

SENATE No. 2532

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—

SENATE, September 20, 2021.

The committee on Senate Ways and Means to whom was referred the House Bill promoting student nutrition (House, No. 3999) (also based on Senate, No. 298); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2532.

For the committee,
Michael J. Rodrigues

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1 SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after
2 section 72 the following 2 sections:-

3 Section 72A. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Federal community eligibility provision”, as described in 7 C.F.R. 245.9(f).

6 “Identified student percentage”, as defined in 7 C.F.R. 245.9(f)(1)(iii).

7 “Provision 2”, as described in 7 C.F.R. 245.9(b).

8 (b)(1) A school district or individual school with an identified student percentage that is
9 not less than 60 per cent shall elect and implement the federal community eligibility provision or
10 provision 2 to provide universal free school breakfast and lunch to all students. This paragraph
11 may be waived by the department if a school district or individual school is able to justify to the
12 department that implementation will result in financial hardship to the school district or
13 individual school.

14 (2) A school district or an individual school with an identified student percentage that is
15 not less than 50 per cent but less than 60 per cent shall elect and implement the federal

16 community eligibility provision or provision 2 to provide universal free school breakfast and
17 lunch to all students unless: (i) the school committee for the school district or individual school
18 votes, not later than June 1 of the first year of eligibility, to decline to participate in either the
19 federal community eligibility provision or provision 2; or (ii) the department determines that the
20 school district or individual school no longer has the qualifying identified student percentage.
21 This paragraph may be waived by the department if a school district or an individual school is
22 able to justify to the department that implementation will result in financial hardship to the
23 school district or individual school.

24 (3) A school nutrition director or their designee shall attend at least 1 training by the
25 department to learn about the federal community eligibility provision and other federal options
26 that may be available to a school district or an individual school before a school committee vote
27 or determination by the department pursuant to paragraph (1) or paragraph (2).

28 (c) A school district that participates in the national school lunch program shall take steps
29 to maximize federal revenues and minimize debt on families under a protocol determined by the
30 department that promotes the certification of students for free school meal status. The department
31 shall assist school districts with improving the direct certification process and reducing
32 administrative burdens on school districts. The department shall consult with representatives
33 from the School Nutrition Association of Massachusetts, Inc. and relevant stakeholders to
34 promote best practices to maximize federal revenues.

35 Section 72B. (a) A school district superintendent or their designee shall notify a parent or
36 guardian of a student's unpaid meal debt that remains unresolved. Within 30 days of notifying a
37 family of the unpaid meal debt, the school district shall determine if the student is categorically-

38 eligible for free or reduced-price meals. During the 30-day period, while the school district
39 determines the student's eligibility for free or reduced-price meals, the student shall not be
40 denied access to a school meal until the district has made a determination that the family is
41 ineligible for free or reduced-price meals. The department shall establish the protocol that a
42 school district superintendent or their designee shall use when notifying a parent or guardian or a
43 student's unpaid meal debt.

44 (b) No employee, agent or volunteer of a school or school district shall:

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

47 (ii) serve a student with unpaid meal debt an alternative meal that is not also available to
48 all students at the cafeteria; provided, however, that the alternative meal shall comply with the
49 pattern for a federally-reimbursable meal;

50 (iii) deny a student a meal as a form of behavioral discipline or punishment;

51 (iv) dispose of an already served meal because of the student's lack of funds to pay for
52 the meal or because of unresolved meal debt;

53 (v) prohibit a student or a sibling of a student from attending or participating in non-fee
54 based extracurricular activities, field trips or school events solely because of the student's
55 unresolved meal debt;

56 (vi) prohibit a student from receiving grades, official transcripts, report cards or from
57 graduating or attending graduation events solely because of unresolved meal debt; or

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

60 SECTION 2. Section 72A of chapter 71 of the General Laws, as inserted by section 1,
61 shall take effect on October 1, 2021.