HOUSE DOCKET, NO. 4722 FILED ON: 3/29/2018

HOUSE . . . . . No. 4422

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas

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 adoption of the accompanying bill:

An Act to promote student nutrition.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Andres X. Vargas	*3rd Essex*	*3/29/2018*
Cynthia Stone Creem	*First Middlesex and Norfolk*	*3/29/2018*
Ruth B. Balser	*12th Middlesex*	*4/2/2018*
Denise Provost	*27th Middlesex*	*4/2/2018*
Frank I. Smizik	*15th Norfolk*	*4/4/2018*
Natalie Higgins	*4th Worcester*	*4/2/2018*
Timothy R. Whelan	*1st Barnstable*	*4/3/2018*
Mathew Muratore	*1st Plymouth*	*4/2/2018*
Carmine L. Gentile	*13th Middlesex*	*4/3/2018*
Frank A. Moran	*17th Essex*	*4/3/2018*
Marjorie C. Decker	*25th Middlesex*	*4/4/2018*
Diana DiZoglio	*14th Essex*	*4/6/2018*
Lori A. Ehrlich	*8th Essex*	*4/6/2018*
Stephan Hay	*3rd Worcester*	*4/6/2018*
Louis L. Kafka	*8th Norfolk*	*4/6/2018*
John F. Keenan	*Norfolk and Plymouth*	*4/4/2018*
Kay Khan	*11th Middlesex*	*4/4/2018*
Barbara A. L'Italien	*Second Essex and Middlesex*	*4/6/2018*

Jack Lewis	*7th Middlesex*	*4/4/2018*
José F. Tosado	*9th Hampden*	*4/5/2018*
Bud Williams	*11th Hampden*	*4/4/2018*

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By Mr. Vargas of Haverhill, a petition (subject to Joint Rule 12) of Andres X. Vargas and others relative to the responsibilities of school districts regarding school lunches. Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act to promote student nutrition.

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

SECTION 1: Chapter 71 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting the following new section:

Section 72A:

(1) No school or school district personnel or school volunteer may:

(a) Take any action that would publicly identify a student when payment has not been received for a school meal or for meals previously served to the student, or by serving the student an alternative meal;

(b) Require a student or food services staff to dispose of an already served meal because of the student's inability to pay for the meal or because of money owed for meals previously served to the student;

(c) Prohibit a student or sibling of a student from attending or participating in extracurricular activities or school events, including graduation, school dances, and sports because of the student's inability to pay for a school meal or meals previously served to the student or from receiving grades or report cards;

(d) Allow any disciplinary action that is taken against a student to result in the denial or delay of a nutritionally adequate and reimbursable meal to the student; or

(e) Require a parent or guardian to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.

(2) Communications from a school or school district about amounts owed for meals previously served to a student may only be directed to the student's parent or guardian. Nothing in this subsection prohibits a school or school district from sending a student home with a notification that is addressed to the student's parent or guardian.

(3) A school district shall not inform the Department of Children and Families of unpaid debt.

(4) (a) A school district shall notify a parent or guardian of the negative balance of a student's school meal account no later than ten days after the student's meal account has reached a negative balance. Within 30 days of sending this notification, the school district shall exhaust all options to directly certify the student for free or reduced-price meals. Within these 30 days, while the school district is attempting to certify the student for free or reduced-price meals, the student may not be denied access to a school meal.

(b) If the school district is unable to directly certify the student for free or reduced-price meals, the school district shall provide the parent or guardian with a paper copy of or an electronic link to an application for free or reduced-price meals with the notification required by (a) of this subsection and encourage the parent or guardian to submit the application. The school district shall also provide information to the parent or guardian about the availability of Supplemental Nutrition Assistance Program benefits, including the Project Bread FoodSource Hotline and other community organizations that assist with filing applications for said benefit.

(5) A school district shall take steps to maximize federal revenues and minimize debt on families by:

(a) At least monthly, taking steps to directly certify students for free school meals by determining if the student, sibling or other child living with a student has enrolled in assistance programs including the supplemental nutrition assistance program, the temporary assistance for needy families, and/or the Medicaid program.

(b) Allow all students to qualify for free or reduced-price meals for a full 30 operational days of the school year if the student qualified for said free or reduced-price meals in the prior school year and shall bill for federal reimbursement accordingly.

(c) Taking the following steps if a student has not paid for five or more previous meals:

(1) Determine whether the student is categorically eligible for free meals by virtue of receipt of a federal benefit, or the student is in foster care, homeless or migrant;

(2) If no application for free or reduced-price meals has been submitted for the student, make no fewer than two attempts to contact the student's parent or guardian to have him or her submit said application; and

(3) Have a principal or other designee contact the parent or guardian for the purpose of (a) offering assistance with completing an application, (b) determining whether there are any household issues that may prevent the student from having sufficient funds for school meals and (c) offering appropriate assistance.

(4) If a school becomes aware that the student who has not submitted a meal application is eligible for free or reduced-price meals, the school shall complete an application for the student pursuant to title 7, section 245.6(d) of the code of federal regulations.

(d) Providing written or electronic materials to families about the availability of the federal supplemental nutrition assistance program and eligibility, including information that advises families that receipt of said benefit by any child in the household will allow all students living with that child or children to qualify for free school meal status.

(6) School districts with district-wide or individual schools with forty-percent or more economically disadvantaged students, as defined by the Department of Elementary and Secondary Education, shall be required to elect and implement the federal community eligibility option to provide universal free school meals to all students, unless the district school board votes to not participate in this federal option or the Department determines that the school district and/or individual schools no longer have the requisite percentage.

(7) The Department of Elementary and Secondary Education shall convene a task force to monitor implementation of the provisions of this bill and shall report back to the clerks of the

senate and house by December 31, 2019. The task force shall consist of the commissioner of elementary and secondary education or his designee, who shall service as chair; the secretary of education or a designee; the department of transitional assistance or his designee, the executive director of the Massachusetts Association of School Committees or a designee; the executive director of the Massachusetts Association of School Superintendents or a designee; the executive director of the Massachusetts School Administrators' Association or a designee; the executive director of the Massachusetts Law Reform Institute, or a designee; the executive director of Project Bread-Walk for Hunger, or a designee, the executive director of the School Nutrition Association of Massachusetts or a designee, and at least one representative from a food services union or association of food services cafeteria workers.