



Senate

General Assembly

File No. 332

January Session, 2005

Substitute Senate Bill No. 1309

Senate, April 13, 2005

The Committee on Education reported through SEN. GAFFEY of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SCHOOL NUTRITION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-221o of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 Each local and regional board of education shall require each school
4 under its jurisdiction to (1) offer all full day students a daily lunch
5 period of not less than twenty minutes, and (2) include in the regular
6 school day for each student enrolled in grades kindergarten to five,
7 inclusive, a minimum period of twenty minutes per day and one
8 hundred minutes per week, where there is an opportunity for the
9 student to engage in physical exercise, in addition to any physical
10 education requirements, except that a planning and placement team
11 may develop a different schedule for a child requiring special
12 education and related services in accordance with chapter 164 and the
13 Individuals With Disabilities Education Act, 20 USC 1400 et seq., as
14 amended from time to time. In the event of a conflict with this section

15 and any provision of chapter 164, such other provision of chapter 164
16 shall be deemed controlling.

17 Sec. 2. Section 10-220f of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective July 1, 2005*):

19 (a) Each local and regional board of education may establish a
20 school district safety committee to increase staff and student
21 awareness of safety [and health] issues and to review the adequacy of
22 emergency response procedures at each school. Parents and high
23 school students shall be included in the membership of such
24 committees.

25 (b) Each local and regional board of education shall establish a
26 School Wellness Committee to monitor and implement nutrition and
27 physical activity policies required pursuant to the provisions of the
28 Child Nutrition and WIC Reauthorization Act of 2004, P.L. 108-265.
29 Each such committee shall make recommendations to its board of
30 education regarding ordering Connecticut grown foods for inclusion
31 in school meals, conducting school fundraisers with either healthy
32 food or nonfood items, establishing a nutrition education curriculum
33 and promoting physical education and exercise. Members of the
34 committee shall include, but need not be limited to, a school
35 administrator, a physical education teacher, a teacher who does not
36 teach physical education, a school nurse, the food service director for
37 the school district, two parents of children enrolled in a school in the
38 school district, a middle school student and a high school student.

39 Sec. 3. (NEW) (*Effective July 1, 2005*) (a) Each local and regional
40 board of education shall require each elementary or middle school
41 under its jurisdiction to permit only the following beverages to be
42 offered on school premises for sale to students or for consumption by
43 students from any source, including, but not limited to, school stores,
44 vending machines, school cafeterias, and any school sponsored or
45 nonschool sponsored fundraising activities: (1) Water, (2) milk,
46 including, but not limited to, chocolate milk, soy milk, rice milk and
47 other similar dairy or nondairy milk, (3) one hundred per cent fruit

48 juice, and (4) fruit-based drinks that are composed of no less than fifty
49 per cent fruit juice and have no added natural or artificial sweeteners.

50 (b) Each local and regional board of education shall require each
51 high school in its jurisdiction to permit only the following beverages to
52 be offered on school premises for sale to or consumption by students,
53 from any source, including, but not limited to, school stores, vending
54 machines, school cafeterias, and any school sponsored or nonschool
55 sponsored fundraising activities: (1) The beverages listed in subsection
56 (a) of this section, and (2) beginning one-half hour after the end of the
57 regular school day, electrolyte replacement beverages containing no
58 more than forty-two grams of added sweetener per twenty ounce
59 serving.

60 Sec. 4. (NEW) (*Effective July 1, 2005*) Not later than January 1, 2006,
61 and January first of each year thereafter, the Department of Education
62 shall publish a list of recommended snack foods, other than beverages,
63 that may be offered as the only snacks on school premises for sale to or
64 for consumption by students at schools, from any source, including,
65 but not limited to, school stores, vending machines, school cafeterias
66 and school sponsored and nonschool sponsored fundraising activities.
67 Local and regional boards of education shall implement and enforce
68 such recommendations, as amended from time to time, not later than
69 August 15, 2006, and annually thereafter.

70 Sec. 5. Subsection (a) of section 10-266w of the general statutes is
71 repealed and the following is substituted in lieu thereof (*Effective July*
72 *1, 2005*):

73 (a) For each fiscal year, each local and regional board of education
74 having at least one school building designated as a severe need school,
75 as defined by federal law governing school nutrition programs, in the
76 fiscal year two years prior to the grant year, shall be eligible to receive
77 a grant to assist in providing school breakfasts to all students in each
78 eligible severe need school, provided any local or regional board
79 having at least one school building so designated shall participate in
80 the federal school breakfast program on behalf of all severe need

81 schools in the district with grades eight or under in which at least
 82 [eighty] forty per cent of the lunches served are served to students who
 83 are eligible for free or reduced price lunches pursuant to federal law
 84 and regulations.

85 Sec. 6. (NEW) (*Effective July 1, 2005*) Not later than January 1, 2006,
 86 the Department of Agriculture shall institute a state-wide data base of
 87 state farms, and products and availability of those products to schools
 88 in the state. The Department of Education shall notify all schools of the
 89 availability of such data base. All schools shall have access to such data
 90 base for use in ordering Connecticut grown products for inclusion in
 91 school meals.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	10-221o
Sec. 2	<i>July 1, 2005</i>	10-220f
Sec. 3	<i>July 1, 2005</i>	New section
Sec. 4	<i>July 1, 2005</i>	New section
Sec. 5	<i>July 1, 2005</i>	10-266w(a)
Sec. 6	<i>July 1, 2005</i>	New section

Statement of Legislative Commissioners:

Language was added to section 3 (b) to clarify that "school" means "elementary or middle school".

