

SENATE No. 2664

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-First General Court
(2019-2020)
—

SENATE, April 27, 2020.

The committee on Education, to whom were referred the petition (accompanied by bill, Senate, No. 256) of Cynthia Stone Creem, Andres X. Vargas, Mary S. Keefe, James B. Eldridge and other members of the General Court for legislation to promote student nutrition; and the petition (accompanied by bill, Senate, No. 257) of Cynthia Stone Creem, Andres X. Vargas, William N. Brownsberger, Tram T. Nguyen and other members of the General Court for legislation to expand access to school lunch, reports the accompanying bill (Senate, No. 2664).

For the committee,
Jason M. Lewis

SENATE No. 2664

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

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:

1 SECTION 1: Chapter 71 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after section 72 the following section:-

3 Section 72A. School Nutrition and Meal Debt.

4 (a) It is hereby declared to be the policy of the commonwealth to encourage all school
5 committees and school districts to adopt as a policy: (i) the promotion of access to healthy meals
6 for all students; (ii) maximization of federal reimbursement for said meals; and (iii) the reduction
7 in school meal debt by school districts and families.

8 (b) School districts that elect to waive the reduced-price fee for breakfast and lunch for
9 families who qualify for reduced-price status may request and shall receive reimbursement from
10 the department of elementary and secondary education for said co-payment; provided that school
11 districts that receive reimbursements shall offer to assist families with either an application for
12 federal supplemental nutrition assistance program benefits or a direct referral to an outreach

13 partner identified by the department of transitional assistance or department of elementary and
14 secondary education.

15 (c) The executive office of health and human services shall conduct a financial eligibility
16 determination for Medicaid coverage in accordance with the income eligibility requirements
17 under 42 USCA Section 1902(a) for certain needy children living with grandparents or other
18 non-parent caretaker adults. This financial eligibility determination shall be made for said
19 children receiving state Supplemental Security Income benefits pursuant to chapter 118 A of the
20 General Laws or receiving federal or state guardianship assistance payments administered
21 through the department of children and families. Alternatively, the executive office may direct
22 the department of transitional assistance to provide said needy child with a benefit under the
23 transitional assistance for families with dependent children program pursuant to chapter 118 of
24 the General Laws. Said financial determination and/or issuance of chapter 118 benefits shall be
25 made for the purpose of qualifying said child for federal nutrition benefits for which they may be
26 otherwise eligible.

27 (d) School districts and individual schools with sixty percent or more identified student
28 percentage, as defined by 7 C.F.R . 245.9(f), shall be required to elect and implement the federal
29 Community Eligibility Provision or Provision 2 to provide universal free school breakfast and
30 lunch to all students. This provision may be waived if the district is able to justify to the
31 department that implementation will incur financial hardship to the district.

32 Individual schools with fifty percent or more identified student percentage, as defined by
33 7 C.F.R . 245.9(f), shall be required to elect and implement the federal community eligibility
34 option or Provision 2 to provide universal free breakfast and lunch to all students unless the

35 district school board votes before June 1 of the first year of eligibility to not participate in one of
36 the federal options, or the department determines that the school district and/or individual
37 schools no longer have the requisite qualifying percentage. A school nutrition director or
38 designee shall be required to attend at least one training by the department to learn about
39 community eligibility provision available to said district before the vote taken by the school
40 committee.

41 (e) A school district superintendent or designee shall notify a parent or guardian of the
42 negative balance of a student's school meal account no later than ten days after the student's
43 meal account has reached a negative balance of five meals.

44 The notice shall include information on how to apply for free or reduced-price meal
45 status and basic information on how the family can apply for supplemental nutrition assistance
46 program through the department of transitional assistance or through an outreach partner
47 including Project Bread.

48 Any school or school district communications about amounts owed for meals previously
49 served to a student must be directed to the student's parent or guardian.

50 School districts should ensure that any information provided to families about the
51 availability of school meals includes clear information that families can apply for free or
52 reduced-price meal status at any time during the school year.

53 A school district or agent of said district shall not inform the department of children and
54 families of unpaid meal debt.

55 (f) School districts that participate in the national school lunch program shall take steps to
56 maximize federal revenues and minimize debt on families by, at least monthly, taking steps to
57 directly certify students for free school meal status under protocol determined by the department.
58 The department shall continue to offer assistance to districts to improve the direct certification
59 process and reduce administrative burdens on said districts. The department shall also consult
60 with representatives from the school nutrition association and other appropriate stakeholders to
61 advise the department on best practices to maximize direct certification.

62 (g) Within 30 days of sending a notification to a family about unpaid meal debt that
63 remains unresolved, the school district shall attempt to exhaust all options to directly certify the
64 student as categorically eligible for free or reduced-price meals. Within these 30 days, while the
65 school district is attempting to directly certify the student for free or reduced-price meals, the
66 student may not be denied access to a school meal until the district has made a determination that
67 the family is neither free nor reduced-price meal eligible.

68 The school district is also encouraged to exercise its discretion under title 7, section
69 245.6(d) of the code of federal regulations to complete a school meal application for a student in
70 need.

71 (h) No employee, agent, or volunteer of a school or school district may:

72 (i) take any action that would publicly identify a student when payment has not been
73 received for a school meal or for meals previously served to the student;

74 (ii) serve a student with unpaid meal debt an alternative meal that is not also available to
75 all students at the cafeteria, provided said alternative meal complies with the pattern for a
76 federally reimbursable meal;

77 (iii) deny a student a meal as a form of behavioral discipline or punishment for bad
78 behavior;

79 (iv) dispose of an already served meal because of the student's lack of funds to pay for
80 the meal or because of unresolved meal debt; (v) prohibit a student or a sibling of a
81 student from attending or participating in non-fee based extracurricular activities, field trips or
82 school events solely because of the student's unresolved meal debt, nor prohibit a student from
83 receiving grades, official transcripts, report cards or graduation solely because of unresolved
84 meal debt; or

85 (vi) require a parent or guardian to pay fees or costs in excess of the actual amounts owed
86 for meals previously served to the student.