnel. The amount of funds paid to any local school
65 district shall be paid in twelve (12) monthly payments, and shall
66 be based upon the number of full-time equivalent school lunch food
67 and nutrition positions needed to plan, prepare and serve meals in
68 that local school district, multiplied by an annual base payment.
69 For each school food and nutrition manager, the local school board
70 shall earn the base payment as well as an amount not to exceed One
71 Hundred Dollars (\$100.00) per month.



72 (b) The base payment shall be calculated on the basis
73 of one hundred eighty days (180) in an annual school year for a
74 full-time equivalent school lunch food and nutrition position,
75 multiplied by an amount not less than One Hundred Sixty-one
76 Dollars (\$161.00) per month for twelve (12) months. Future annual
77 increases in the base payment shall reflect the same percentage
78 increase provided by the state for other state funded positions.

79 **SECTION 2.** Section 37-11-7, Mississippi Code of 1972, is
80 amended as follows:

81 37-11-7. (1) The State of Mississippi does hereby accept
82 and avail itself of all the provisions and benefits of acts passed
83 by the Senate and House of Representatives of the United States of
84 America in Congress assembled on June 4, 1946, known as the
85 "National School Lunch Act," Chapter 281, 60 Stat 230, and on
86 October 11, 1966, known as the "Child Nutrition Act," 80 Stat 885.

87 (2) The State Department of Education is hereby designated
88 and appointed as the state agency in Mississippi to carry out and
89 execute the functions and duties required of a state agency under
90 the terms and provisions of * * * those acts and to administer the
91 funds made available by the federal government for the school
92 lunch and other child nutrition programs for and in the State of
93 Mississippi under the provisions of * * * those acts. For * * *
94 that purpose, the State Superintendent of Public Education is
95 hereby authorized and empowered to do any and all things which may
96 be required under the terms of * * * those acts to enable the



97 State of Mississippi to receive the benefits thereof, to enter
98 into any and all agreements and contracts with any officer or
99 agency of the United States of America, or any other person,
100 agency or political subdivision, that may be necessary, expedient
101 or advisable in administering * * * those acts, and to appoint and
102 employ a state supervisor of the child nutrition programs
103 and * * * any other administrative, supervisory, stenographic and
104 clerical personnel as may be necessary in the administration
105 of * * * those acts.

106 (3) Each local school district is encouraged to establish
107 and support a school breakfast program to make breakfast available
108 to students. Each local school district shall establish and
109 support a school breakfast program in: (i) all schools with
110 kindergarten through Grade 8 if at least fifteen percent (15%) of
111 the student population is eligible for free or reduced price lunch
112 under the federal guidelines; and (ii) in all schools not
113 containing kindergarten through Grade 8 if at least twenty-five
114 percent (25%) of the student population is eligible for free or
115 reduced price lunch under the federal guidelines.

116 (* * * 4) The local school boards of any combination of
117 school districts may authorize by resolution the organization and
118 operation of, or the participation in, a group purchase program
119 with other participating child nutrition operators for the
120 purchase of commodities, supplies, equipment and services provided
121 under the school lunch and child nutrition programs, when it



122 appears to * * * the participating child nutrition operators that
123 a group purchase program shall effect economy or efficiency in
124 such operation. The State Department of Education may
125 administer * * * the group purchase program to provide
126 commodities, supplies, equipment and services under the school
127 lunch and child nutrition programs and may charge and collect
128 reasonable fees from participating operators for the actual cost
129 of administering * * * the group purchase program. Purchases by
130 participating operators in * * * the group purchasing programs
131 shall not be exempt from public bid requirements as prescribed in
132 Sections 31-7-12 and 31-7-13 * * *.

133 (* * * 5) The State Treasurer is hereby designated and
134 appointed custodian of all monies received by the state from
135 appropriations made to carry out the provisions of * * * the acts
136 of Congress, and he is authorized to receive and to provide for
137 the proper custody of same, and to make disbursements thereof in
138 the manner provided for in * * * those acts and for the purposes
139 therein specified.

140 **SECTION 3.** Section 37-28-53, Mississippi Code of 1972, is
141 amended as follows:

142 37-28-53. (1) Each charter school shall certify annually to
143 the State Department of Education its student enrollment, average
144 daily attendance and student participation in the national school
145 lunch program, special education, vocational education, gifted



146 education, alternative school program and federal programs in the
147 same manner as school districts.

148 (2) Each charter school shall certify annually to the school
149 board of the school district in which the charter school is
150 located the number of enrolled charter school students residing in
151 the school district.

152 (3) Each charter school shall automatically qualify for
153 funding from the State Department of Education to ensure that
154 meals are offered at no cost to the students enrolled in the
155 chartered school who are eligible for reduced price meals under
156 federal and state guidelines.

157 **SECTION 4.** This act shall take effect and be in force from
158 and after July 1, 2024.

