HOUSE DOCKET, NO. 1500 FILED ON: 1/20/2011

HOUSE . . . . . No. 1056

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act promote healthy school meals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
William N. Brownsberger	☐ *[District]* ☐
Jennifer E. Benson	*37th Middlesex*
John P. Fresolo	*16th Worcester*
Sean Garballey	*23rd Middlesex*
Timothy J. Toomey, Jr.	*26th Middlesex*
John J. Binienda	*17th Worcester*
Gale D. Candaras	☐ *[District]* ☐
James B. Eldridge	☐ *[District]* ☐
Jonathan Hecht	*29th Middlesex*
Stephen Kulik	*1st Franklin*
Jason M. Lewis	*31st Middlesex*

Denise Provost	*27th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Ellen Story	*3rd Hampshire*

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HOUSE . . . . . No. 1056

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1056) of Kay Khan and others for legislation to promote nutritional meals in the public schools. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *448* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act promote healthy school meals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

This law establishes a pilot program within the department of education to create an incentive for schools to improve the nutrition of and amount of local Massachusetts-grown food in meals served.

Background:

This law would lay the foundation for school wellness policy improvement and both school incentives and accountability for wellness work, beginning with the nutrition of meals and a la carte offerings. The goal is to increase the nutritional standard of and proportion of fresh, locally grown food in meals served to public school students in schools participating in the National School Lunch Program and School Breakfast.

Line item 7053-1909 appropriates the Commonwealth's match to cities and towns for federal reimbursement of lunches to students.

7053-1909 For reimbursements to cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter 538 of the acts of 1951, and for supplementing funds allocated for the special milk program; provided, that notwithstanding any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public

18 Law 79-396, as amended, cited as the National School Lunch Act and in the regulations
19 implementing the act

20 Section 1

21 Sec. 69 of the General Laws is hereby amended by inserting the following new section:

22 Section 10. Healthy School Meals Program

23 It is hereby established the Pilot Rewards for Healthy School Meals Program. The State
24 Department of Elementary and Secondary Education is authorized to expend in each fiscal year
25 an amount equal to (1) the money required pursuant to the matching requirements of federal laws
26 and shall disburse the same in accordance with said laws with (2) an additional ten cents per
27 lunch served in the prior school year as the rewards for awardees selected for the pilot Healthy
28 School Meals Program. Those schools eligible to apply for these awards are those under the
29 jurisdiction of any local or regional school district, the regional vocational-technical school
30 system or governing authority of an interdistrict magnet school that participates in the National
31 School Lunch Program and that applies to the State Department of Education Pilot Rewards for
32 Healthy School Meals Program, and is judged by the Massachusetts Department of Elementary
33 and Secondary Education as meeting criteria for a Healthy School Meals Program. In order to
34 qualify for rewards for Healthy School Meals Program, eligible schools must also have
35 committed to a written School Wellness Policy that complies with the standards set by Section
36 204 of the national Child Nutrition and WIC Reauthorization Act of 2004.

37 The Massachusetts Department of Elementary and Secondary Education, in consultation
38 with the Department of Public Health, will promulgate standards for school certification as
39 Healthy School Meals schools. The standards will include a) a minimum proportion of use of
40 locally grown fresh fruits and vegetables in season as part of school meals and a la carte
41 offerings as demonstrated in school food purchasing records; and b) meeting the nutrition
42 standards for school lunches, either by meeting the United States Department of Agriculture
43 Healthier U.S. Challenge award or by meeting the nutrition standards as delineated in the most
44 recent Institute of Medicine report on Nutrition Standards for School Lunches. The Department
45 of Elementary and Secondary Education will establish methods including on-site review to
46 determine that schools meet these criteria and are eligible to apply.

47 The Massachusetts Department of Elementary and Secondary Education shall prescribe
48 the manner and time of application by local or regional schools and school districts, the regional
49 vocational-technical school system, such governing authority for such funds, provided such
50 application shall include the certification that any funds received pursuant to subsection (a) of
51 this section shall be used for the purpose of purchasing foods for school meals, a la carte or
52 federally reimbursed school lunches. The State Board of Education shall determine the eligibility
53 of the applicant to receive such grants pursuant to regulations provided.

54 (c) The Massachusetts Department of Elementary and Secondary Education may adopt
55 such regulations as may be necessary in implementing sections above, inclusive.

56 (d) The Commissioner of Education shall establish a procedure for monitoring
57 compliance by boards of education, the regional vocational-technical school system, or
58 governing authorities with certifications submitted in accordance with this act and may adjust
59 grant amounts pursuant to (a) of this section based on failure to comply with said certification.