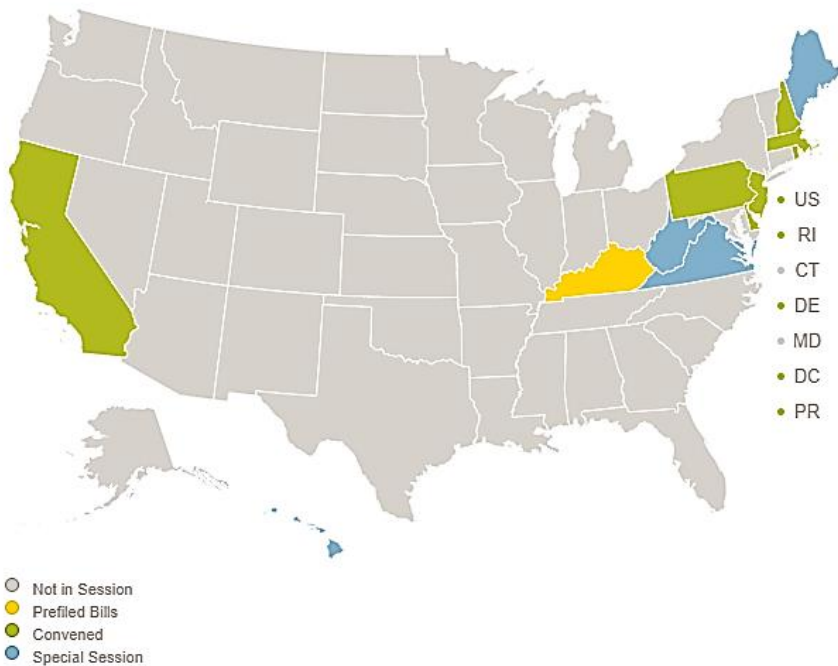




2018 STATE LEGISLATIVE SUMMARY: SECOND QUARTER REPORT

This report is a summary of key school nutrition state legislation that changed status between April 1 and June 30, 2018. Annual funding bills are not included. SNA state advocacy resources are a collaborative effort intended to support grassroots efforts at the local level. We welcome your updates at advocacy@schoolnutrition.org.

LEGISLATIVE SESSIONS (AS OF JULY 3, 2018)



ADJOURNED

- Alabama
- Alaska
- Arizona
- Arkansas
- Colorado
- Connecticut
- Florida
- Georgia
- Hawaii
- Idaho
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maryland
- Minnesota
- Mississippi
- Missouri
- Nebraska
- New Mexico
- Oklahoma
- Oregon
- South Carolina
- South Dakota
- Tennessee
- Utah
- Washington
- West Virginia
- Wyoming

TREND WATCH

Since April 2018, seven school nutrition bills have been signed into law:

- Iowa bill [HF 2467](#) requires school districts to establish an unpaid meals policy. It also requires that communication about school meals debt be directed to parents or guardians, encourages schools to provide a reimbursable meal regardless of ability to pay, and prohibits activities that would identify or stigmatize a student who cannot afford or meal or has accrued meal debt.
- Louisiana's [HB 616](#) repeals state nutritional requirements for foods and beverages sold on public school campuses during the school day.
- Maryland bill [HB 315](#) phases in the State's responsibility for the student share of reduced price breakfast by 2022, and reduced price lunches by 2023.
- New Jersey's Governor signed four school meals bills into law in May:
 - [S 1894](#) requires certain schools to establish a "breakfast after the bell" program.

- [S 1895](#) requires school districts to report the reasons for nonparticipation in CEP by schools that qualify.
- [S 1896](#) requires school districts to report biannually the number of students who are denied school breakfast or lunch.
- [S 1897](#) expands the summer meal program to all school districts with 50% or more students eligible for free or reduced price meals.

Unpaid meals legislation continues to be introduced in state legislatures across the country. In the Second Quarter, Iowa passed an unpaid meals bill that will go into effect in the upcoming school year. An Illinois bill was sent to the Governor after passing both houses of the legislature, but the governor has not yet acted. Similar bills advanced in several other states, including California, Maine, Michigan, Missouri and New Jersey.

