

# SENATE BILL No. 1078

September 5, 2018, Introduced by Senators ANANICH, WARREN, KNEZEK, HOPGOOD, YOUNG, GREGORY, GREEN, BIEDA, ROCCA and EMMONS and referred to the Committee on Education.

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~~ **UNDER** section 9 of the national school lunch act, 42 USC 1758,  
6 ~~shall~~ **MUST** be met and maintained.

7           (b) The board of a school district or board of directors of a  
8 public school academy may charge a fee for meals or milk, but the  
9 fee shall not exceed the actual average daily cost, including  
10 necessary supervision, of the meal or milk and accessories, less

1 the amount of food and financial assistance received by the board  
2 or board of directors for the meal or milk.

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

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

16 **(E) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A**  
17 **PUBLIC SCHOOL ACADEMY SHALL NOT PUBLICLY IDENTIFY OR STIGMATIZE A**  
18 **PUPIL WHO CANNOT PAY FOR A MEAL OR WHO OWES A MEAL DEBT BY**  
19 **REQUIRING A PUPIL TO WEAR A WRISTBAND OR HANDSTAMP OR BY ANY OTHER**  
20 **MEANS.**

21 **(F) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A**  
22 **PUBLIC SCHOOL ACADEMY SHALL NOT REQUIRE A PUPIL WHO CANNOT PAY FOR**  
23 **A MEAL OR WHO OWES A MEAL DEBT TO PERFORM CHORES OR OTHER WORK TO**  
24 **PAY FOR MEALS.**

25 **(G) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A**  
26 **PUBLIC SCHOOL ACADEMY SHALL NOT COMMUNICATE DIRECTLY WITH A PUPIL**  
27 **ABOUT A MEAL DEBT AND SHALL ONLY COMMUNICATE ABOUT A MEAL DEBT WITH**

1 A PUPIL'S PARENT OR LEGAL GUARDIAN.

2 (H) IF A PUPIL'S SCHOOL MEAL ACCOUNT REACHES A NEGATIVE  
3 BALANCE, THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A  
4 PUBLIC SCHOOL ACADEMY SHALL NOTIFY THE PUPIL'S PARENT OR LEGAL  
5 GUARDIAN OF THE NEGATIVE BALANCE IN WRITING NOT LATER THAN 7 DAYS  
6 AFTER THE SCHOOL MEAL ACCOUNT REACHES A NEGATIVE BALANCE.

7 (I) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A  
8 PUBLIC SCHOOL ACADEMY SHALL NOT REQUIRE A PUPIL OR A PUPIL'S PARENT  
9 OR LEGAL GUARDIAN TO PAY FEES OR COSTS OF A COLLECTION AGENCY HIRED  
10 TO COLLECT A MEAL DEBT.

11 (J) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A  
12 PUBLIC SCHOOL ACADEMY SHALL PROVIDE A UNITED STATES DEPARTMENT OF  
13 AGRICULTURE REIMBURSABLE MEAL TO A PUPIL WHO REQUESTS A MEAL,  
14 REGARDLESS OF A PUPIL'S ABILITY TO PAY FOR THE MEAL, UNLESS THE  
15 PUPIL'S PARENT OR LEGAL GUARDIAN HAS PROVIDED SPECIFIC, WRITTEN  
16 PERMISSION TO WITHHOLD A MEAL.

17 (K) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A  
18 PUBLIC SCHOOL ACADEMY SHALL NOT REQUIRE A PUPIL TO DISPOSE OF A  
19 MEAL AFTER IT HAS BEEN SERVED BECAUSE THE PUPIL IS UNABLE TO PAY  
20 FOR THE MEAL OR OWES A MEAL DEBT.

21 (L) THE BOARD OF A SCHOOL DISTRICT, THE BOARD OF DIRECTORS OF  
22 A PUBLIC SCHOOL ACADEMY, OR A SCHOOL OPERATED BY A SCHOOL DISTRICT  
23 OR PUBLIC SCHOOL ACADEMY MAY ESTABLISH AND ADMINISTER A  
24 PHILANTHROPIC FUND TO ASSIST PUPILS TO PAY FOR MEALS.

25 (2) In all school meal programs established and operated under  
26 section 1272a, the department shall take all steps necessary to  
27 ensure maximum state and local control over the implementation of

1 the programs, including, but not limited to, establishing an upper  
2 limit on the number and frequency of fund-raising activities that  
3 may take place in a public school during school hours that allow  
4 the sale of food or beverage items that do not meet the nutritional  
5 standards. The department shall ensure that this upper limit is not  
6 less than 2 fund-raising activities per week. For the purposes of  
7 this upper limit, an ongoing fund-raising activity that is  
8 scheduled to take place at more than 1 time during a school day or  
9 throughout the school day shall be considered to be a single fund-  
10 raising activity.

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