

64.20
64.21**ARTICLE 6**
NUTRITION

64.22 Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended
64.23 to read:

64.24 Subd. 7. **Food service contracts.** A contract between a school board and a food service
64.25 management company that complies with Code of Federal Regulations, title 7, section
64.26 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for
64.27 not more than four additional years.

64.28 Sec. 2. Minnesota Statutes 2016, section 124D.111, is amended to read:

64.29 **124D.111 SCHOOL MEALS POLICIES; LUNCH AID; FOOD SERVICE**
64.30 **ACCOUNTING.**

65.1 Subdivision 1. ~~School lunch aid computation meals policies.~~ (a) Each Minnesota
65.2 participant in the national school lunch program must adopt and post to its Web site, or the
65.3 Web site of the organization where the meal is served, a school meals policy.

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

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

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65.11 served the meal to a student, the meal may not be subsequently withdrawn from the student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

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

65.17 (f) If a school contracts with a third party for its meal services, it must provide the vendor
65.18 with its school meals policy. Any contract between the school and a third-party provider

152.16
152.17**ARTICLE 7**
NUTRITION

152.18 Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended
152.19 to read:

152.20 Subd. 7. **Food service contracts.** A contract between a school board and a food service
152.21 management company that complies with Code of Federal Regulations, title 7, section
152.22 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for
152.23 not more than four additional years.

152.24 Sec. 2. Minnesota Statutes 2016, section 124D.111, is amended to read:

152.25 **124D.111 RESPECTFUL SCHOOL MEALS POLICY; LUNCH AID; FOOD**
152.26 **SERVICE ACCOUNTING.**

NOTE: FROM SUBDIVISION 5

155.3 (b) Once a participant has placed a meal on a tray or otherwise served the meal to a
155.4 student, the meal must not be subsequently withdrawn from the student by the cashier or
155.5 other school official whether or not the student has an outstanding meals balance.

65.19 entered into or modified after the July 1, 2018, effective date of this act, must ensure that
 65.20 the third-party provider adheres to the participant's school meals policy.

65.21 Subd. 1a. **School lunch aid amounts.** Each school year, the state must pay participants
 65.22 in the national school lunch program the amount of 12.5 cents for each full paid and free
 65.23 student lunch and 52.5 cents for each reduced-price lunch served to students.

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

65.27 Subd. 2a. **Federal child and adult care food program; criteria and notice.** The
 65.28 commissioner must post on the department's Web site eligibility criteria and application
 65.29 information for nonprofit organizations interested in applying to the commissioner for
 65.30 approval as a multisite sponsoring organization under the federal child and adult care food
 65.31 program. The posted criteria and information must inform interested nonprofit organizations
 65.32 about:

66.1 (1) the criteria the commissioner uses to approve or disapprove an application, including
 66.2 how an applicant demonstrates financial viability for the Minnesota program, among other
 66.3 criteria;

66.4 (2) the commissioner's process and time line for notifying an applicant when its
 66.5 application is approved or disapproved and, if the application is disapproved, the explanation
 66.6 the commissioner provides to the applicant; and

66.7 (3) any appeal or other recourse available to a disapproved applicant.

66.8 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must
 66.9 be recorded as provided in this subdivision.

66.10 (b) In each district, the expenses for a school food service program for pupils must be
 66.11 attributed to a school food service fund. Under a food service program, the school food
 66.12 service may prepare or serve milk, meals, or snacks in connection with school or community
 66.13 service activities.

66.14 (c) Revenues and expenditures for food service activities must be recorded in the food
 66.15 service fund. The costs of processing applications, accounting for meals, preparing and
 66.16 serving food, providing kitchen custodial services, and other expenses involving the preparing
 66.17 of meals or the kitchen section of the lunchroom may be charged to the food service fund
 66.18 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial

152.27 Subdivision 1. **School lunch aid computation.** Each school year, the state must pay
 152.28 participants in the national school lunch program the amount of 12.5 cents for each full paid
 152.29 and free student lunch and 52.5 cents for each reduced-price lunch served to students.

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

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 153.5 commissioner must post on the department's Web site eligibility criteria and application
 153.6 information for nonprofit organizations interested in applying to the commissioner for
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 153.8 program. The posted criteria and information must inform interested nonprofit organizations
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 153.11 how an applicant demonstrates financial viability for the Minnesota program, among other
 153.12 criteria;

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 153.14 application is approved or disapproved and, if the application is disapproved, the explanation
 153.15 the commissioner provides to the applicant; and

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 153.25 serving food, providing kitchen custodial services, and other expenses involving the preparing
 153.26 of meals or the kitchen section of the lunchroom may be charged to the food service fund
 153.27 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial

66.19 services, lunchroom utilities, and other administrative costs of the food service program
66.20 must be charged to the general fund.

66.21 That portion of superintendent and fiscal manager costs that can be documented as
66.22 attributable to the food service program may be charged to the food service fund provided
66.23 that the school district does not employ or contract with a food service director or other
66.24 individual who manages the food service program, or food service management company.
66.25 If the cost of the superintendent or fiscal manager is charged to the food service fund, the
66.26 charge must be at a wage rate not to exceed the statewide average for food service directors
66.27 as determined by the department.