SUMMARY AND STATUS OF LEGISLATION

CALIFORNIA

[AB 1871](#) requires **charter schools** that use classroom-based instruction, beginning in the 2019-20 school year, to provide each needy pupil with one nutritionally adequate free or reduced price meal during each school day.
Passed State Assembly. Referred to Senate Appropriations Committee Suspense File 6/25/2018

[AB 1974](#) provides that a public school student can never owe or be billed for debt owed to a school or school district. Prohibits schools or districts from taking negative actions against a student or former student based on **unpaid meal debt**. Requires educational entities to provide a receipt to parents/guardians for meal debt incurred by students. Prohibits debt collection agencies contracted by educational entities from reporting debt owed by a parent/guardian to a credit reporting agency.
Passed State Assembly. Referred to Senate Appropriations Committee Suspense File 7/2/2018

[AB 2271](#) requires the State Department of Education to provide a matching **state grant** of up to \$100,000 to a school food authority participating in the National School Lunch Program that applies for and is awarded a federal Equipment Assistance Grant for School Food Authorities. Authorizes a school food authority to use the federal and state grants for up to five individual school sites or to combine the grants for one purpose.
Passed State Assembly. Referred to Senate Appropriations Committee Suspense File 7/2/2018

[AB 3043](#) allows schools to use their cafeteria funds to offer Universal Breakfast as well as purchase food trucks to provide additional points of service. Increases the **School Breakfast Program** and **Summer Food Service Program** Start-up and Expansion Grants from \$15,000 to \$30,000 per school site.
Passed State Assembly. Referred to Senate Appropriations Committee Suspense File 6/25/2018

[AB 3083](#) prohibits schools from participating in a food incentive program that rewards pupils by providing foods or beverages that do not comply with the **nutritional standards** established by California law.
Referred to the State Assembly's Committee on Education 5/9/2018

HAWAII

[SB 2928](#) establishes and appropriates funds for a **Farm to School** Grant Pilot Program within the Hawaii Department of Agriculture to provide grants to schools, early care and education centers, nonprofits, soil and water

conservation districts, and food producers participating in the Hawaii Farm to School Program.
Passed Senate and House. Failed to pass Conference Committee before deadline 4/27/2018

[SCR 180](#) requests the Department of Education to reexamine the menu scheduled for school meals to give local produce suppliers the ability to provide **locally grown** produce in keeping with U.S. Department of Agriculture standards.

Adopted by the Senate. Referred to House Committees on Education, Finance 4/12/2018

[SCR 194](#) urges the Department of Education to ensure that all public school students, including public **charter school** students, have equal access to appropriate food services.

Adopted by the Senate. Referred to the House Committee on Finance 4/16/2018

[SR 131](#) urges the Department of Education to ensure that all public school students, including public **charter school** students, have equal access to appropriate food services.

Adopted by the Senate 4/4/2018

IOWA

[HF 2467](#) requires school districts to establish an **unpaid meal debt** policy. The bill also requires school nutrition programs to direct communications about school meals debt to parents or guardians, encourages providing a reimbursable meal regardless of ability to pay, and prohibits activities that would identify or stigmatize a student for unpaid meals, including discarding a meal served to a student, marking a student with a stamp, requiring students to perform chores, or denying participation in activities.

Signed into law by the Governor 4/17/2018

ILLINOIS

[SB 2428](#) creates the Hunger-Free Students' Bill of Rights Act. Provides that every school in the state shall provide a federally reimbursable lunch to a student of that school who requests the lunch, regardless of whether the student can pay for the lunch or has **unpaid meal debt**. Provides that if a student owes money for 5 or more lunches, a school shall reach out to the parent or guardian of the student to attempt collection of the unpaid meal debt and to request that the parent or guardian enroll the student in a free or reduced price lunch program. Provides that a school may not publicly identify or stigmatize a student with unpaid meal debt. Effective immediately.

Sent to the Governor 6/28/2018

LOUISIANA

[HB 284](#) revises procedures relative to **unpaid meal debt**. This bill repeals R.S. 17:192.1, relative to school nutrition programs; it revises procedures relative to a student's inability to pay for school meals and a student's meal debt. Requires the state Department of Education to provide assistance relative to certain federal nutrition options.

