



Senate

General Assembly

File No. 490

February Session, 2006

Substitute Senate Bill No. 373

Senate, April 11, 2006

The Committee on Finance, Revenue and Bonding reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL HIGH SCHOOL WIRING FOR TECHNOLOGY AND HEALTHY FOOD AND BEVERAGES IN SCHOOLS.

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

1 Section 1. Subsection (a) of section 10-4h of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2006*):

4 (a) The Department of Education, in consultation with the
5 Commission for Educational Technology, shall establish a competitive
6 grant program, within the limit of the bond authorization for purposes
7 of this section, to assist (1) local and regional school districts, (2)
8 regional educational service centers, (3) cooperative arrangements
9 among one or more boards of education, and (4) endowed academies
10 approved pursuant to section 10-34 that are eligible for school building
11 project grants pursuant to chapter 173, to upgrade or install wiring,
12 including electrical wiring, cable or other distribution systems and

13 infrastructure improvements to support telecommunications and other
14 information transmission equipment to be used for educational
15 purposes, provided the department may expend up to two per cent of
16 such bond authorization for such purposes for the regional vocational-
17 technical school system.

18 Sec. 2. (NEW) (*Effective July 1, 2006*) (a) Except as otherwise
19 provided in subsection (b) of this section, each local and regional board
20 of education and the governing authority for each state charter school,
21 interdistrict magnet school and endowed academy approved pursuant
22 to section 10-34 of the general statutes, shall permit at schools under its
23 jurisdiction the sale of only the following beverages to students from
24 any source, including, but not limited to, school stores, vending
25 machines, school cafeterias, and any fund-raising activities on school
26 premises, whether or not school sponsored: (1) Milk that may be
27 flavored but contain no artificial sweeteners and no more than four
28 grams of sugar per ounce, (2) nondairy milks such as soy or rice milk,
29 which may be flavored but contain no artificial sweeteners, no more
30 than four grams of sugar per ounce, no more than thirty-five per cent
31 of calories from fat per portion and no more than ten per cent of
32 calories from saturated fat per portion, (3) one hundred per cent fruit
33 juice, vegetable juice or combination of such juices, containing no
34 added sugars, sweeteners or artificial sweeteners, (4) beverages that
35 contain only water and fruit or vegetable juice and have no added
36 sugars, sweeteners or artificial sweeteners, and (5) water, which may
37 be flavored but contain no added sugars, sweeteners, artificial
38 sweeteners or caffeine. Portion sizes of beverages, other than water as
39 described in subdivision (5) of this subsection, that are offered for sale
40 pursuant to this subsection shall not exceed twelve ounces.

41 (b) Each such board of education or governing authority may
42 permit at schools under its jurisdiction, the sale to students of
43 beverages that are not listed in subsection (a) of this section, provided
44 (1) such sale is in connection with a school sponsored event occurring
45 after the end of the regular school day or on the weekend, (2) such sale
46 is at the location of such event, and (3) such beverages are not sold

47 from a vending machine or school store.

48 Sec. 3. (NEW) (*Effective July 1, 2006*) Not later than August 1, 2006,
49 and January first of each year thereafter, the Department of Education
50 shall publish a set of nutrition standards for food items offered for sale
51 to students at schools. Such standards shall not apply to food sold as
52 part of the National School Lunch Program and School Breakfast
53 Program unless such items are purchased separately from a school
54 lunch or breakfast that is reimbursable under such program.

55 Sec. 4. (NEW) (*Effective July 1, 2006*) (a) Each local and regional
56 board of education and the governing authority for each state charter
57 school, interdistrict magnet school and endowed academy approved
58 pursuant to section 10-34 of the general statutes that participates in the
59 National School Lunch Program shall certify in its annual application
60 to the Department of Education for school lunch funding whether,
61 during the school year for which such application is submitted, all
62 food items made available for sale to students in schools under its
63 jurisdiction and not exempted from the nutrition standards published
64 by the Department of Education pursuant to section 3 of this act will
65 meet said standards. Except as otherwise provided in subsection (b) of
66 this section, such certification shall include food not exempted from
67 said nutrition standards and offered for sale to students at all times,
68 and from all sources, including, but not limited to, school stores,
69 vending machines, school cafeterias, and any fundraising activities on
70 school premises, whether or not school sponsored.

71 (b) Each such board of education or governing authority certifying
72 pursuant to this section compliance with the department's nutrition
73 standards for food may exclude from such certification the sale to
74 students of food items that do not meet such standards, provided (1)
75 such sale is in connection with a school sponsored event occurring
76 after the end of the regular school day or on the weekend, (2) such sale
77 is at the location of such event, and (3) such food is not sold from a
78 vending machine or school store.

