

# STATE OF NEW YORK

7371

## IN SENATE

January 10, 2018

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and  
when printed to be committed 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 Assem-  
bly, 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 or the board  
4 of trustees of each school district, board of cooperative educational  
5 services, charter school, and non-public school in this state that  
6 provides a meal to students during the school day shall adopt and imple-  
7 ment a policy to ensure that: (i) a student who is enrolled in the  
8 National School Lunch Program, School Breakfast Program or Special Milk  
9 Program is not shamed or treated differently than a student who is not  
10 enrolled in such programs; and (ii) a student whose parent or guardian  
11 has unpaid school meal fees is not shamed or treated differently than a  
12 student whose parent or guardian does not have unpaid school meal fees.  
13 For the purposes of this section, different treatment or shaming shall  
14 include, but not be limited to, publicly naming or labeling a student,  
15 denying or delaying a meal to a student, or requiring a student to do  
16 chores for a meal.

17 b. Such policy shall include, but not be limited to: (i) methods by  
18 which a student's parent or guardian may pay for school meal fees, such  
19 as prepayment and automatic payments for school meals, as well as the  
20 use of technology to improve timely payments of school meal fees; (ii)  
21 actions that the school will take to collect a student's unpaid school  
22 meal fees from parents or guardians; (iii) how school personnel will be  
23 trained to ensure that the policy is implemented; (iv) the designation  
24 of a school administrator or administrators responsible for implementa-  
25 tion of the policy; and (v) procedures to address situations where  
26 school personnel violate of the policy.

27 c. The policy adopted pursuant to this subdivision shall be adopted  
28 with input from school personnel, parents, students and any other inter-

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

LBD11947-03-7

1 ested parties and follow all applicable federal and state laws, regu-  
2 lations and guidance regarding school meal programs and unpaid meal  
3 fees. Such policy shall be incorporated into any contract with a food  
4 service management company that provides school meals to students.

5 d. A school or school district shall only communicate directly with a  
6 parent or guardian about payment of school meal fees or collection of  
7 unpaid school meal fees. A school or school district may, however,  
8 direct actions or communications about such fees to or through a student  
9 if a parent or guardian provides written consent.

10 e. If a student has accrued unpaid school meal fees equal to or great-  
11 er than the value of five full-priced meals and, before collecting  
12 unpaid fees, the school or school district shall: (i) exhaust all  
13 options and methods to directly certify the student for free or  
14 reduced-price meals; and (ii) in cases where the school or school  
15 district cannot directly certify the student, provide the parent or  
16 guardian with an application to enroll the student in a school meal  
17 program and contact the parent or guardian of the student, in writing,  
18 to inform them of the availability of such program.

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

22 2. The board of education or the board of trustees of each school  
23 district, board of cooperative educational services, charter school, and  
24 non-public school in this state that provides a meal to students during  
25 the school day but does not participate in the Community Eligibility  
26 Provision of the federal National School Lunch Act shall distribute  
27 information about school meal programs available to students. The infor-  
28 mation to be distributed shall include, but not be limited to: a. a  
29 description of each school meal program that is offered by the school;  
30 b. program eligibility criteria; c. the cost of a school meal program  
31 under each school meal program; d. how payments may be made and how  
32 unpaid meal fees will be collected; and e. enrollment forms for school  
33 meal programs and a description of the enrollment process, including the  
34 name of a person or persons whom a parent or guardian may consult about  
35 school meal programs offered by the school or school district.

36 3. The information and policy required to be distributed pursuant to  
37 this section shall be provided, in writing, at the beginning of each  
38 school year to all parents or guardians of students, distributed in  
39 school enrollment packets and published on the school or school  
40 district's website.

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

43 41-a. The commissioner shall issue a guidance memorandum to every  
44 school district, board of cooperative educational services, nonpublic  
45 school and charter school to inform them of best practices regarding  
46 service of meals to students without funds to pay the school meal fees,  
47 methods of payment that can improve timely payment of school meal fees,  
48 and collection of debt for unpaid school meal fees.

49 § 3. This act shall take effect immediately.