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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1729

03/01/2021 Authored by Jordan, Youakim, Acomb, Long, Howard and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; creating the healthy and hunger-free schools program;
1.3 amending Minnesota Statutes 2020, section 124D.111, subdivision 4; proposing
1.4 coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota
1.5 Statutes 2020, sections 124D.111, subdivisions 1, 2; 124D.1158; 124D.117.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 124D.111, subdivision 4, is amended to read:

1.8 Subd. 4. No fees. A school district, charter school, nonpublic school, or any other
1.9 participant that receives school lunch aid under this section must make lunch available
1.10 without charge to all participating students who qualify for free or reduced-price meals.
1.11 The participant must also Any participant providing meals to students must ensure that any
1.12 reminders for payment of outstanding student meal balances do not demean or stigmatize
1.13 any child participating in the school lunch program.

1.14 Sec. 2. [124D.1112] HEALTHY AND HUNGER-FREE SCHOOLS PROGRAM.

1.15 Subdivision 1. Definitions. (a) For the purpose of this section, the following terms have
1.16 the meanings given.

1.17 (b) "National school lunch program" means the nonprofit lunch program established
1.18 under the Richard B. Russell National School Lunch Act, as codified at United States Code,
1.19 title 42, section 1751, et seq.

1.20 (c) "National school breakfast program" means the nonprofit breakfast program
1.21 established by section 4 of the Child Nutrition Act of 1966, as codified at United States
1.22 Code, title 42, section 1773.

2.1 (d) "Community eligibility provision" means the reimbursement option available for the
2.2 national school lunch and breakfast programs, as described at Code of Federal Regulations,
2.3 title 7, section 245.9.

2.4 (e) "Identified student" and "identified student percentage" have the meanings given in
2.5 Code of Federal Regulations, title 7, section 245.9.

2.6 (f) "Breakfast after the bell" means breakfast that can be eaten at or after the start of the
2.7 school day, including during morning classes and nutrition breaks, or between morning
2.8 classes.

2.9 (g) "Local educational agency" has the meaning given in Code of Federal Regulations,
2.10 title 7, section 245.2.

2.11 Subd. 2. **Purpose.** The purpose of the healthy and hunger-free schools program is to
2.12 ensure that all students are supported in achieving their academic potential, that all students
2.13 have access to nutritious options while they are developing lifelong eating habits, and that
2.14 there is no stigma associated with receiving free school meals.

2.15 Subd. 3. **Lunch and breakfast offered without charge to students.** Each school that
2.16 participates in the national school lunch program must make breakfast and lunch available
2.17 through the national school lunch and breakfast programs without charge to any of its
2.18 students in kindergarten through grade 12. Schools must also make meals available without
2.19 charge to students enrolled in voluntary prekindergarten programs approved under section
2.20 124D.151.

2.21 Subd. 4. **Department duties.** (a) In addition to any other applicable state and federal
2.22 requirements, the department must provide the lists of potential community eligibility
2.23 schools identified in Code of Federal Regulations, title 7, section 245.9(f)(5), to each local
2.24 educational authority within the time frame required. The department may exempt local
2.25 educational agencies from the requirement to submit this information if it is already collected
2.26 by the state. The department must identify local educational agencies, including individual
2.27 schools, a group of schools within a district, or school districts, that have a student percentage
2.28 sufficient for the local educational agency to elect the community eligibility provision under
2.29 Code of Federal Regulations, title 7, section 245.9(f). The department must provide
2.30 notification to the relevant local educational agencies within the time frame required.

2.31 (b) Within the time frame required in Code of Federal Regulations, title 7, section
2.32 245.9(f), for state agencies to notify local educational agencies of their community eligibility
2.33 status, the department must also contemporaneously notify the local educational agencies
2.34 of their obligation to elect reimbursement through the community eligibility provision.

3.1 (c) The department must provide technical assistance to all local educational agencies
3.2 to assist them with meeting any state and federal requirements necessary in order to receive
3.3 reimbursement through the community eligibility provision.

3.4 (d) The department must ensure appropriate reimbursement rates for schools and districts
3.5 using the community eligibility provision.

3.6 (e) For schools and districts ineligible to receive reimbursement through the community
3.7 eligibility provision, the department must assist the schools and districts, if feasible, in
3.8 achieving eligibility.

3.9 (f) To maximize federal reimbursements, the department must encourage schools to
3.10 offer breakfast after the bell programs and provide technical assistance to support schools
3.11 in implementing the programs.

