

SENATE BILL NO. 102

February 04, 2021, Introduced by Senators ANANICH, MCCANN, WOJNO, POLEHANKI, CHANG, HERTEL, BULLOCK, BAYER and HOLLIER and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1272b (MCL 380.1272b), as amended by 2015 PA
42.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1272b. (1) In all school meal programs established and
2 operated under section 1272a, all of the following apply:
3 (a) Subject to subsection (2), nutritional standards
4 prescribed by the United States Department of Agriculture pursuant
5 to ~~to~~ **under** section 9 of the **Richard B. Russell** national school lunch

1 act, 42 USC 1758, ~~shall~~**must** be met and maintained.

2 (b) The board of a school district or board of directors of a
3 public school academy may charge a fee for meals or milk, but the
4 fee ~~shall~~**must** not exceed the actual average daily cost, including
5 necessary supervision, of the meal or milk and accessories, less
6 the amount of food and financial assistance received by the board
7 or board of directors for the meal or milk.

8 (c) The board of a school district or board of directors of a
9 public school academy shall provide free and reduced price meals
10 and free milk to all pupils eligible under the maximum standards
11 prescribed by the United States Department of Agriculture ~~pursuant~~
12 ~~to~~**under** section 9 of the **Richard B. Russell** national school lunch
13 act, 42 USC 1758; shall ensure the confidentiality of all
14 information contained in applications for eligibility; and shall
15 further ensure that eligible pupils are not discriminated against
16 or overtly identified in any manner.

17 (d) The board of a school district or board of directors of a
18 public school academy shall provide for parent and pupil
19 participation in the planning and evaluation of school meals and
20 other foods sold or dispensed on school premises.

21 **(e) The board of a school district or board of directors of a**
22 **public school academy shall not publicly identify or stigmatize a**
23 **pupil who cannot pay for a school meal or who owes a school-meal**
24 **debt by requiring a pupil to wear a wristband or handstamp or by**
25 **any other means.**

26 (f) The board of a school district or board of directors of a
27 public school academy shall not require a pupil who cannot pay for
28 a school meal or who owes a school-meal debt to perform chores or
29 other work to pay for school meals.

1 (g) The board of a school district or board of directors of a
2 public school academy shall not communicate directly with a pupil
3 about a school-meal debt. However, the board may communicate
4 directly with a pupil about a school-meal debt if all of the
5 following requirements are met:

6 (i) The board attempts to contact the pupil's parent or legal
7 guardian regarding the school-meal debt in any of the following
8 ways:

9 (A) By calling the telephone number belonging to the pupil's
10 parent or legal guardian as reflected in the records of the school
11 district or public school academy.

12 (B) By mailing a letter to the mailing address belonging to
13 the pupil's parent or legal guardian as reflected in the records of
14 the school district or public school academy.

15 (C) By sending an electronic mail message to the electronic
16 mailing address belonging to the pupil's parent or legal guardian
17 as reflected in the records of the school district or public school
18 academy.

19 (ii) The board is unsuccessful in making contact with the
20 pupil's parent or legal guardian after attempting to do so in the
21 manner described in subparagraph (i) (A), (B), or (C).

22 (iii) The board only discusses the school-meal debt directly
23 with the pupil outside of the presence of other pupils.

24 (h) If a pupil's school meal account reaches a negative
25 balance, not later than 7 days after the school meal account
26 reaches a negative balance, the board of a school district or board
27 of directors of a public school academy shall notify the pupil's
28 parent or legal guardian of the negative balance in writing and
29 shall provide the pupil's parent or legal guardian with information

1 regarding free or reduced price meals and free milk, including, but
2 not limited to, information regarding eligibility standards for
3 free or reduced price meals and free milk.

4 (i) The board of a school district or board of directors of a
5 public school academy shall not require a pupil or a pupil's parent
6 or legal guardian to pay the fees or costs of a collection agency
7 hired to collect a school-meal debt.

8 (j) The board of a school district or board of directors of a
9 public school academy shall provide a school meal that is
10 comparable to the United States Department of Agriculture
11 reimbursable meal to a pupil who requests a school meal, regardless
12 of a pupil's ability to pay for the school meal, unless the pupil's
13 parent or legal guardian has provided specific, written permission
14 to withhold a school meal.

15 (k) The board of a school district or board of directors of a
16 public school academy shall not require a pupil to dispose of a
17 school meal after it has been served because the pupil is unable to
18 pay for the school meal or owes a school-meal debt.

19 (l) The board of a school district, the board of directors of a
20 public school academy, or a school operated by a school district or
21 public school academy may accept philanthropic donations to pay
22 school-meal debts.

23 (2) In all school meal programs established and operated under
24 section 1272a, the department shall take all steps necessary to
25 ensure maximum state and local control over the implementation of
26 the programs, including, but not limited to, establishing an upper
27 limit on the number and frequency of fund-raising activities that
28 may take place in a public school during school hours that allow
29 the sale of food or beverage items that do not meet the nutritional

1 standards. The department shall ensure that this upper limit is not
2 less than 2 fund-raising activities per week. For the purposes of
3 this upper limit, an ongoing fund-raising activity that is
4 scheduled to take place at more than 1 time during a school day or
5 throughout the school day ~~shall~~**must** be considered to be a single
6 fund-raising activity.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.