ED *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Education, Dept.	GF - Cost	Minimal	Minimal
Department of Agriculture	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
All Municipalities	STATE MANDATE - Cost	Minimal	Minimal
All Municipalities	Revenue Loss	See Below	See Below
Various Municipalities	Revenue Loss	Minimal	Minimal
Various Municipalities	Revenue Gain	Minimal	Minimal

Explanation

Section 1 of the bill may require local and regional school districts to make alterations in scheduling and/or curriculum, which can be accommodated without additional expenditures.

Section 2 results in a STATE MANDATE as it requires all local and regional school districts to establish School Wellness Committees. The establishment of such committees will result in additional minimal costs to districts currently without such committees. These costs relate to paperwork, meeting notices and the taking of minutes.

Section 3 results in a revenue loss to local and regional school districts by restricting the beverages that can be sold on school premises. The revenue loss is not expected to be significant in the scope of any districts entire budget but may require some districts to either reduce expenditures or raise revenue from other sources in order to continue offering current programs and services.

Section 4 results in a minimal cost to the State Department of Education as it requires the publication of a list of recommended foods and beverages by August 15, 2006 and each year thereafter for use by local and regional school districts. The minimal cost can be accommodated within currently available and recommended resources.

Section 5 results in a revenue loss to towns currently receiving state funding under the School Breakfast program as it would allow additional towns to become eligible for a program that distributes funds within available appropriations. There would be a revenue gain to new districts made eligible for the program due to changes in eligibility standards.

The Department of Agriculture (DOAG) has begun work on a statewide database of state farms, and products and availability using a one-year federal grant they received for FY 05 of \$56,425. It is anticipated that in order to continue to run these programs as required in section 6 of the bill and based on current staffing levels, the DOAG will need to divert 1/4 of an Agricultural Marketing and Inspection Representative away from routine duties or require additional resources for a part time position at an estimated cost of \$15,000 a year.

OLR BILL ANALYSIS

sSB 1309

AN ACT CONCERNING SCHOOL NUTRITION**SUMMARY:**

This bill requires a minimum amount of physical exercise for students in grades kindergarten through five and requires the establishment of School Wellness Committees. It limits the beverages that may be offered in schools and requires boards of education to implement and enforce a State Department of Education (SDE) published list of recommended snack foods that may be offered to students at schools. The bill lowers, from 80 to 40, the percentage of free and reduced-priced lunch eligible students that triggers mandatory federal school breakfast program participation for severe needs schools. Finally, the bill requires the creation of a database for schools to use in ordering Connecticut grown foods for school meals.

EFFECTIVE DATE: July 1, 2005

EXERCISE

For students in grades kindergarten through five, current law requires boards of education to include a period of physical exercise in the regular school day but does not specify the duration. This bill requires these students to be provided with the opportunity to engage in physical exercise at least 20 minutes per day and 100 minutes per week, in addition to any physical education requirements. As the bill does not make special provisions for planned or unplanned school closings, delayed openings, or early dismissals, it appears schools may have to alter schedules to increase the daily exercise in any given week to meet the bill's requirements.

As under current law, a planning and placement team may develop a different schedule for a child requiring special education services.

WELLNESS COMMITTEE

Current law allows, but does not require, a board to establish a school

district safety committee to, among other things, increase staff and student awareness of safety and health issues. The bill eliminates the safety committee's duty to address health issues. Instead, it requires boards of education to establish School Wellness Committees to monitor and implement nutrition and physical activity policies required under the federal Child Nutrition and WIC Reauthorization Act of 2004, which requires every school district that participates in the federal school breakfast or lunch program to enact a wellness policy by the first day of the 2006-07 school year.

The committees must make recommendations to boards of education regarding: (1) ordering Connecticut grown foods for use in school meals, (2) conducting school fundraisers with healthy food or non food items, (3) establishing a nutrition education curriculum, and (4) promoting physical education and exercise.

The committee must include, at least, a school administrator, a physical education teacher, a teacher who does not teach physical education, a school nurse, the food service director for the school district, two parents of children enrolled in a school in the school district, a middle school student, and a high school student.

BEVERAGES

The bill requires boards of education to permit only the following beverages to be offered to students on elementary and middle school grounds from any source including, school stores, vending machines, cafeterias, and school sponsored and non-school sponsored fundraising activities: (1) water, (2) dairy and non-dairy milk, (3) 100% fruit juice, and (4) fruit-based drinks that are at least 50% juice and have no added natural or artificial sweeteners.

In addition to these beverages, high schools may also offer electrolyte-replacement beverages that contain 42 grams or less of added sweetener per 20 ounce serving starting a half hour after the end of the regular school day.

SNACK FOODS

The bill requires SDE to publish a list of recommended snack foods, excluding beverages, which may be the only snacks sold or given to students on school grounds from any source. SDE must publish this list annually by January 1, beginning in 2006. Schools must implement

and enforce the recommendations, as amended from time to time, by August 15, 2006 and annually thereafter.

SCHOOL BREAKFASTS

Currently, if a board of education has a severe needs school in its district that serves students up to eighth grade where 80% of the lunches served are to free or reduced-price lunch eligible students, the board must participate in the federal school breakfast program. This bill reduces that percentage to 40%. Under federal law, a severe needs school is one that in the second preceding year had at least 40% of students eligible to receive a free or a reduced-price school lunch

CONNECTICUT GROWN FOODS

This bill requires the Department of Agriculture to create, by January 1, 2006, a database of state farms and products and the availability of those products to schools in the state. SDE must notify all schools about the database to which they will have access to order Connecticut grown products for use in school meals.

COMMITTEE ACTION

Education Committee

Joint Favorable Report
Yea 19 Nay 7