

**SENATE . . . . . No. 260**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to 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:*

1 SECTION 1. Sec. 69 of the General Laws is hereby amended by inserting the following  
2 new section:

3 Section 10. Healthy School Meals Program

4 It is hereby established the Pilot Rewards for Healthy School Meals Program. The State  
5 Department of Elementary and Secondary Education is authorized to expend in each fiscal year  
6 an amount equal to (1) the money required pursuant to the matching requirements of federal laws  
7 and shall disburse the same in accordance with said laws with (2) an additional ten cents per  
8 lunch served in the prior school year as the rewards for awardees selected for the pilot Healthy  
9 School Meals Program. Those schools eligible to apply for these awards are those under the  
10 jurisdiction of any local or regional school district, the regional vocational-technical school  
11 system or governing authority of an interdistrict magnet school that participates in the National  
12 School Lunch Program and that applies to the State Department of Education Pilot Rewards for  
13 Healthy School Meals Program, and is judged by the Massachusetts Department of Elementary  
14 and Secondary Education as meeting criteria for a Healthy School Meals Program. In order to

15 qualify for rewards for Healthy School Meals Program, eligible schools must also have  
16 committed to a written School Wellness Policy that complies with the standards set by Section  
17 204 of the national Child Nutrition and WIC Reauthorization Act of 2004.

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

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

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

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