
Child Nutrition Programs Rule 0520-01-06-.04

The Background:

The federal rules for the Healthy, Hunger-Free Kids Act of 2010, “establish regulatory requirements for food sold in other areas of the school campus or at other times in the school day.” However, the rules include a provision that allow states to set up “special exemptions for infrequent school-sponsored fundraisers.” “If a state agency does not specify the exemption frequency” the default number will be zero (0). At the July 25, 2014 State Board of Education meeting, the board approved thirty (30) exemption days per year for Tennessee schools.

During the August 19, 2015, hearing of the Government Operations Committee of the Tennessee General Assembly, committee members expressed concern over the sufficiency of 30 exemption days and asked that the board consider increasing the allowable number of exemption days.

This final read item presents twenty (20) days per semester for special exemptions for infrequent school-sponsored fundraisers, with the option to request additional exemption days through a waiver. There have not been any changes to this item since first reading.

The Fiscal Analysis Impact:

Tenn. Code Ann. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule or regulation proposed to the State Board of Education. This item has no financial impact on an LEA.

The Recommendation:

The Department of Education recommends adoption of this item on final reading. The SBE staff concurs with this recommendation.