79 Sec. 5. Section 10-215b of the general statutes is repealed and the

80 following is substituted in lieu thereof (*Effective July 1, 2006*):

81 (a) The State Board of Education is authorized to expend in each
82 fiscal year an amount equal to (1) the money required pursuant to the
83 matching requirements of said federal laws and shall disburse the
84 same in accordance with said laws, and (2) ten cents per lunch served
85 in the prior school year in accordance with said laws by any local or
86 regional board of education or governing authority of a state charter
87 school, interdistrict magnet school or endowed academy approved
88 pursuant to section 10-34 that participate in the National School Lunch
89 Program and certify pursuant to section 4 of this act that the nutrition
90 standards established by the Department of Education pursuant to
91 section 3 of this act shall be met.

92 (b) The State Board of Education shall prescribe the manner and
93 time of application by [local and regional boards of education] such
94 board of education, such governing authority or controlling authority
95 of the nonpublic schools for such funds, provided such application
96 shall include the certification that any funds received pursuant to
97 subsection (a) of this section shall be used for the program approved.
98 The State Board of Education shall determine the eligibility of the
99 applicant to receive such grants pursuant to regulations provided in
100 subsection (c) of this section and shall certify to the Comptroller the
101 amount of the grant for which the board of education, [or] the
102 governing authority or the controlling authority of a nonpublic school
103 is eligible. Upon receipt of such certification, the Comptroller shall
104 draw an order on the Treasurer in the amount, at the time and to the
105 payee so certified.

106 (c) The State Board of Education may adopt such regulations as may
107 be necessary in implementing sections 10-215 to 10-215b, inclusive.

108 (d) The Commissioner of Education shall establish a procedure for
109 monitoring compliance by boards of education or governing
110 authorities approved with certifications submitted in accordance with
111 section 4 of this act and may adjust grant amounts pursuant to
112 subdivision (2) of subsection (a) of this section based on failure to

113 comply with said certification.

114 Sec. 6. Section 10-215a of the general statutes is repealed and the
115 following is substituted in lieu thereof (*Effective July 1, 2006*):

116 Nonpublic schools and nonprofit agencies may participate in the
117 school breakfast, lunch and other feeding programs provided in
118 sections 10-215 to 10-215b under such regulations as may be
119 promulgated by the State Board of Education in conformance with said
120 sections and under the federal laws governing said programs, except
121 that such schools, other than the endowed academies approved
122 pursuant to section 10-34, and agencies shall not be eligible for the
123 funding described in subdivision (2) of subsection (a) of section 10-
124 215b, as amended by this act.

125 Sec. 7. Section 10-221p of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective July 1, 2006*):

127 Each local and regional board of education and governing authority
128 for each state charter school, interdistrict magnet school and endowed
129 academy approved pursuant to section 10-34, shall make available in
130 the schools under its jurisdiction for purchase by students enrolled in
131 such schools nutritious [,] and low-fat foods, [and drinks,] which shall
132 include, but shall not be limited to, [low-fat milk, one hundred per cent
133 natural fruit juices and water at all times when drink is available for
134 purchase by students in such schools and] low-fat dairy products and
135 fresh or dried fruit at all times when food is available for purchase by
136 students in such schools during the regular school day.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	10-4h(a)
Sec. 2	<i>July 1, 2006</i>	New section
Sec. 3	<i>July 1, 2006</i>	New section
Sec. 4	<i>July 1, 2006</i>	New section
Sec. 5	<i>July 1, 2006</i>	10-215b
Sec. 6	<i>July 1, 2006</i>	10-215a

Sec. 7	July 1, 2006	10-221p
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ED *Joint Favorable C/R* FIN

FIN *Joint Favorable Subst.*

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 07 \$	FY 08 \$
Education, Dept.	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Local and Regional School Districts	See Below	See Below	See Below

Explanation

This bill may result in a net revenue loss to local and regional school districts and the state's technical high schools. The net revenue loss would be due to decreased revenue from the sale of certain beverages and food items coupled with a potential revenue gain of ten cents per meal in school nutrition funding from the state. A total of \$4.7 million is provided in the FY 07 budget as passed by the Appropriations Committee for this purpose. The net revenue loss is potentially short term as students and others may adjust their behavior and purchase allowable items at rates that generate revenue not unlike that experienced prior to the banning of specific beverages and food items. Initial revenue losses in a few school districts may be of a significant enough nature as to require an increase in revenue from other sources and/or expenditure reductions. However, most districts would likely see a minimal net revenue loss during any adjustment period.

It is anticipated that in FY 07 the full \$4.7 million appropriated for the purposes of the bill will not be expended as some districts may not choose to participate in the nutritional standards required to receive the additional ten cents or they may not have sufficient time to adjust their purchasing to meet the standards which are to be published by

August 1, 2006.

The bill will have no fiscal impact to the Board of Education and Services for the Blind (BESB). Currently, BESB receives commission from vending machines in state and municipal buildings (other than schools). BESB allows the schools to retain their commission/revenue from vending machines for student activity funds. This bill will not impact the current revenue BESB receives from vending machines.

