STATE OF NEW YORK

7376--A

2017-2018 Regular Sessions

IN ASSEMBLY

April 25, 2017

Introduced by M. of A. SIMON, HARRIS, SEPULVEDA, TITONE, ORTIZ, WALKER, D'URSO, GOTTFRIED, GALEF, PALUMBO, RIVERA -- Multi-Sponsored by -- M. of A. BRONSON, CAHILL, COOK, JONES -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to providing for the rights of students and responsibilities of schools participating in free or reduced-price meal programs

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

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

§ 908. Hunger free schools. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "meal application" shall mean an application for free or reduced-price meals pursuant to the national school lunch program and school breakfast program; and

(b) "school" shall mean any institution within the state that provides primary or secondary education.

2. (a) A school shall provide:

(i) a free, printed meal application in every school enrollment packet, or if the school chooses to use an electronic meal application, provide in school enrollment packets an explanation of the electronic meal application process and instructions for how parents or guardians may request a paper application at no cost; and

(ii) meal applications and instructions in a language that parents and guardians understand. If a parent or guardian cannot read or understand a meal application, the school shall offer assistance in completing such application.

(b) If a school becomes aware that a student who has not submitted a meal application is eligible for free or reduced-price meals, the school

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

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shall complete and file an application for the student under the authority granted by Title 7, Section 245.6(d) of the Code of Federal Regulations.

(c) Paragraphs (a) and (b) of this subdivision do not apply to a school that provides free meals to all students in a year in which the school does not collect meal applications from students.

3. (a) Regardless of whether or not a student has money to pay for a meal or owes money for earlier meals, a school:

(i) shall provide a United States department of agriculture reimbursable meal to a student who requests one, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal; and

(ii) shall not throw away a meal after it has been served because of the student's inability to pay for the meal or because money is owed for earlier meals.

(b) If a student owes money for five or more meals, a school shall:

(i) check the state list of students categorically eligible for free meals to determine if the student is categorically eligible; and

(ii) contact the student's parent and guardian with written and oral communications, not including the application or instructions included in a school enrollment packet, to encourage meal application submission and offer assistance in completing the application.

4. A school shall not:

(a) publicly identify, shame, stigmatize, or treat differently a student who cannot pay for a meal or who owes a meal debt;

(b) require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for meals;

(c) deny any student from participating in afterschool programs or other extracurricular activities because the student cannot pay for a meal or owes a meal debt; and

(d) take disciplinary action that directly results in denying or delaying a student the same meal that is available to other students and substituting it with an alternate meal because a student cannot pay for a meal or owes a meal debt.

5. A school shall direct communications about a student's meal debt to a parent or guardian and not the student. Nothing in this section prohibits a school from sending a student home with a letter addressed to a parent or guardian provided that it is done in a way that does not stigmatize the student such as in an unmarked envelope.

6. A school shall not require a parent or guardian to pay fees or costs from collection agencies hired to collect a meal debt.

§ 2. This act shall take effect immediately.