

**HOUSE . . . . . No. 715**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Andres X. Vargas and Sean Garballey*

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:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>2/4/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/4/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/5/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/5/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/8/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/9/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/17/2021</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>2/19/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/20/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/22/2021</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/24/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/24/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/25/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/26/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/26/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/26/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/26/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>

<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/26/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/21/2021</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>5/7/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>5/10/2021</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>5/13/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>5/19/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>5/25/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>5/27/2021</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>5/28/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>5/28/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>5/28/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>6/16/2021</i>

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By Messrs. Vargas of Haverhill and Garballey of Arlington, a petition (accompanied by bill, House, No. 715) of Andres X. Vargas, Sean Garballey and others relative to promoting student nutrition. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 585 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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;

81 (v) prohibit a student or a sibling of a student from attending or participating in non-fee  
82 based extracurricular activities, field trips or school events solely because of the student's  
83 unresolved meal debt, nor prohibit a student from receiving grades, official transcripts, report  
84 cards or graduation solely because of unresolved 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.