66.28 (d) Capital expenditures for the purchase of food service equipment must be made from
66.29 the general fund and not the food service fund, unless the restricted balance in the food
66.30 service fund at the end of the last fiscal year is greater than the cost of the equipment to be
66.31 purchased.

66.32 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
66.33 from the food service fund.

67.1 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
67.2 is not eliminated by revenues from food service operations in the next fiscal year, then the
67.3 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
67.4 that second fiscal year. However, if a district contracts with a food service management
67.5 company during the period in which the deficit has accrued, the deficit must be eliminated
67.6 by a payment from the food service management company.

67.7 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund
67.8 for up to three years without making the permanent transfer if the district submits to the
67.9 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at
67.10 the end of the third fiscal year.

67.11 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
67.12 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,
67.13 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food
67.14 service program charged to the general fund according to paragraph (c) and charge those
67.15 costs to the food service fund in a total amount not to exceed the amount of surplus in the
67.16 food service fund.

153.28 services, lunchroom utilities, and other administrative costs of the food service program
153.29 must be charged to the general fund.

153.30 That portion of superintendent and fiscal manager costs that can be documented as
153.31 attributable to the food service program may be charged to the food service fund provided
153.32 that the school district does not employ or contract with a food service director or other
153.33 individual who manages the food service program, or food service management company.
154.1 If the cost of the superintendent or fiscal manager is charged to the food service fund, the
154.2 charge must be at a wage rate not to exceed the statewide average for food service directors
154.3 as determined by the department.

154.4 (d) Capital expenditures for the purchase of food service equipment must be made from
154.5 the general fund and not the food service fund, unless the restricted balance in the food
154.6 service fund at the end of the last fiscal year is greater than the cost of the equipment to be
154.7 purchased.

154.8 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
154.9 from the food service fund.

154.10 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
154.11 is not eliminated by revenues from food service operations in the next fiscal year, then the
154.12 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
154.13 that second fiscal year. However, if a district contracts with a food service management
154.14 company during the period in which the deficit has accrued, the deficit must be eliminated
154.15 by a payment from the food service management company. A district's meal charge policy
154.16 may allow a district to collect unpaid meal debt that contributes to a food service fund
154.17 deficit. Such collection efforts must be consistent with subdivisions 4 and 5.

154.18 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund
154.19 for up to three years without making the permanent transfer if the district submits to the
154.20 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at
154.21 the end of the third fiscal year.

154.22 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
154.23 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,
154.24 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food
154.25 service program charged to the general fund according to paragraph (c) and charge those
154.26 costs to the food service fund in a total amount not to exceed the amount of surplus in the
154.27 food service fund.

67.17 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
 67.18 make lunch available without charge to all participating students who qualify for free or
 67.19 reduced-price meals.

67.20 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students
 67.21 in a respectful manner according to the policy adopted under subdivision 1. The participant
 67.22 must ensure that any reminders for payment of outstanding student meal balances do not
 67.23 demean or stigmatize any child participating in the school lunch program, including, but
 67.24 not limited to, dumping meals, withdrawing a meal that has been served, announcing or
 67.25 listing students names publicly, or affixing stickers, stamps, or pins. The participant must
 67.26 not impose any other restriction prohibited under section 123B.37 due to unpaid student
 67.27 meal balances. The participant must not limit a student's participation in graduation
 67.28 ceremonies due to an unpaid student meal balance.

67.29 (b) If the commissioner or the commissioner's designee determines a participant has
 67.30 violated the requirement to provide meals to participating students in a respectful manner,
 67.31 the commissioner or the commissioner's designee must send a letter of noncompliance to
 67.32 the participant. The participant is required to respond and, if applicable, remedy the practice
 67.33 within 60 days.

67.34 **EFFECTIVE DATE.** This section is effective July 1, 2018.

154.28 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
 154.29 make lunch available without charge and must not deny a school lunch to all participating
 154.30 students who qualify for free or reduced-price meals, whether or not that student has an
 154.31 outstanding balance in the student's meals account attributable to a la carte purchases or for
 154.32 any other reason.

154.33 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to
 154.34 participating students in a respectful manner and ensure that any reminders for payment of
 155.1 outstanding student meal balances do not demean or stigmatize any child participating in
 155.2 the school lunch program and conform to the participant's school meals policy.

155.6 (c) Notwithstanding section 123B.38, the participant must not limit a student's
 155.7 participation in any school activities, graduation ceremonies, field trips, athletics, activity
 155.8 clubs, or other extracurricular activities or access to materials, technology, or other items
 155.9 provided to other students because of unpaid meal balances. The participant must not impose
 155.10 any other restriction prohibited under section 123B.37 due to unpaid student meal balances.

155.11 (d) The participant must not discipline a student due to an unpaid student meal balance.

155.12 **EFFECTIVE DATE.** This section is effective July 1, 2018.