

Chapter No. 425
10/HR03/R1709SG
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HOUSE BILL NO. 1078

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1078

AN ACT TO CREATE NEW SECTION 37-11-8, MISSISSIPPI CODE OF 1972, TO REQUIRE THE OFFICE OF HEALTHY SCHOOLS OF THE STATE DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT THE HEALTHIER SCHOOL INITIATIVE TO PROMOTE HEALTHIER SCHOOL ENVIRONMENTS, TO REQUIRE THE OFFICE TO PROVIDE FINANCIAL INCENTIVES TO SCHOOLS RECEIVING RECOGNITION THROUGH THE HEALTHIERUS SCHOOL CHALLENGE, TO PROVIDE FINANCIAL AWARDS, SUBJECT TO LEGISLATIVE APPROPRIATION, FOR SCHOOLS RECEIVING CERTAIN LEVELS OF RECOGNITION, TO REQUIRE LOCAL SCHOOL DISTRICTS TO INCLUDE INFORMATION RELEVANT TO THE HEALTHIERUS SCHOOL CHALLENGE ON THEIR DISTRICT WEB SITES, TO REQUIRE THE OFFICE TO PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS THAT ELECT TO PARTICIPATE IN THE CHALLENGE TO BECOME A HEALTHIERUS SCHOOL, TO ESTABLISH THE CRITERIA REQUIRED TO BE MET BY SCHOOLS PARTICIPATING IN THE CHALLENGE, TO REQUIRE AN APPLICATION FOR CERTIFICATION AS A HEALTHIERUS SCHOOL TO BE SUBMITTED TO THE STATE DEPARTMENT OF EDUCATION FOR REVIEW BY THE OFFICE OF HEALTHY SCHOOLS, TO REQUIRE THE OFFICE TO FORWARD APPROVED APPLICATIONS TO THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR CONSIDERATION, AND TO AUTHORIZE SCHOOLS TO MODIFY AN APPLICATION THAT IS NOT APPROVED BY THE OFFICE; AND FOR RELATED PURPOSES.

WHEREAS, the United States Department of Agriculture's Food and Nutrition Service (FNS) recognizes schools that take a leadership role in helping students learn to make healthy eating and active lifestyle choices through the HealthierUS School Challenge (HUSSC); and

WHEREAS, the HealthierUS School Challenge (HUSSC) was established to recognize schools that are creating healthier school environments through their promotion of good nutrition and physical activity on four (4) levels of superior performance: Bronze, Silver, Gold, and Gold Award of Distinction; and

WHEREAS, to qualify for the awards, a school must submit a formal application and meet basic criteria set forth by the Food and Nutrition Service reflecting the HUSSC criteria recommended in the 2005 Dietary Guidelines for Americans and the Institute of

Medicine's (IOM) recommendations published in April 2007 for foods that should be served in schools, outside of the organized school lunch meals; and

WHEREAS, HealthierUS Schools also must have a local school wellness policy as mandated by the United States Congress which supports the HUSSC initiative and affirms that the school plays a critical role in promoting student health, preventing childhood obesity, and combating problems associated with poor nutrition and physical inactivity; NOW, THEREFORE,

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 37-11-8, Mississippi Code of 1972:

37-11-8. (1) The Office of Healthy Schools of the State Department of Education shall develop and implement the Healthier School Initiative, consistent with the HealthierUS School Challenge developed by the United States Department of Agriculture and administered through its Food and Nutrition Service, to facilitate healthy choices and practices by local school districts through the promotion of healthier school environments. The office shall establish standard procedures to be adhered to by schools electing to participate in the program and shall establish a deadline for the submission of applications for participation in the initiative.

(2) Subject to the availability of funds whether appropriated by the Legislature, in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00), or received as gifts, bequests, endowments or grants from any public or private source, the Office of Healthy Schools shall provide financial incentives to schools receiving recognition through the HealthierUS School Challenge for purposes of funding the resources and staff training needed to meet healthy eating, nutrition education and physical education guidelines. The department shall allocate the funds to schools receiving recognition in the following amounts:

- (a) Two Thousand Dollars (\$2,000.00) shall be awarded to schools receiving the Bronze Award level of recognition;
- (b) Four Thousand Dollars (\$4,000.00) shall be awarded to schools receiving Silver Award level of recognition;
- (c) Six Thousand Dollars (\$6,000.00) shall be awarded to schools receiving Gold Award level of recognition; and
- (d) Eight Thousand Dollars (\$8,000.00) shall be awarded to schools receiving Gold Award of Distinction level of recognition.

(3) The Office of Healthy Schools shall require local school districts to include information relevant to the HealthierUS School Challenge on their district Web sites and shall provide technical assistance to schools that elect to participate in the challenge to become a HealthierUS School. The office shall require participating schools to:

- (a) Enroll as a Team Nutrition School;
- (b) Offer reimbursable lunches that demonstrate healthy menu planning practices and principles of the Dietary Guidelines for Americans and that meet United States Department of Agriculture nutrition standards;
- (c) Provide nutrition education to students;
- (d) Provide students with physical education and the opportunity for physical activity;
- (e) Maintain an average daily participation of school enrollment for reimbursable lunches; and
- (f) Adhere to guidelines established by Food and Nutrition Service for foods served and/or sold in schools outside the National School Lunch Program.

(4) To be eligible for participation, a school must:

- (a) Be a public elementary or secondary school;
- (b) Participate in the National School Lunch Program;
- (c) Be enrolled in United States Department of

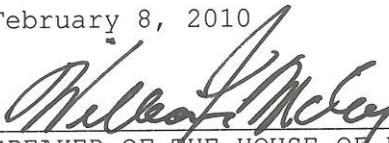
Agriculture Team Nutrition; and

(d) Submit an application to the United States Department of Agriculture.

(5) Application for certification as a HealthierUS School must be submitted to the State Department of Education for review by the Office of Healthy Schools, which, upon its approval, shall forward the applications to the United States Department of Agriculture for consideration. Any application that is not approved based on standards for submission established by the Office of Healthy Schools shall be returned with instructions for modification and resubmission by the submitting school.

SECTION 2. This act shall take effect and be in force from and after July 1, 2010.

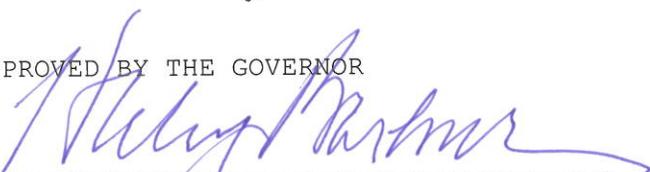
PASSED BY THE HOUSE OF REPRESENTATIVES
February 8, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 3, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
3/24/10 2:38 p