

# STATE OF NEW YORK

8203--A

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, TITUS, MAYER, TITONE, SIMON -- Multi-Sponsored by -- M. of A. ABBATE, BRAUNSTEIN, CAHILL, LOPEZ, MOSLEY, WALSH -- read once and referred to the Committee on Education -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 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

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

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1 of a school administrator or administrators responsible for implementa-  
2 tion of the policy; and (v) procedures to address situations where  
3 school personnel violate of the policy.

4 c. The policy adopted pursuant to this subdivision shall be adopted  
5 with input from school personnel, parents, students and any other inter-  
6 ested parties and follow all applicable federal and state laws, regu-  
7 lations and guidance regarding school meal programs and unpaid meal  
8 fees. Such policy shall be incorporated into any contract with a food  
9 service management company that provides school meals to students.

10 d. A school or school district shall only communicate directly with a  
11 parent or guardian about payment of school meal fees or collection of  
12 unpaid school meal fees. A school or school district may, however,  
13 direct actions or communications about such fees to or through a student  
14 if a parent or guardian provides written consent.

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

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

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

41 3. The information and policy required to be distributed pursuant to  
42 this section shall be provided, in writing, at the beginning of each  
43 school year to all parents or guardians of students, distributed in  
44 school enrollment packets and published on the school or school  
45 district's website.

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

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

54 § 3. This act shall take effect immediately.