

Acts (2021)

Chapter 62

AN ACT PROMOTING STUDENT NUTRITION

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to promote student nutrition, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 is hereby amended by inserting after section 72 the following 2 sections:-

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

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

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

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

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

(2) A school district or an individual school with an identified student percentage that is not less than 50 per cent but less than 60 per cent shall elect and implement the federal community eligibility provision or provision 2 to provide universal free school breakfast and lunch to all students unless: (i) the school committee for the school district or individual school votes, not later than June 1 of the first year of eligibility, to decline to participate in either the federal community eligibility provision or provision 2; or (ii) the department determines that the school district or individual school no longer has the qualifying identified student percentage. This paragraph may be waived by the department if a school district or an individual school is able to justify to the department that implementation will result in financial hardship to the school district or individual school.

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

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

Section 72B. (a) A school district superintendent or their designee shall notify a parent or guardian of a student's unpaid meal debt that remains unresolved. Within 30 days of notifying a family of the unpaid meal debt, the school district shall determine if the student is categorically-eligible for free or reduced-price meals. During the 30-day period, while the school district determines the student's eligibility for free or reduced-price meals, the student shall not be denied access to a school meal until the district has made a determination that the family is ineligible for free or reduced-price meals. The department shall establish the protocol that a school district superintendent or their designee shall use when notifying a parent or guardian of a student's unpaid meal debt.

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

(i) 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;

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

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

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

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

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

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

Approved, October 14, 2021.