Referred to the Committee on Education 4/9/2018

[HB 616](#) repeals state **nutritional requirements** for foods and beverages sold on public school campuses during the school day.

Signed by the Governor. Becomes Act No. 330 5/15/2018

MASSACHUSETTS

[H 4395](#) The Massachusetts School Building Authority in collaboration with the department of elementary and secondary education, shall, subject to appropriation, develop a 3-year pilot program for up to 1 school per calendar year for public elementary and secondary schools with the purpose of **updating school kitchens** for fresh food preparation and storage.

Reported from the Committee on Education 4/11/2018

[H 4422](#) prohibits a school or school district in situations where a student is unable to pay for a meal or has **unpaid meal debt** from: publicly identifying such a student, serving an alternative meal, disposing a meal that has been served to a student, barring such a student from attending or participating in extracurricular activities or events, or taking disciplinary action against such a student.

Assigned to a study order 7/12/2018

[S 242](#) requires all public schools that are required to serve breakfast – those where at least sixty percent or more students are eligible for free or reduced price meals – to offer all students **breakfast after the instructional day has begun**. Allows each school to determine the best service model for their students. Classifies student time spent consuming breakfast while instruction is being provided as instructional time for reporting purposes.

Accompanied as a new draft, See S 2441 4/19/2018

[S 2390](#) prohibits a school or school district in situations where a student is unable to pay for a meal or has **unpaid meal debt** from: publicly identifying such a student, serving an alternate meal, disposing of a meal that has been served to a student, barring such a student from attending or participating in extracurricular activities or events, taking disciplinary action against such a student, or requiring a parent or guardian to pay fees or costs in excess of the amount owed for meals served. Requires schools and school districts to direct communication about unpaid meal debt to a parent or guardian and to notify them of a negative balance within ten days. During this ten day window, the bill prohibits restricting student access to a meal. Requires a school or school district to take certain steps to maximize federal revenue and minimize student debt. Requires a school or school district to adopt CEP if eligible. Prohibits a school or school district from informing the Department of Children and Families of unpaid meal debt. Convenes a taskforce to monitor implementation of the bill.

Assigned to a study order 5/17/2018

[S 2441](#) requires all public schools that are required to serve breakfast – those where at least sixty percent or more students are eligible for free or reduced price meals – to offer all students **breakfast after the instructional day has begun**. Allows each school to determine the best service model for their students. Classifies student time spent consuming breakfast while instruction is being provided as instructional time for reporting purposes.

Referred to the Senate Committee on Ways and Means 4/19/2018

MARYLAND

[HB 315](#) provides **state funding** to cover the **student share** of the cost for reduced price meals served under the School Breakfast Program (SBP) by 2022 and the National School Lunch Program (NSLP) by 2023.

Approved by the Governor 5/8/2018

[SB 740](#) provides **state funding** to cover the **student share** of the cost for reduced price meals served under the School Breakfast Program (SBP) by 2022 and the National School Lunch Program (NSLP) by 2023.

Vetoed by the Governor (Duplicative) 5/25/2018

MAINE

[LD 809](#) requires school districts where 50% or more of students qualify for free or reduced lunch to operate **alternative breakfast** delivery service, commonly referred to as **breakfast after the bell**. School districts would be able to opt out of operating such a program if the governing body holds a public hearing regarding the service and votes in the affirmative that it is not financially or logistically viable. Provides \$500,000 in funding in both the 2017-18 and 2018-19 school years to such programs.

Vetoed by the Governor. Veto Override passes the Senate, fails in the House 6/21/2018

[LD 1684](#) requires school districts to provide a reimbursable meal to all students who requests one, regardless of ability to pay or **unpaid meal debt**. Prohibits the identification or stigmatization of students who cannot pay for a meal and/or have unpaid meal debt. Requires communication about unpaid meal debts be directed to a parent or guardian, rather than the student. Requires that school boards establish a policy for unpaid meal debt.

