

Proposed Rules
of the
State Board of Education

Chapter 0520-01-06
Child Nutrition Programs

Presented herein are proposed amendments of the State Board of Education submitted pursuant to Tenn. Code Ann. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, 8th Floor, William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed rule, contact Rich Haglund, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 741-2966.

The text of the proposed amendments is as follows:

Amendments

Subparagraph (f) of paragraph (3) of Rule 0520-01-03-.04 Minimum Nutritional Standards for Individual Food Items Sold or Offered for Sale to Pupils in Grades Pre-Kindergarten through eight (Pre-K-8) is amended by deleting the subparagraph in its entirety and substituting instead the following language so that as amended the subparagraph shall read:

- (f) Individual food items that are part of a day's reimbursable school lunch or part of the reimbursable school breakfast program may be sold on that day for that meal as an a la carte item. All other school a la carte items are not to exceed the State Board of Education's standards for foods sold individually.

Paragraph (4) of Rule 0520-01-03-.04 Minimum Nutritional Standards for Individual Food Items Sold or Offered for Sale to Pupils in Grades Pre-Kindergarten through eight (Pre-K-8) is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

- (4) Implementation.
 - (a) Schools serving pre-kindergarten through grade 5, shall implement these rules no later than one (1) year after the original effective date of these rules. This does not apply to high schools in which pre-kindergarten children are the only students in the building below grade 9.
 - (b) Schools serving grades 6, 7, or 8 shall implement at least 50% of the nutritional quality standards set forth above no later than one (1) year after the original effective date of these rules and shall implement all of the nutritional quality standards within the following year. Schools that serve grades 6, 7, or 8 and also serve higher grade levels must meet the standards.

Authority: T.C.A. § 49-6-2307.

The proposed amendments set out herein were properly filed in the Department of State on the 30th day of November, 2007, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of March, 2008. (FS 11-22-07; DBID 2763)