

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 753 Session of
2007

INTRODUCED BY HUGHES, MELLOW, COSTA, O'PAKE, LOGAN, WASHINGTON,
C. WILLIAMS, TARTAGLIONE, FERLO, STOUT, FONTANA AND BROWNE,
APRIL 10, 2007

REFERRED TO EDUCATION, APRIL 10, 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,
19 exclusive of any reimbursements under subsection (c).

20 (2) For the 2000-2001 school year and each school year

1 thereafter, reimbursements for the school lunch program shall be
2 fixed by regulation of the Department of Education: Provided,
3 That such reimbursements shall be no less than the amounts per
4 lunch served established by clause (1).

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

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

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

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

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

25 (2) Subject to future adjustments under clause (3), each
26 school which offers a school lunch program under subsection (a)
27 and a school breakfast program under subsection (b) which serves
28 more than twenty per centum (20%) of its student enrollment
29 shall receive an additional reimbursement of four cents (4¢) per
30 lunch served.

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

7 (c.1) (1) Subject to the provisions of clause (2), for the
8 2007-2008 school year and each school year thereafter, schools
9 in which twenty per centum (20%) or more of the students
10 enrolled in the school on October 31 of the preceding school
11 year were eligible for free or reduced price meals under the
12 school lunch program shall establish a school breakfast program
13 in the school.

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

1 projected revenues.

2 (c.2) In order to promote initiatives regarding child health
3 and nutrition, the department shall establish a School Nutrition
4 Incentive Program. The program shall provide a supplemental
5 school lunch and breakfast reimbursement to any school in a
6 local education agency that has adopted and implemented the
7 nutritional guidelines for food and beverages available on each
8 school campus published by the department pursuant to section
9 1422.3(5). To qualify, the local wellness policy adopted by the
10 local education agency pursuant to section 1422.1 shall indicate
11 adoption of such guidelines. For the 2007-2008 school year and
12 each school year thereafter, supplemental reimbursement shall be
13 provided to schools in qualifying local education agencies as
14 follows:

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

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

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

28 (4) Each school which offers both a school lunch program
29 under subsection (a) and a school breakfast program under
30 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 agencies pursuant to section 1422.1(c). Such information shall be made available on the department's Internet website.

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

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

9 Section 3. This act shall take effect immediately.