



Senate

File No. 783

General Assembly

January Session, 2005

(Reprint of File No. 332)

Substitute Senate Bill No. 1309
As Amended by Senate Amendment Schedule
"A" and House Amendment Schedule "A"

Approved by the Legislative Commissioner
May 20, 2005

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 Section 10-221o of the general statutes is repealed and the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] full day kindergarten
7 and grades one to five, inclusive, a [period of] minimum of twenty
8 minutes per full school day 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 Section 10-220f of the general statutes is repealed and the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 may 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 school wellness issues, including, but not limited
31 to, ordering Connecticut grown foods for inclusion in school meals,
32 conducting school fundraisers with either healthy food or nonfood
33 items, establishing a nutrition education curriculum and promoting
34 physical education and exercise. Members of the committee may
35 include, but need not be limited to, a school administrator, a physical
36 education teacher, a teacher who does not teach physical education, a
37 school nurse, a local pediatrician, the food service director for the
38 school district, two parents of children enrolled in a school in the
39 school district, a middle school student, a member of the local or
40 regional board of education and a high school student.

41 Sec. 3. (NEW) (*Effective July 1, 2005*) (a) Except as otherwise
42 provided in subsection (b) of this section, each local and regional board
43 of education shall permit at schools under its jurisdiction the sale of
44 only the following beverages to students from any source, including,
45 but not limited to, school stores, vending machines, school cafeterias,
46 and any school sponsored or nonschool sponsored fundraising
47 activities: (1) Water, (2) milk, including, but not limited to, chocolate

48 milk, soy milk, rice milk and other similar dairy or nondairy milk, (3)
49 one hundred per cent fruit juice or vegetable juice or a combination of
50 such juices, (4) beverages that contain only water and fruit juice and
51 have no added natural or artificial sweeteners, and (5) one-half hour
52 after the last lunch period in high schools only, sugar free soft drinks
53 or electrolyte replacement beverages containing no more than forty-
54 two grams of added sweetener per twenty ounce serving, provided
55 such sugar free soft drinks or electrolyte replacement beverages
56 constitute no more than twenty per cent each of the beverage options
57 permitted pursuant to this subsection.

58 (b) A local or regional board of education may permit at middle
59 schools or high schools under its jurisdiction, the sale to students of
60 beverages that are not listed in subsection (a) of this section, provided
61 (1) such sale is in connection with a school sponsored event occurring
62 after the end of the regular school day or on the weekend, (2) such sale
63 is at the location of such event, and (3) such beverages are not sold
64 from a vending machine or school store.

65 Sec. 4. (NEW) (*Effective July 1, 2005*) (a) Not later than January 1,
66 2006, and January first of each year thereafter, the Department of
67 Education shall publish a list of recommended prepackaged foods and
68 set nutritional standards for other foods, other than beverages and
69 foods served as part of the National School Lunch Program and School
70 Breakfast Program, that may be offered as the only foods on school
71 premises for sale to students, from any source, including, but not
72 limited to, school stores, vending machines, school cafeterias and
73 school sponsored and nonschool sponsored fundraising activities.
74 Except as provided in subsection (b) of this section, local and regional
75 boards of education shall implement such recommendations, as
76 amended from time to time, and permit to be offered for sale to
77 students on school premises only those foods (1) included in the list of
78 recommended prepackaged foods, (2) meeting the nutritional
79 standards set by the department, or (3) served as part of the National
80 School Lunch Program and School Breakfast Program, not later than
81 August 15, 2006, and annually thereafter.

82 (b) On and after August 15, 2006, a local or regional board of
 83 education may permit at schools under its jurisdiction, the sale to
 84 students of foods that are not listed as recommended prepackaged
 85 foods or do not meet the nutritional standards set by the Department
 86 of Education pursuant to subsection (a) of this section, provided (1)
 87 such sale is in connection with a school sponsored event occurring
 88 after the end of the regular school day or on the weekend, (2) such sale
 89 is at the location of such event, and (3) such foods are not sold from a
 90 vending machine or school store.

91 (c) Nothing in this section shall be construed to prohibit the sale off
 92 school premises of any food as part of fundraising activities by
 93 students, teachers or educational groups.

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

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

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
All Municipalities	Cost	Potential Minimal	Potential Minimal
All Municipalities	Revenue Loss	See Below	See Below

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 potential minimal cost to local and regional school districts as it allows 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 of the bill results in a minimal revenue loss to local and regional school districts by restricting the beverages that can be sold on school premises. The revenue loss is expected to be minimal in the scope of any districts entire budget.

