

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 908 Session of
2007

INTRODUCED BY PAYTON, BLACKWELL, WANSACZ, BISHOP, BUXTON,
CALTAGIRONE, COHEN, CONKLIN, CURRY, DePASQUALE, EACHUS,
FABRIZIO, FRANKEL, GEORGE, GOODMAN, JAMES, JOSEPHS, KIRKLAND,
KORTZ, KULA, LEACH, MANN, SHIMKUS, SIPTROTH, McILVAINE SMITH,
STURLA, WALKO, YOUNGBLOOD, YUDICHAK AND FREEMAN,
MARCH 22, 2007

REFERRED TO COMMITTEE ON EDUCATION, MARCH 22, 2007

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for school lunch
6 and breakfast reimbursement and for duties of Department of
7 Education.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1337.1 of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, added
12 May 10, 2000 (P.L.44, No.16), is amended to read:

13 Section 1337.1. School Lunch and Breakfast Reimbursement.--

14 (a) Schools that participate in the school lunch program shall
15 be reimbursed in the following manner:

16 (1) Subject to future adjustments under clause (2), each
17 school which offers the school lunch program shall receive a
18 reimbursement of no less than ten cents (10¢) per lunch served,

1 exclusive of any reimbursements under subsection (c).

2 (2) For the 2000-2001 school year and each school year
3 thereafter, reimbursements for the school lunch program shall be
4 fixed by regulation of the Department of Education: Provided,
5 That such reimbursements shall be no less than the amounts per
6 lunch served established by clause (1).

7 (b) Schools that participate in the school breakfast program
8 shall be reimbursed in the following manner:

9 (1) Subject to future adjustments under clause (2), each
10 school which offers the school breakfast program shall receive a
11 reimbursement of no less than ten cents (10¢) per breakfast
12 served.

13 (2) For the 2000-2001 school year and each school year
14 thereafter, reimbursements for the school breakfast program
15 shall be fixed by regulation of the Department of Education:
16 Provided, That such reimbursements shall be no less than the
17 amounts per breakfast served established by clause (1).

18 (c) Schools that participate in both the school lunch
19 program and the school breakfast program shall be provided with
20 the following incentive reimbursements:

21 (1) Subject to future adjustments under clause (3), each
22 school which offers both a school lunch program under subsection
23 (a) and a school breakfast program under subsection (b) which
24 serves less than or equal to twenty per centum (20%) of its
25 student enrollment shall receive an additional reimbursement of
26 two cents (2¢) per lunch served.

27 (2) Subject to future adjustments under clause (3), each
28 school which offers a school lunch program under subsection (a)
29 and a school breakfast program under subsection (b) which serves
30 more than twenty per centum (20%) of its student enrollment

1 shall receive an additional reimbursement of four cents (4¢) per
2 lunch served.

3 (3) For the 2000-2001 school year and each school year
4 thereafter, reimbursements for the school breakfast incentive
5 program shall be fixed by regulation of the Department of
6 Education: Provided, That such reimbursement shall be no less
7 than the amounts per lunch served established by clauses (1) and
8 (2).

9 (c.1) (1) Subject to the provisions of clause (2), for the
10 2007-2008 school year and each school year thereafter, schools
11 in which twenty per centum (20%) or more of the students
12 enrolled in the school on October 31 of the preceding school
13 year were eligible for free or reduced price meals under the
14 school lunch program shall establish a school breakfast program
15 in the school.

16 (2) No later than forty-five (45) days prior to the start of
17 the 2007-2008 school year and each school year thereafter, a
18 board of school directors may request that the department waive
19 the requirement of clause (1) for a period not to exceed one (1)
20 school year. The request for waiver shall be made in a format
21 prescribed by the department and shall detail the projected
22 expenditures and projected revenue associated with implementing
23 the requirement of clause (1) for that school year. Within
24 fifteen (15) days of receipt of a waiver request pursuant to
25 this clause, the department may make recommendations for
26 reducing expenditures and increasing revenues. The board of
27 school directors may resubmit a waiver request to the department
28 within fifteen (15) days after receipt of department
29 recommendations. The department shall grant any request for
30 waiver where, after taking into account the department's

recommendations, projected expenditures associated with
implementing the requirement of clause (1) would exceed
projected revenues.

(c.2) In order to promote initiatives regarding child health
and nutrition, the department shall establish a School Nutrition
Incentive Program. The program shall provide a supplemental
school lunch and breakfast reimbursement to any school in a
local education agency that has adopted and implemented the
nutritional guidelines for food and beverages available on each
school campus published by the department pursuant to section
1422.3(5). To qualify, the local wellness policy adopted by the
local education agency pursuant to section 1422.1 shall indicate
adoption of such guidelines. For the 2007-2008 school year and
each school year thereafter, supplemental reimbursement shall be
provided to schools in qualifying local education agencies as
follows:

(1) Each school which offers the school lunch program under
subsection (a) shall receive an additional reimbursement of one
cent (1¢) per lunch served, exclusive of any additional
supplemental reimbursement under clause (3) or (4).

(2) Each school which offers the school breakfast program
under subsection (b) shall receive an additional reimbursement
of one cent (1¢) per breakfast served, exclusive of any
additional supplemental reimbursement under clause (3) or (4).

(3) Each school which offers both a school lunch program
under subsection (a) and a school breakfast program under
subsection (b) which serves breakfast to less than or equal to
twenty per centum (20%) of its student enrollment shall receive
an additional reimbursement of two cents (2¢) per lunch served.

(4) Each school which offers both a school lunch program

under subsection (a) and a school breakfast program under subsection (b) which serves breakfast to more than twenty per centum (20%) of its student enrollment shall receive an additional reimbursement of three cents (3¢) per lunch served.

(d) For the purposes of this section, the following terms shall have the following meanings:

"School" shall have the same meaning as given to that term in 7 CFR 210.2 (relating to definitions).

"School lunch program" shall have the same meaning as given to [that term] the term "National School Lunch Program in 7 CFR 210.2 (relating to definitions).

"School breakfast program" shall have the same meaning as given to that term in 7 CFR [210.2 (relating to definitions).] Pt. 220 (relating to School Breakfast Program).

Section 2. Section 1422.3 of the act, added July 11, 2006 (P.L.1092, No.114), is amended to read:

Section 1422.3. Duties of Department of Education.--The Department of Education shall, in order to promote initiatives regarding child health, nutrition and physical education:

(1) To every extent possible, include programs related to child health, nutrition and physical education as part of the continuing professional education courses, programs, activities or learning experiences required under section 1205.2(f).

(2) Collaborate with the Department of Health to apply for Federal funds related to coordinated school health funding to enhance initiatives regarding child health, nutrition, physical education, local wellness policies and advisory health councils.

(3) Establish a clearinghouse of wellness policies and information regarding child health, nutrition and physical education submitted to the department by local education

1 agencies pursuant to section 1422.1(c). Such information shall
2 be made available on the department's Internet website.

3 (4) To every extent possible, maintain information related
4 to teaching about nutrition and obesity, which information shall
5 include concepts of healthy eating, including nutrient density
6 and portion control, and the physical, psychological and
7 nutritional causes of obesity. Such information shall be made
8 available on the department's Internet website.

9 (5) Publish recommended nutritional guidelines for food and
10 beverages sold in schools on the department's Internet website.

11 Section 3. This act shall take effect immediately.