Finally the bill would provide a portion of bond funds allocated for school technology wiring to the state's technical high schools. This in effect results in a revenue loss to local and regional school districts as the pot of available funds would be spread over a greater number of participants.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 373*****AN ACT CONCERNING TECHNICAL HIGH SCHOOL WIRING FOR TECHNOLOGY AND HEALTHY FOOD AND BEVERAGES IN SCHOOLS.*****SUMMARY:**

The bill (1) restricts the types of beverages that may be sold to students in school, (2) requires the State Department of Education (SDE) to set nutritional standards for food sold to students in schools, and (3) provides a financial incentive for local and regional boards of education and charter school, endowed academy, and interdistrict magnet school governing authorities to certify that their schools meet the SDE standards. It eliminates the existing requirement that boards of education provide nutritious and low-fat drink options and extends the requirement that boards provide nutritious and low fat food options to include the governing authorities of state charter schools, interdistrict magnet schools, and endowed academies.

Finally, the bill reserves part of the bond funds authorized for school wiring projects for regional vocational-technical schools.

EFFECTIVE DATE: July 1, 2006

SCHOOL NUTRITION***Beverages***

The bill allows only the following beverages to be sold to students from any source, including school stores, vending machines, school cafeterias, and fund-raising activities on school premises, whether or not school-sponsored:

1. milk, which may be flavored but contain no artificial sweeteners

and no more than 4 grams of sugar per ounce;

2. nondairy milks, which may be flavored but contain no artificial sweeteners, no more than 4 grams of sugar per ounce, no more than 35% of calories from fat per serving, and no more than 10% of calories from saturated fat per serving;
3. 100% fruit or vegetable juice or a combination of such juices, containing no added sugars, sweeteners, or artificial sweeteners;
4. beverages that contain only water and fruit or vegetable juice and have no added sugars, sweeteners, or artificial sweeteners; and
5. water, which may be flavored but must contain no added sugars, sweeteners, artificial sweeteners, or caffeine.

Portion sizes of beverages, other than water, offered for sale cannot exceed 12 oz.

The bill allows schools to sell other beverages if (1) the sale is in connection with a school-sponsored event occurring after the end of the regular school day or on the weekend, (2) the sale is at the event location, and (3) the beverages are not sold from a vending machine or school store.

Food

The bill requires SDE to publish, by August 1, 2006, and every January 1, thereafter, nutrition standards for food items offered for sale to students at schools. Schools are not required to meet the standards. However, the bill requires boards of education and governing authorities whose schools participate in the National School Lunch Program to certify in their annual application for funding whether the non-exempted food-items they serve for that year from all sources will meet the standards.

Foods served as part of the National School Lunch or School Breakfast programs are exempted from the SDE standards unless the

items are purchased separately. Additionally, as with beverages, the bill allows school boards to exclude from certification the sale to students of food items that do not meet the standards, if (1) the sale is in connection with a school-sponsored event occurring after the end of the regular school day or on the weekend, (2) the sale is at the event location, and (3) the food is not sold from a vending machine or school store. Otherwise, the certification must include food offered to sale to students at all times and from all sources.

For each lunch served in the prior year in districts or schools that meet the nutritional standards, the bill provides 10 cents in addition to the state match of federal dollars required under the National School Lunch Program. The law allows nonpublic schools to participate in the school lunch program. The bill makes these schools, except for the endowed academies, ineligible for the 10 cents bonus.

The education commissioner must establish compliance monitoring procedures and may adjust grant amounts for failure to comply with certification.

The bill also specifically requires governing authorities for state charter schools, interdistrict magnet schools, and endowed academies to make available for purchase by students nutritious and low-fat foods, including low-fat dairy products and fresh or dried fruits, at all times when food is available to students for purchase during the regular school day. Current law applies only to local and regional boards of education. The bill also eliminates the requirement that local and regional boards make available nutritious and low-fat drinks, including low-fat milk, 100% fruit juice, and water, whenever drinks are available for purchase in schools.

VOCATIONAL-TECHNICAL SCHOOL WIRING PROJECTS

This bill reserves up to 2% of the bond funds authorized for school wiring projects for regional vocational-technical schools. Under current law, V-T schools are not eligible to receive funds. The funds may only be used for competitive grants to school districts, regional

education service centers, cooperative arrangements among boards of education, and state-approved endowed academies.

By law, these funds must be used to upgrade or install wiring, including electrical, cable, or other distribution systems, and for infrastructure improvements to support telecommunications and other information transmission equipment used for education.

COMMITTEE ACTION

Education Committee

Joint Favorable Change of Reference

Yea 25 Nay 0 (03/10/2006)

Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea 26 Nay 21 (04/03/2006)