

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 503
Committee Substitute Favorable 5/18/11
Third Edition Engrossed 6/1/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H503-PCS80360-TL-24

Short Title: Parent Choice/Clarify Pre-K.

(Public)

Sponsors:

Referred to:

March 30, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT PARENTALLY SUPPLIED FOODS FROM NUTRITION
3 STANDARDS AND EVALUATIONS, AND TO CLARIFY ELIGIBILITY AND
4 REPEAL CO-PAY REQUIREMENTS FOR THE NC PRE-K PROGRAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S.110-91(2) reads as rewritten:

7 "(2) Health Related Activities. – ~~The Commission shall adopt rules for child care~~
8 ~~facilities to ensure that all children receive nutritious food and~~
9 ~~beverages according to their developmental needs. The Commission shall~~
10 ~~consult with the Division of Child Development of the Department of Health~~
11 ~~and Human Services to develop nutrition standards to provide for~~
12 ~~requirements appropriate for children of different ages. In developing~~
13 ~~nutrition standards, the Commission shall consider the following~~
14 ~~recommendations:~~

- 15 a. ~~Limiting or prohibiting the serving of sweetened beverages, other~~
16 ~~than 100% fruit juice, to children of any age.~~
17 b. ~~Limiting or prohibiting the serving of whole milk to children two~~
18 ~~years of age or older or flavored milk to children of any age.~~
19 c. ~~Limiting or prohibiting the serving of more than six ounces of juice~~
20 ~~per day to children of any age.~~
21 d. ~~Limiting or prohibiting the serving of juice from a bottle.~~
22 e. ~~Creating an exception from the rules for parents of children who~~
23 ~~have medical needs, special diets, or food allergies.~~
24 f. ~~Creating an exception from the rules to allow a parent or guardian, or~~
25 ~~to allow the center upon the request of a parent or guardian, to~~
26 ~~provide to a child food and beverages that may not meet the nutrition~~
27 ~~standards.~~
28 g. Nutrition standards. – The Commission shall adopt rules for child
29 care facilities to ensure that food and beverages provided by a child
30 care facility are nutritious and align with children's developmental
31 needs. The Commission shall consult with the Division of Child
32 Development and Early Education of the Department of Health and



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1 Human Services to develop nutrition standards to provide for
2 requirements appropriate for children of different ages. In developing
3 nutrition standards, the Commission shall consider the following
4 recommendations:

- 5 1. Limiting or prohibiting the serving of sweetened beverages,
6 other than one hundred percent (100%) fruit juice to children
7 of any age.
- 8 2. Limiting or prohibiting the serving of whole milk to children
9 two years of age or older or flavored milk to children of any
10 age.
- 11 3. Limiting or prohibiting the serving of more than six ounces of
12 juice per day to children of any age.
- 13 4. Limiting or prohibiting the serving of juice from a bottle.

14 h. Parental exceptions. –

- 15 1. Parents or guardians of a child enrolled in a child care facility
16 may (i) provide food and beverages to their child that may not
17 meet the nutrition standards adopted by the Commission and
18 (ii) opt out of any supplemental food program provided by the
19 child care facility. The child care facility shall not provide
20 food or beverages to a child whose parent or guardian has
21 opted out of any supplemental food program provided by the
22 child care facility and whose parent or guardian is providing
23 food and beverages for the child.
- 24 2. The Commission, the Division of Child Development and
25 Early Education of the Department of Health and Human
26 Services, or any State agency or contracting entity with a
27 State agency shall not evaluate the nutritional value or
28 adequacy of the components of food and beverages provided
29 by a parent or guardian to his or her child enrolled in a child
30 care facility as an indicator of environmental quality ratings.

- 31 i. Rest time. – Each child care facility shall have a rest period for each
32 child in care after lunch or at some other appropriate time and
33 arrange for each child in care to be out-of-doors each day if weather
34 conditions permit."

35 **SECTION 2.** Section 10.7(f) of S.L. 2011-145 is rewritten to read:

36 **"SECTION 10.7.(f)** ~~The prekindergarten program may continue to serve at-risk children~~
37 ~~identified through the existing "child find" methods in which at-risk children are currently~~
38 ~~served within the Division of Child Development. The Division of Child Development shall~~
39 ~~serve at-risk children regardless of income. However, the total number of at-risk children~~
40 ~~served shall constitute no more than twenty percent (20%) of the four-year olds served within~~
41 ~~the prekindergarten program. Any~~ The Division of Child Development and Early Education
42 shall establish income eligibility requirements for the program not to exceed seventy-five
43 percent (75%) of the State median income. Up to twenty percent (20%) of children enrolled
44 may have family incomes in excess of seventy-five percent (75%) of median income if they
45 have other designated risk factors. Furthermore, any age-eligible child who is a child of either
46 of the following shall be eligible for the program: (i) an active duty member of the Armed
47 Forces of the United States, including the North Carolina National Guard, State military forces,
48 or a reserve component of the Armed Forces, who was ordered to active duty by the proper
49 authority within the last 18 months or is expected to be ordered within the next 18 months or
50 (ii) a member of the Armed Forces of the United States, including the North Carolina National
51 Guard, State military forces, or a reserve component of the Armed Forces, who was injured or

1 killed while serving on active duty. Eligibility determinations for prekindergarten participants
2 may continue through local education agencies and local North Carolina Partnership for
3 Children, Inc., partnerships."

4 **SECTION 3.** Section 10.7(h) of S.L. 2011-145 is repealed.

5 **SECTION 4.** This act is effective when it becomes law.