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 for use by local and regional school districts. The

minimal cost can be accommodated within currently available and recommended resources.

Senate "A" (LCO 5725) struck the original bill and its associated fiscal impacts and resulted in the impacts as described above.

House "A" (LCO 6302) struck the bill as amended by the Senate but did not alter the fiscal impact of the bill as amended by the Senate.

OLR Bill Analysis

sSB 1309 (as amended by House "A" and Senate "A")*

AN ACT CONCERNING SCHOOL NUTRITION**SUMMARY:**

This bill requires a minimum amount of physical exercise for students in full day kindergarten through grade five and permits 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 foods that may be offered to students at schools.

*Senate Amendment "A" changes the requirements for the minimum amount of physical exercise that must be provided, makes the establishment of school wellness committees permissive, and changes the committee membership. It changes the types of beverages that may be sold in schools; provides an exception to the requirement that schools sell only foods on a recommended list; limits the bill's application to foods and beverages sold to students, as opposed to those sold or offered for consumption; and provides exceptions to the food and beverage requirements. It also eliminates provisions lowering the percentage of free and reduced priced lunch-eligible students that triggers mandatory federal school breakfast program participation and requiring the creation of a database for schools to use in ordering Connecticut grown foods for school meals.

*House Amendment "A" clarifies the amount of exercise that must be provided, changes the circumstances under which electrolyte replacement beverages may be sold to students, adds to the list of beverages that may be sold, and limits the exception to the beverage prohibitions. It also requires SDE to publish a list of pre-packaged foods and set nutritional standards for others, rather than only publishing a list of recommended foods.

EFFECTIVE DATE: July 1, 2005

EXERCISE

For students in kindergarten through grade 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 students in full-day kindergarten and grades one through five to be provided with the opportunity to engage in physical exercise at least 20 minutes per full school day in addition to any physical education 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 a safety committee's duty to address health issues. Instead, it allows boards to establish school wellness committees to monitor and implement nutrition and physical activity policies required under the federal Child Nutrition and Women, Infants, and Children Reauthorization Act of 2004. This act 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 wellness committees must make recommendations to boards of education about school wellness issues, including: (1) using Connecticut grown foods 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.

Among others, the committee may consist of a school administrator, a physical education teacher, a teacher who does not teach physical education, a school nurse, the school district's food service director, a local or regional board member, a local pediatrician, two parents of children enrolled in a school in the school district, a middle school student, and a high school student.

BEVERAGE RESTRICTIONS

The bill restricts boards of education to serving only the following beverages to students on school grounds from any source including school stores, vending machines, cafeterias, and school- and non-school sponsored fundraising activities: (1) water, (2) dairy and non-dairy milk, (3) 100% fruit juice, 100% vegetable juice or a combination of the two, and (4) beverages that contain only water and fruit juice with no added natural or artificial sweeteners.

Additionally, high schools may sell (1) sugar free soft drinks and (2) electrolyte-replacement beverages that contain 42 grams or less of added sweetener per 20 ounce serving starting one-half hour after the last lunch period if the drinks do not constitute more than 20% each of the bill's permitted beverage options.

FOOD RESTRICTIONS

The bill requires SDE to publish a list of recommended pre-packaged foods and set nutritional guidelines for other foods that may be the only foods sold to students on school grounds from any source. This requirement does not apply to beverages and foods served as part of the National School Lunch and School Breakfast programs. SDE must publish this list annually beginning January 1, 2006. Schools must implement the recommendations beginning August 15, 2006.

EXCEPTIONS TO FOOD AND BEVERAGE RESTRICTIONS

The bill allows boards to permit schools to sell foods that are not on the recommended food list, once the requirement takes effect, if the sale is in connection with school-sponsored events occurring after the end of the regular school day or on the weekend; the sale occurs at the event location; and the foods or beverages are not sold from a vending machine or school store. The bill also authorizes school boards to permit middle schools and high schools to sell beverages, other than those permitted by the bill, under the same conditions.

Additionally, the bill provides that it does not prohibit the off-campus sale of foods by students, teachers, or educational groups for fundraising activities.

COMMITTEE ACTION

Education Committee

Joint Favorable Report
Yea 19 Nay 7