Passed the House with amendments. Sent to the Senate for concurrence 4/2/2018

MICHIGAN

[HB 6010](#) prohibits the identification or stigmatization of a student who cannot pay for a meal or has **unpaid meal debt**. Prohibits requiring such a student from performing chores or other work. Prohibits communicating with students under the age of 15 about unpaid meal debt, and requires such communication to be directed to parents or guardians. Prohibits charging fees or other costs in excess of the amount owed for meals served. Prohibits disciplinary actions that delay or deny a school meal. Prohibits disposing of a meal served to a student. Requires a school food authority to notify parents or guardians no later than ten days after a student's meal account reaches a negative balance.

Introduced, referred to House Committee on Education Reform 5/16/2018

[HB 6072](#) established the **Breakfast After the Bell** Nutrition Program. Requires schools where 70% or more students are eligible for free or reduced price lunch to offer a free breakfast to every student. Schools required to offer breakfast are allowed to determine the serving model that best suits its students. Requires the Department of Education to collect information about breakfast after the bell delivery models and make the information publicly available.

Introduced, referred to the Committee on Education Reform 5/24/2018

MINNESOTA

[HF 4325](#) requires the Department of Education to identify schools and districts that meet the identified student percentage under the **Community Eligibility Provision (CEP)**, communicate this potential eligibility to the participants, provide technical application assistance, and track whether participants apply for CEP. Requires potentially eligible participants that decline to apply for CEP to report to the department the number of new students that could be served free meals under the provision, and the specific reasons cited for declining to apply.

Introduced, referred to the Committee on Education Finance 4/9/2018

MISSOURI

[HB 1939](#) requires schools to provide a reimbursable meal to any student who requests one, regardless of **unpaid meal debt** or ability to pay. Prohibits disposing of a served meal, publicly identifying or stigmatizing a student, or requiring a student who cannot pay or has unpaid meal debt to perform chores or other work. Requires a school to determine if a student is eligible for free meals if they accrue debt for five or more meals and to attempt to have the

parent or guardian complete a meal application and assist with the application. Requires that communication about unpaid meal debt be directed to a parent or guardian, not the student. Prohibits requiring a parent or guardian to pay fees or costs from collections agencies hired to collect unpaid meal debt.

Referred to the House Committee on Elementary and Secondary Education 5/18/2018

[HB 2134](#) requires schools to offer **Breakfast After the Bell** if: 70% or more of the school's students were eligible for free or reduced price meals during the previous year, the school has adopted CEP, or the school has an individual site percentage for free or reduced price meals of 70% or more and is a Provision 2 school. This requirement is subject to exceptions. Requires the Department of Elementary and Secondary Education to notify and assist affected schools, collect information on program implementation and report findings to the General Assembly.

Referred to the House Committee on Elementary and Secondary Education 5/18/2018

NORTH CAROLINA

[S 787](#) appropriates \$340,000 to Working Landscapes in Warren County for a pilot program to reimburse participating school districts based on the servings of food they source from **farms** within the North Central region.

Referred to the Senate Committee on Rules and Operations of the Senate 5/31/2018

NEW JERSEY

[A 3501](#) would require the Department of Agriculture, in consultation with the Department of Education, to develop and make available to each school district and nonpublic school participating in the National School Lunch Program or in a school breakfast program, an **Internet-based school meal application**. Schools participating in the National School Lunch Program or in a school breakfast program would be encouraged to make the online school meal application available. A participating school district or nonpublic school that implements the online school meal application would also be required to continue to make available paper applications.

Referred to the Assembly Appropriations Committee 5/10/2018

[A 3886](#) provides additional protections for a student with **unpaid meal debt**. Under the bill, a school district would not be permitted to publicly identify or stigmatize a student who cannot pay for a school meal or has unpaid meal debt. The district would not be permitted to require the student to do chores or other work to pay for unpaid meal debt. The bill also requires a school district to communicate about unpaid meal debt with the parent or guardian, not to the student. The bill clarifies that a school district is allowed to send a student home with a letter addressed to a parent or guardian regarding unpaid meal debt.

Introduced in the Assembly 5/7/2018

[A 4062](#) requires the Department of Agriculture, in cooperation with the Department of Education, to develop **promotional material** for the "School Meal Program" and provide every school district with the "School Meal Program" promotional material, which is required to include, but need not be limited to, pamphlets, presentation material, webinars and sample letters schools may send to parents.

