

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 establishing the Massachusetts farm to school program.

PETITION OF:

NAME:

Joanne M. Comerford

DISTRICT/ADDRESS:

Hampshire, Franklin and Worcester

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 243 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act establishing the Massachusetts farm to school program.

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 69 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 38. (a) (1) The department of elementary and secondary education shall
4 administer a Massachusetts Farm to School Program, consisting of a grant program and a local
5 food incentive, with the aim of strengthening the commonwealth’s food and agriculture
6 economy, improving student health and nutrition and building food literacy amongst students.

7 The program shall build the capacity of primary and secondary schools and licensed childcare
8 programs to purchase ingredients grown, raised, caught and processed in Massachusetts and
9 other states in the New England region or the state of New York, prepare scratch-cooked meals
10 and provide food literacy education to students, including, but not limited to, curriculum on the
11 food system and the use of experiential and garden-based learning.

12 (2) The department shall establish an advisory committee to advise the department on the
13 development and administration of the Farm to School Program. The committee shall include a
14 representative from each of the following groups: the department of agricultural resources, the
15 department of early education and care, the division of marine fisheries, Massachusetts Farm to
16 School and the School Nutrition Association of Massachusetts, Inc., and a geographically and
17 demographically diverse group of stakeholders appointed by the commissioner.

18 (3) The department shall employ a full time program coordinator for the Farm to School
19 Program. The responsibilities of the program coordinator shall include:

20 (i) working with the advisory committee to instruct the department on actions and
21 strategies for establishing and implementing the Massachusetts Farm to School program; (ii)
22 overseeing program implementation; (iii) assessing and building the capacity of interested
23 School Food Authorities and early education and care programs to participate in the program,
24 which may include contracting with public and nonprofit entities to provide technical assistance
25 to school and early education staff, farmers, food distributors and processors; and (iv) ensuring
26 timely reimbursement to participating School Food Authorities and early education and care
27 programs.

28 (b) (1) The department shall, in consultation with the advisory committee established in
29 subsection (a) of this section, establish a Farm to School grant program to advance the use of
30 local foods in schools and provide food literacy education to students.

31 (2) To be eligible for grant funding the department shall require that applicants: (i) be a
32 K-12 school or licensed child care program located in the commonwealth; and (ii) provide meals
33 through the National School Lunch Program or the Child and Adult Care Food Program.

34 (3) The grant program shall provide, subject to appropriation, funding for the following
35 local food and food literacy priorities: (i) adequate kitchen equipment used to prepare food for
36 serving in school or early education meals and snacks including, but not limited to, local, fresh
37 produce, meats, seafood and dairy items; (ii) training for kitchen staff in preparing fresh meals
38 using local ingredients and in procuring such ingredients; (iii) training for educators and other
39 school or early education staff in adding or integrating food system lessons to their curriculum;
40 (iv) programming for curricular and extracurricular activities, such as farm field trips and school
41 gardens, for students to learn about agriculture and the food system; and (v) infrastructure for
42 classroom projects related to food literacy such as school gardens or indoor growing systems.

43 (4) There shall be established and set up on the books of the commonwealth a separate
44 fund, to be administered by the commissioner of the department of elementary and secondary
45 education, which shall be known as the Massachusetts Farm to School Fund. The Fund shall
46 consist of all revenues from public and private sources as appropriations, gifts, grants, donations,
47 reimbursements from the federal government and grants-in-aid or other receipts to further the
48 purposes of the Fund in accordance with this section. Any unexpended funds appropriated for
49 purposes of this section shall not lapse at the end of the fiscal year but shall be available for
50 expenditure during the next fiscal year.

51 (5) The department, in consultation with the advisory committee, shall promulgate
52 regulations or guidelines to implement the grant program established pursuant to subsection (b)
53 of this section. The regulations or guidelines promulgated by the department shall include
54 eligibility criteria that promotes geographic, social, economic and racial equity in distribution of
55 grant funds. Grants shall be awarded in consultation with the advisory committee.

