

# STATE OF NEW YORK

8203

2017-2018 Regular Sessions

## IN ASSEMBLY

June 2, 2017

Introduced by M. of A. NOLAN, COLTON, DICKENS, FAHY, GALEF, GJONAJ, JAFFEE, JENNE, OTIS, QUART, ROSENTHAL, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ABBATE, BRAUNSTEIN, CAHILL, MOSLEY -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring schools to adopt a school meal policy regarding unpaid school meal fees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 908 to  
2 read as follows:

3 § 908. School meal policy. 1. a. The board of education, the trustee,  
4 or the board of trustees of each school district, board of cooperative  
5 educational services, county vocational education and extension boards,  
6 charter school, and non-public school in this state that provides a meal  
7 to students during the school day shall adopt and implement a policy to  
8 ensure that: (i) a student who is enrolled in the National School Lunch  
9 Program, School Breakfast Program or Special Milk Program is not shamed  
10 or treated differently than a student who is not enrolled in such  
11 programs; and (ii) a student whose parent or guardian has unpaid school  
12 meal fees is not shamed or treated differently than a student whose  
13 parent or guardian does not have unpaid school meal fees. For the  
14 purposes of this section, different treatment or shaming shall include,  
15 but not be limited to, publicly naming or labeling a student, denying or  
16 delaying a meal to a student, or requiring a student to do chores for a  
17 meal.

18 b. The policy adopted pursuant to this subdivision shall: (i) explain  
19 how school personnel and volunteers will be trained to ensure that the  
20 policy is implemented; (ii) designate a school administrator or adminis-  
21 trators responsible for implementation of the policy; and (iii) estab-  
22 lish procedures to address violations of the policy. Violations of the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 policy may be appealed to the commissioner pursuant to the rules and  
2 regulations of the department.

3 c. The policy adopted pursuant to this subdivision shall be incorpo-  
4 rated into any contract with a food service management company to  
5 provide meals to students in a school.

6 d. The policy adopted pursuant to this subdivision shall be adopted  
7 with input from school personnel, parents, students and any other inter-  
8 ested parties.

9 e. This section shall not apply to school districts or schools where  
10 all students are eligible for a school meal under the Community Eligi-  
11 bility Provision of the federal National School Lunch Act.

12 2. a. The board of education, the trustee, or the board of trustees of  
13 each school district, board of cooperative educational services, county  
14 vocational education and extension boards, charter school, and non-publ-  
15 ic school in this state that provides a meal to students during the  
16 school day but does not participate in the Community Eligibility  
17 Provision of the federal National School Lunch Act shall distribute  
18 information about school meal programs available to students. The infor-  
19 mation to be distributed shall include, but not be limited to: (i) a  
20 description of each school meal program; (ii) program eligibility crite-  
21 ria; (iii) the cost of a school meal program to the student's parent or  
22 guardian; (iv) how payments may be made and how unpaid meal fees will be  
23 collected; and (v) enrollment forms for school meal programs and a  
24 description of the enrollment process, including the name of a person or  
25 persons whom a parent or guardian may consult about school meal  
26 programs.

27 b. The information required to be distributed pursuant to this subdivi-  
28 vision shall be provided, in writing, to all parents or guardians of  
29 students and distributed in school enrollment packets and published on  
30 the school or school district website.

31 3. a. Each school or school district shall establish a policy and  
32 advise parents and guardians in writing and on the school or school  
33 district website about: (i) methods by which parents or guardians of  
34 students may pay school meal fees, such as prepayment and automatic  
35 payments for school meals as well as the use of technology to improve  
36 timely payments of school meal fees; and (ii) actions that the school  
37 will take to collect unpaid school meal fees from parents or guardians.

38 b. A school or school district shall only communicate directly with a  
39 parent or guardian about payment of school meal fees or collection of  
40 unpaid school meal fees and shall not direct any action or communication  
41 about such fees to or through a student.

42 c. If a parent or guardian has accrued unpaid school meal fees equal  
43 to or greater than the value of five full-priced meals and, before  
44 collecting unpaid fees, the school shall: (i) exhaust all options and  
45 methods to directly certify the student for free or reduced-price meals;  
46 and (ii) in cases where the school cannot directly certify the student,  
47 provide the parent or guardian with an application for enrollment of the  
48 student in a school meal program and contact the parent or guardian of  
49 the student, in writing, to encourage them to apply for such program.

50 4. Each school or school district shall establish procedures to  
51 collect unpaid school meal fees in accordance with the information about  
52 best practices adopted by the commissioner and inform parents and guard-  
53 ians of students enrolled in school meal programs, in writing, about  
54 debt collection of school meal fees and on the school or school district  
55 website.

1 § 2. Section 305 of the education law is amended by adding a new  
2 subdivision 41-a to read as follows:

3 41-a. The commissioner shall identify and evaluate methodologies and  
4 practices utilized by schools and school districts, both within the  
5 state and nationally, and disseminate detailed information to schools  
6 and school districts about best practices regarding service of meals to  
7 students without funds to pay the school meal fees, methods of payment  
8 that can improve timely payment of school meal fees, and collection of  
9 debt for unpaid school meal fees. The commissioner shall submit a report  
10 containing such information to the legislature on or before July first,  
11 two thousand eighteen.

12 § 3. This act shall take effect immediately.