

**HOUSE . . . . . No. 448**

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The Commonwealth of Massachusetts

PRESENTED BY:  
**Kay Khan**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:  
**An Act to promote healthy school meals.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	11th Middlesex
William N. Brownsberger	24th Middlesex
Timothy J. Toomey, Jr.	26th Middlesex
Gloria L. Fox	7th Suffolk
Jennifer M. Callahan	18th Worcester
Bruce E. Tarr	First Essex and Middlesex
Thomas M. Stanley	9th Middlesex
Mary E. Grant	6th Essex
John J. Binienda	17th Worcester
John P. Fresolo	16th Worcester
Jonathan Hecht	29th Middlesex
Susan C. Fargo	Third Middlesex
Anne M. Gobi	5th Worcester
Ellen Story	3rd Hampshire
Stephen Kulik	1st Franklin

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## AN ACT TO PROMOTE HEALTHY SCHOOL MEALS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

This law establishes a pilot program within the department of education to create an incentive for schools to improve the nutrition of and amount of local Massachusetts-grown food in meals served.

### Background:

This law would lay the foundation for school wellness policy improvement and both school incentives and accountability for wellness work, beginning with the nutrition of meals and a la carte offerings. The goal is to increase the nutritional standard of and proportion of fresh, locally grown food in meals served to public school students in schools participating in the National School Lunch Program and School Breakfast.

Line item 7053-1909 appropriates the Commonwealth's match to cities and towns for federal reimbursement of lunches to students.

*7053-1909. For reimbursements to cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter 538 of the acts of 1951, and for supplementing funds allocated for the special milk program; provided, that notwithstanding any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act and in the regulations implementing the act.*

### Section 1

Sec. 69 of the General Laws is hereby amended by inserting the following new section:

### Section 10. Healthy School Meals Program

It is hereby established the **Pilot Rewards for Healthy School Meals Program**. The State Department of Elementary and Secondary Education is authorized to expend in each fiscal year an amount equal to (1) the money required pursuant to the matching requirements of federal laws and shall disburse the same in accordance with said laws with (2) an additional ten cents per lunch served in the prior school year as the rewards for awardees selected for the pilot Healthy School Meals Program. Those schools eligible to apply for these awards are those under the jurisdiction of any local or regional school district, the regional vocational-technical school system or governing authority of an interdistrict magnet school that participates in the National School Lunch Program and that applies to the State Department of Education Pilot Rewards for Healthy School Meals Program, and is judged by the Massachusetts Department of Elementary and Secondary Education as meeting criteria for a Healthy School Meals Program. In order to qualify for rewards for Healthy School Meals Program, eligible schools must also have committed to a written School Wellness Policy that complies with the standards set by Section 204 of the national Child Nutrition and WIC Reauthorization Act of 2004.

The Massachusetts Department of Elementary and Secondary Education, in consultation with the Department of Public Health, will promulgate standards for school certification as Healthy School Meals schools. The standards will include a) a minimum proportion of use of locally grown fresh fruits and vegetables in season as part of school meals and a la carte offerings as demonstrated in school food purchasing records; and b) meeting the nutrition standards for school lunches, either by meeting the United States Department of Agriculture Healthier U.S. Challenge award or by meeting the nutrition standards as delineated in the most recent Institute of Medicine report on Nutrition Standards for School Lunches. The Department of Elementary and Secondary Education will establish methods including on-site review to determine that schools meet these criteria and are eligible to apply.

The Massachusetts Department of Elementary and Secondary Education shall prescribe the manner and time of application by local or regional schools and school districts, the regional vocational-technical school system, such governing authority for such funds, provided such application shall include the certification that any funds received pursuant to subsection (a) of this section shall be used for the purpose of purchasing foods for school meals, a la carte or federally reimbursed school lunches. The State Board of Education shall determine the eligibility of the applicant to receive such grants pursuant to regulations provided.

(c) The Massachusetts Department of Elementary and Secondary Education may adopt such regulations as may be necessary in implementing sections above, inclusive.

(d) The Commissioner of Education shall establish a procedure for monitoring compliance by boards of education, the regional vocational-technical school system, or governing authorities with certifications submitted in accordance with this act and may adjust grant amounts pursuant to (a) of this section based on failure to comply with said certification.