

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1461

By: Cain and Johnson  
(Constance) of the Senate

and

Winchester of the House

COMMITTEE SUBSTITUTE

An Act relating to schools; amending Section 1, Chapter 45, O.S.L. 2005 (70 O.S. Supp. 2005, Section 5-147), which relates to access to foods of minimal nutritional value; providing an exception for the sale of food for the purposes of a fund-raiser; directing the State Board of Education to facilitate development of a physical fitness assessment software program; specifying capabilities of program; directing Board to select certain pilot sites to test program during certain school year; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, Chapter 45, O.S.L. 2005 (70 O.S. Supp. 2005, Section 5-147), is amended to read as follows:

Section 5-147. A. Each district board of education shall ensure that students in elementary schools do not have access to foods of minimal nutritional value except on special occasions.

B. Each district board of education shall ensure that students in middle and junior high schools do not have access to foods of minimal nutritional value except after school, at events which take place in the evening, and on special occasions. The only exception to the minimal nutritional value standard will be diet soda with less than ten (10) calories per bottle or can.

C. Each district board of education shall ensure that students in high schools are provided healthy food options in addition to any

foods of minimal nutritional value to which they may have access at school. Each district shall provide incentives, such as lower prices or other incentives, to encourage healthy food choices for high school students.

D. Nothing in this section shall be construed to prohibit or limit the sale or distribution of any food or beverage item through fund-raisers conducted by students, teachers, school groups, or parent groups when the items are sold or distributed to the general public and not just exclusively to students.

E. For purposes of this section, "foods of minimal nutritional value" means any foods so defined in 7 CFR 210.11 and listed in Appendix B of the regulations for the National School Lunch Program.

~~E.~~ F. The State Board of Education shall adopt rules to implement the provisions of this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-100c of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education shall facilitate the development of a physical fitness assessment software program customized for Oklahoma schools that has the capability to track various measurements of student physical fitness, including body mass index, aerobic endurance, strength and flexibility. The software program shall have the capability of creating confidential reports for parents that include explanations of the data and suggestions for appropriate actions that may be taken to improve the physical fitness level of the student. In addition, the software program shall be developed and made accessible to school districts at no cost and shall allow school districts to transfer the data to the Board in an efficient, secure, and confidential manner without the need to purchase additional software or hardware. The Board shall select not less than five elementary school sites to pilot the software program during the 2006-07 and 2007-08 school years. Pilot

sites shall test all students in grades three, four, and five. The purpose of the pilot shall be to:

1. Evaluate methods for administering the physical fitness assessment to students; and

2. Test the software program to ensure that it provides for the collection of data by school district in an efficient and cost effective manner.

SECTION 3. This act shall become effective November 1, 2006.

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