3.12 Subd. 5. **Federal reimbursement through community eligibility provision.** Each local
3.13 educational authority must claim reimbursement for the community eligibility provision
3.14 for each of its schools participating in the national school lunch program that are identified
3.15 by the department as meeting, either individually or as a group, the identified student
3.16 percentage necessary for reimbursement, and must provide to the department any
3.17 documentation necessary to complete the eligible reimbursement.

3.18 Subd. 6. **School lunch aid computation.** (a) Each school year, the state must pay
3.19 participants in the federal school lunch program the difference, if any, between the applicable
3.20 federal free rate and any amounts paid by federal sources for each lunch served. The state
3.21 must also reimburse participants an additional \$0.125 for each lunch reimbursed by the
3.22 federal government at the national school lunch program free or reduced-price lunch rate.

3.23 (b) The department may adopt any rules necessary for making reimbursements under
3.24 this section.

3.25 Subd. 7. **School breakfast aid computation.** (a) Each school year, the state must pay
3.26 participants in the federal school breakfast program the difference, if any, between the
3.27 applicable federal free rate and any amounts paid by federal sources for each breakfast
3.28 served.

3.29 (b) The department may adopt any rules necessary for making reimbursements under
3.30 this section.

4.1 Sec. 3. **REPEALER.**

4.2 Minnesota Statutes 2020, sections 124D.111, subdivisions 1 and 2; 124D.1158; and

4.3 124D.117, are repealed.

124D.111 SCHOOL MEALS POLICIES; LUNCH AID; FOOD SERVICE ACCOUNTING.

Subdivision 1. **School meals policies.** (a) Each Minnesota participant in the national school lunch program must adopt and post to its website, or the website of the organization where the meal is served, a school meals policy.

(b) The policy must be in writing and clearly communicate student meal charges when payment cannot be collected at the point of service. The policy must be reasonable and well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student.

(c) The policy must address whether the participant uses a collections agency to collect unpaid school meals debt.

(d) The policy must ensure that once a participant has placed a meal on a tray or otherwise served the meal to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, whether or not the student has an outstanding meals balance.

(e) The policy must ensure that a student who has been determined eligible for free and reduced-price lunch must always be served a reimbursable meal even if the student has an outstanding debt.

(f) If a school contracts with a third party for its meal services, it must provide the vendor with its school meals policy. Any contract between the school and a third-party provider entered into or modified after July 1, 2021, must ensure that the third-party provider adheres to the participant's school meals policy.

Subd. 2. **Application.** A school district, charter school, nonpublic school, or other participant in the national school lunch program shall apply to the department for this payment on forms provided by the department.

124D.1158 SCHOOL BREAKFAST PROGRAM.

Subdivision 1. **Purpose.** The purpose of the school breakfast program is to provide affordable morning nutrition to children so that they can effectively learn. Public and nonpublic schools that participate in the federal school breakfast program may receive state breakfast aid. Schools shall encourage all children to eat a nutritious breakfast, either at home or at school, and shall work to eliminate barriers to breakfast participation at school such as inadequate facilities and transportation.

Subd. 2. **Program; eligibility.** Each school year, public and nonpublic schools that participate in the federal school breakfast program are eligible for the state breakfast program.

Subd. 3. **Program reimbursement.** Each school year, the state must reimburse each participating school 30 cents for each reduced-price breakfast, 55 cents for each fully paid breakfast served to students in grades 1 to 12, and \$1.30 for each fully paid breakfast served to a prekindergarten student enrolled in an approved voluntary prekindergarten program under section 124D.151 or a kindergarten student.

Subd. 4. **No fees.** A school that receives school breakfast aid under this section must make breakfast available without charge to all participating students in grades 1 to 12 who qualify for free or reduced-price meals and to all prekindergarten students enrolled in an approved voluntary prekindergarten program under section 124D.151 and all kindergarten students.

124D.117 DISTRICTS TO OFFER SCHOOL BREAKFAST PROGRAM.

Subdivision 1. **Breakfast required.** A district must offer a school breakfast program in every school building in which at least 33 percent of the school lunches served during the second preceding school year were served free or at a reduced price.

Subd. 2. **Exemption.** Subdivision 1 does not apply to a school in which fewer than 25 pupils are expected to take part in the program. It also does not apply to a district that does not participate in the national school lunch program.