Introduced, referred to the Assembly Education Committee. Identical to S 2527. 6/4/2018

[AR 155](#) urges the President and the United States Congress to enact measures to provide an enhanced **federal subsidy** to public schools in the State that use **local** produce for the federal School Breakfast Program and the National School Lunch Program.

Introduced, referred to Assembly Agriculture and Natural Resources Committee 4/5/2018

[S 1894](#) requires certain public schools in which 70 percent or more of the students are free or reduced price eligible to establish a “**breakfast after the bell**” program. Under current law, a school with 20 percent or more of those eligible students must have a school breakfast program. Provides that, within six months of the bill’s effective date, each school district must submit a plan to the Department of Agriculture for the establishment of a “breakfast after the bell” program for all grades at each school that is subject to the provisions of the bill. Provides for the issuance of waivers to provisions of the bill.

Passed both the Assembly and Senate, signed into law by the Governor 5/30/2018

[S 1895](#) requires every school district in which there is at least one school that qualifies for the **Community Eligibility Provision**, but is not implementing it, to report the reasons for nonparticipation in writing to the Department of Agriculture and the Department of Education.

Passed both the Assembly and Senate, signed into law by the Governor 5/30/2018

[S 1896](#) requires school district to report at least biannually to Department of Agriculture number of students who are **denied school breakfast or school lunch**.

Passed both the Assembly and Senate, signed into law by the Governor 5/30/2018

[S 1897](#) expands **summer meal program** to all school districts with 50 percent or more of students eligible for free or reduced price meals.

Passed both the Assembly and Senate, signed into law by the Governor 5/30/2018

[S 2527](#) requires the Department of Agriculture, in cooperation with the Department of Education, to develop **promotional material** for the “School Meal Program” and to provide every school district with the promotional material, which will include, but need not be limited to, pamphlets, presentation material, webinars and sample letters that schools may send to parents.

Passed by the Senate, sent to the Assembly. Identical to A 4062. 6/25/2018

NEW YORK

[AB 3456](#) changes **food service contract** requirements from a “Lowest Maximum Cost Per Meal” bid practice, to a “Request for Proposal” practice, allowing districts more flexibility to improve their menus’ quality and variety.

Held for consideration in the Assembly Committee on Education 6/6/2018

[AB 10600](#) requires public schools to offer **plant-based** food options to a student upon request by a student or person in parental relation to the student.

Referred to the Assembly Committee on Education. Identical to SB 8517. 5/8/2018

[SB 8517](#) requires public schools to offer **plant-based** food options to a student upon request by a student or person in parental relation to the student.

Referred to the Senate Education Committee. Identical to AB 10600. 5/9/2018

PENNSYLVANIA

[HB 2471](#) directs the State Board of Education to issue regulations to allow schools to participate in the “**Shared Table**” initiative, permitting schools to redistribute unused food by allowing students to put unwanted food in a specified location.

Referred to the House Education Committee 6/6/2018

[HR 963](#) urges the Congress of the United States to revisit the **Healthy, Hunger-Free Kids Act of 2010** to allow students the flexibility to choose their beverages and healthy foods they consume.

Referred to the House Health Committee 6/6/2018

RHODE ISLAND

[H 7699](#) requires schools to comply with composting and recycling laws, would promote the **donation of unspoiled** nonperishable food by schools, and would promote the selection of **local** food service companies for school food service contracts and the selection of vendors who **recycle organic-waste** at appropriate facilities.

Passed House of Representatives 6/21/2018

[H 8059](#) prohibits the stigmatization (**lunch-shaming**) of children unable to pay for meals served as part of the breakfast or lunch program offered at elementary and secondary schools. Prohibits a school or school district from: publicly identifying a student for **unpaid meal debt** or inability to pay for a meal. Requires a school or school district to: direct communication about unpaid meal debt to parents or guardians; provide a reimbursable meal to any child who requests one, regardless of ability to pay or unpaid meal debt; and to explore ways to improve and coordinate communications with parents and/or guardians with respect to paying for school meals.

Held in Committee for further study 4/25/2018