SENATE DOCKET, NO. FILED ON: 1/14/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Richard T. Moore**

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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: |
| Richard T. Moore | Worcester and Norfolk |

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:*

 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.