56 (c) (1) The department shall, in consultation with the advisory committee established in
57 subsection (a), develop a Massachusetts Local Food Incentive program, to reimburse school food
58 authorities, as defined in 7 CFR 225.2 and hereinafter referred to as SFAs, and licensed early
59 education and care programs participating in the Child and Adult Care Feeding Program, as
60 defined in section 1 of chapter 15D, for money spent to purchase food from local farms, fishers
61 and producers.

62 (2) School districts participating in the federal National School Lunch Program and
63 licensed early education and care programs participating in the federal Child and Adult Care
64 Feeding Program shall be eligible for participation and reimbursement through the program.
65 Participants in the program shall be reimbursed 1 dollar for every 2 dollars of purchases of
66 products grown, raised or caught in Massachusetts. Participants in the program shall be
67 reimbursed 1 dollar for every 3 dollars of purchases from regional vendors where such product
68 originates within other states in the New England region or the state of New York. Food
69 purchases eligible for reimbursement shall include direct purchases from farms and farmer
70 cooperatives, fishers and fishing cooperatives, food hubs and wholesale distributors. The
71 department shall confirm the place of origin for the products through self-attestation from the
72 originating producer or any other user-friendly means required by the department.

73 (3) The department, in consultation with the advisory committee, shall promulgate rules
74 relative to the specifications and qualifications for eligible foods for the program including, but
75 not limited to, value-added dairy, unprocessed and lightly processed seafood, pork, beef, poultry,
76 eggs, fruits, vegetables, grains, honey and maple syrup. The department shall encourage
77 purchases of products originating from socially disadvantaged farmers or producers or from
78 small farm or seafood businesses, as documented to participating SFAs or early education and

79 care programs. All food items purchased through the program shall comply with federal Child
80 Nutrition Program guidelines. When developing the rules, the department, in consultation with
81 the advisory committee, shall consider any necessary differences in program administration to
82 ensure equitable participation by early education programs.

83 (4) The department shall, in consultation with the advisory committee, promulgate
84 regulations to implement the program, which shall include eligibility criteria, promotional and
85 outreach campaigns, identification of product eligibility, sourcing information and guidelines for
86 reimbursement and reporting requirements. The department shall annually determine the
87 maximum funding award per district or early education program based on the annual
88 appropriation level and any available federal funding. The department shall maximize federal
89 financial participation for state expenditures made on behalf of program enrollees and work to
90 ensure any available federal funds are incorporated into existing programs for eligible SFAs and
91 early education programs. The regulations or guidelines promulgated by the department shall
92 promote geographic, social, economic and racial equity in program impact and in distribution of
93 state funds.

94 (d) The department shall, in consultation with the advisory committee, annually on or
95 before January 31, submit a report of the Massachusetts Farm to School program's activities and
96 impact to the clerks of the house and the senate, the house and senate committees on ways and
97 means, the joint committee on education and the joint committee on agriculture. To write this
98 report, the department shall, in consultation with the advisory committee, develop a survey on
99 the grant program and the local food incentive to be distributed annually to participating school
100 districts and early education programs in order to collect data to document the impacts of the
101 program and any challenges, including additional staffing or training needs. The annual report

102 shall describe the program’s impacts including, but not limited to: (i) testimonials from students,
103 teachers and staff at participating schools and early education programs and participating
104 producers and food businesses; (ii) the number of impacted students in participating schools and
105 early education programs; (iii) the number of new or expanded school gardens; (iv) the value of
106 food purchased through the incentive program, including a breakdown of the number, business
107 type and geographic location of participating farms, producers and food businesses; and (v)
108 analysis of the current unmet need for the program and what financial and other resources are
109 needed to meet said needs.

110 SECTION 2. The department of elementary and secondary education shall promulgate
111 regulations pursuant to the program set forth in section 1 within 180 days of the effective date of
112 this act.