

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 856

Short Title: Free Lunch for K-12 Students. (Public)

Sponsors: Senator Mohammed (Primary Sponsor).

Referred to: Appropriations/Base Budget

May 27, 2022

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LUNCH TO PUBLIC SCHOOL STUDENTS AT NO COST TO THE STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-263 reads as rewritten:

"§ 115C-263. **Required provision of services.**

As a part of the function of the public school system, local boards of education shall provide ~~to the extent practicable school food~~ school nutrition services in the schools under their ~~jurisdiction.~~ jurisdiction, including lunch at no cost to students. All school ~~food~~ nutrition services made available under this authority shall be provided in accordance with standards and regulations recommended by the Superintendent of Public Instruction and approved by the State Board of Education."

SECTION 1.(b) G.S. 115C-264 reads as rewritten:

"§ 115C-264. **Operation.**

(a) In the operation of their public school nutrition ~~programs,~~ programs pursuant to G.S. 115C-263, the public schools shall participate in the National School Lunch Program established by the federal ~~government.~~ government and administered by the Department of Public Instruction. The program shall be under the jurisdiction of the ~~Division of School Support, Child Nutrition Services~~ School Nutrition Division of the Department of Public Instruction and in accordance with federal guidelines as established by the Food and Nutrition Service of the United States Department of Agriculture.

(a1) The Department of Public Instruction shall allocate sufficient funds to public schools to provide lunch for every student who elects to receive lunch at no cost to the student. These funds shall supplement and not supplant any federal funds provided for the same purposes. No later than March 15, 2023, and every year thereafter that funds are made available pursuant to this section, the Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee, at a minimum, the number of students electing to receive lunch at no cost, the number of no-cost lunches served, and the cost of implementing the no-cost lunch program.

(b) For nutritional purposes, the public schools shall not (i) use cooking oils in their school ~~food-nutrition~~ programs that contain trans-fatty acids or (ii) sell processed foods containing trans-fatty acids that were formed during the commercial processing of the foods.

(c) All school ~~food-nutrition~~ services shall be operated on a nonprofit basis, and any earnings ~~therefrom~~ over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve ~~better~~ healthier food, or to provide free ~~or reduced-price lunches to indigent children~~ lunch to students and for no other purpose. The term "cost of operation" means the actual cost incurred in the purchase and preparation of food, the salaries of all personnel



1 ~~directly engaged-employed~~ in providing ~~food~~-school nutrition services, and the cost of nonfood
2 supplies as outlined under standards adopted by the State Board of Education. "Personnel" means
3 ~~child nutrition supervisors or directors, bookkeepers directly engaged in food service record~~
4 ~~keeping and those persons directly involved in preparing and serving food.~~ Child persons directly
5 employed in the operation of the school nutrition program. School nutrition personnel shall be
6 paid from the funds of ~~food services~~-school nutrition services only for services rendered ~~in-on~~
7 behalf of the ~~child~~-school nutrition program. ~~Any cost incurred in the provisions and maintenance~~
8 ~~of school food services over and beyond the cost of operation shall be included in the budget~~
9 ~~request filed annually by local boards of education with boards of county commissioners.~~ Public
10 schools are not required to comply with G.S. 115C-522(a) in the purchase of supplies and food
11 for such school ~~food~~-nutrition services."

12 **SECTION 2.** There is appropriated from the General Fund to the Department of
13 Public Instruction the sum of seventy-eight million seven hundred thousand dollars
14 (\$78,700,000) in recurring funds for the 2022-2023 fiscal year to provide lunch to public school
15 students at no cost to the students in accordance with this act.

16 **SECTION 3.** This act becomes effective July 1, 2022.