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SENATE BILL 374

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Michael Padilla and Linda M. Lopez

AN ACT

RELATING TO EDUCATION; ENACTING THE HUNGER-FREE STUDENTS' BILL OF RIGHTS ACT; PROVIDING FOR THE RIGHTS OF STUDENTS AND RESPONSIBILITIES OF SCHOOLS PARTICIPATING IN FREE OR REDUCED-FEE MEAL PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Hunger-Free Students' Bill of Rights Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Hunger-Free Students' Bill of Rights Act:

A. "meal application" means an application for free or reduced-fee meals pursuant to the national school lunch program and school breakfast program; and

B. "school" means a public school district, a public school, a private school or a religious school.

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1 SECTION 3. ~~[NEW MATERIAL]~~ MEAL APPLICATION AVAILABILITY
2 AND CLARITY.--

3 A. A school shall provide:

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

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

14 B. If a school becomes aware that a student who has
15 not submitted a meal application is eligible for free or
16 reduced-fee meals, the school shall complete and file an
17 application for the student under the authority granted by
18 Title 7, Section 245.6(d) of the Code of Federal Regulations.

19 C. Subsections A and B of this section do not apply
20 to a school that provides free meals to all students in a year
21 in which the school does not collect meal applications from
22 students.

23 D. The liaison required of a school pursuant to the
24 federal McKinney-Vento Homeless Assistance Act shall coordinate
25 with the nutrition department to make sure that a homeless

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1 student receives free school meals and shall be appropriately
2 coded and entered in the sustainability, tracking, assessment
3 and rating system.

4 SECTION 4. [NEW MATERIAL] REQUIREMENT TO PROVIDE MEALS
5 AND ENSURE THAT ELIGIBLE STUDENTS ARE ENROLLED.--

6 A. Regardless of whether or not a student has money
7 to pay for a meal or owes money for earlier meals, a school:

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

13 (2) shall not require that a student throw
14 away a meal after it has been served because of the student's
15 inability to pay for the meal or because money is owed for
16 earlier meals.

17 B. If a student owes money for five or more meals,
18 a school shall:

19 (1) check the state list of students
20 categorically eligible for free meals to determine if the
21 student is categorically eligible;

22 (2) make at least two attempts, not including
23 the application or instructions included in a school enrollment
24 packet, to reach the student's parent or guardian and have the
25 parent or guardian fill out a meal application; and

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1 (3) require a principal, assistant principal
2 or counselor to contact the parent or guardian to offer
3 assistance with a meal application, determine if there are
4 other issues within the household that have caused the child to
5 have insufficient funds to purchase a school meal and offer any
6 other assistance that is appropriate.

7 SECTION 5. [NEW MATERIAL] ANTI-STIGMATIZATION AND ANTI-
8 DISCRIMINATION PRACTICES.--

9 A. A school shall not:

10 (1) publicly identify or stigmatize a student
11 who cannot pay for a meal or who owes a meal debt by, for
12 example, requiring that a student wear a wristband or hand
13 stamp; or

14 (2) require a student who cannot pay for a
15 meal or who owes a meal debt to do chores or other work to pay
16 for meals; provided that chores or work required of all
17 students regardless of a meal debt is permitted.

18 B. A school shall direct communications about a
19 student's meal debt to a parent or guardian and not the
20 student. Nothing in this subsection prohibits a school from
21 sending a student home with a letter addressed to a parent or
22 guardian.

23 SECTION 6. [NEW MATERIAL] DEBT COLLECTION PRACTICES--
24 UNCOLLECTABLE DEBT.--

25 A. If a student meal debt is written off as an

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1 uncollectable bad debt, a school:

2 (1) shall not require nonprofit school food
3 service accounts to absorb the operating loss from writing off
4 the debt; and

5 (2) shall repay the operating loss from
6 writing off the debt with non-federal funds, including:

7 (a) funds from the school's general
8 fund;

9 (b) state or local funds provided to
10 cover the cost of student meals;

11 (c) donations or grants provided by
12 community organizations or individuals; or

13 (d) food service revenue from activities
14 not funded through the nonprofit school food service account.

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

18 SECTION 7. [NEW MATERIAL] APPLICABILITY.--The Hunger-Free
19 Students' Bill of Rights Act applies to a public school
20 district, a public school, a private school or a religious
21 school that participates in the national school lunch program
22 or school breakfast program.