

§ 115C-264. Operation.

(a) Local boards of education operating school nutrition programs shall participate in the National School Lunch Program established by the federal government. School nutrition programs shall be under the jurisdiction of the Division of School Nutrition of the Department of Public Instruction.

(b) For nutritional purposes, schools shall not do any of the following:

- (1) Use cooking oils in their school nutrition programs that contain trans-fatty acids.
- (2) Sell processed foods containing trans-fatty acids that were formed during the commercial processing of the foods.

(c) All school nutrition services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve more nutritious food, or to provide free or reduced-price meals to economically disadvantaged children and for no other purpose. The term "cost of operation" means the actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing nutrition services, and the cost of nonfood supplies as outlined under standards adopted by the State Board of Education. "Personnel" means school nutrition supervisors or directors, bookkeepers or other staff directly engaged in nutrition services record keeping, and those persons directly involved in preparing and serving food. School nutrition personnel shall be paid from the funds of the school nutrition program only for services rendered on behalf of the school nutrition program. Any cost incurred in the provisions and maintenance of school nutrition services over and beyond the cost of operation shall be included in the budget request filed annually by local boards of education with boards of county commissioners. Local boards of education are not required to comply with G.S. 115C-522(a) in the purchase of supplies and food for such school nutrition services. (1955, c. 1372, art. 5, s. 34; 1965, c. 912; 1967, c. 990; 1975, c. 384; 1981, c. 423, s. 1; 1991 (Reg. Sess., 1992), c. 900, s. 78; 2003-147, s. 5; 2004-124, s. 7.29(a); 2004-203, ss. 72(a), (b); 2005-253, s. 1; 2022-71, s. 2.4(c).)