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H. B. 2510

(By Delegates Campbell, Kelly, Wagner, Rowan, Perry, Ambler,
Romine, Cooper, Reynolds, Householder and Marcum)

[Introduced January 29, 2015; referred to the

Committee on Health and Human Resources then Education.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to school celebrations, recognition programs and events; standards, authorizations and requirements; plan required; parental participation; permissible activities and refreshments; and responsibilities of schools, faculty senates, principals, and Department of Education Office of Child Nutrition.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-2-6c, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-6c. School celebrations, recognition programs and events.

(a) The Legislature recognizes that periodic celebrations where students enjoy noninstructional or recreational activities are valuable means for increasing students’ interest and engagement in school and that recognition programs increase students’ desire to succeed in school.

(b) Each public school faculty senate, together with the school principal, shall adopt a plan

1 regarding how that school will administer school or classroom celebrations on a periodic basis as
2 determined by the school principal in compliance with provisions of this code and state board policy
3 governing required instructional time. Subject to approval of the local school improvement council,
4 and for the purpose of such events only, a school is authorized to waive only the nutritional and
5 caloric content requirements of state board policies regarding standards for school nutrition.

6 (c) The celebrations shall be scheduled for purposes designated by the faculty senate and
7 approved by the school principal. The purposes may include events designed to motivate students,
8 or to celebrate the following: (1) Holidays; (2) special events; (3) student accomplishments,
9 recognitions or successes; (4) school achievements; (5) school or student awards; or (6) such other
10 purposes as designated by the faculty senate and approved by the principal.

11 (d) Each school is encouraged to facilitate participation of parents and the parent-teacher
12 organization for the events.

13 (e) Schools are encouraged to focus attention to enjoyable and relaxing activities for students,
14 including physical activities when possible, and to minimize attention on refreshments.

15 (f) The faculty senate shall educate parents regarding permissible activities and refreshments
16 for the events. The faculty senate specifically shall inform parents of the following regarding any
17 food item provided for consumption by a student other than one's own child:

18 (1) The requirement that the food item shall be either:

19 (A) Commercially prepackaged and unopened, whether provided in bulk or per individual
20 serving; or

21 (B) Fresh, whole foods which are provided for on-site preparation in the school cafeteria
22 pursuant to school meal preparation guidelines;

1 (2) Applicable state board and federal standards for food safety, individual student dietary
2 needs, and nutritional and caloric content; and

3 (3) Access to and information contained in the Office of Child Nutrition publication provided
4 in subsection (g) of this section.

5 (g) The Department of Education Office of Child Nutrition shall accomplish the following:

6 (1) Annually educate school personnel and central board office food service personnel on the
7 array of healthy and permissible options for student refreshments;

8 (2) Furnish semiannually to each faculty senate a copy of its publication providing guidance
9 for planning healthy school parties; and

10 (3) Provide guidance for implementing the provisions of the publication.

NOTE: The purpose of this bill is to allow sweets to be served at elementary school parties to teach balanced nutrition through moderation.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

This section is new; therefore it is completely underscored.