
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1403 Session of
2017

INTRODUCED BY BULLOCK, D. MILLER, M. QUINN, KIM, D. COSTA,
McCLINTON, SIMS, CALTAGIRONE, SCHWEYER, SOLOMON, SCHLOSSBERG,
ROZZI, FRANKEL, DRISCOLL, BOYLE, V. BROWN, McNEILL, O'NEILL,
WARREN, RABB, KORTZ, STURLA, ROEBUCK, THOMAS AND BRIGGS,
MAY 18, 2017

REFERRED TO COMMITTEE ON EDUCATION, MAY 18, 2017

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in pupils and attendance, further
6 providing for school lunch and breakfast reimbursement.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 1337.1 heading and (d) of the act of
10 March 10, 1949 (P.L.30, No.14), known as the Public School Code
11 of 1949, are amended and the section is amended by adding
12 subsections to read:

13 Section 1337.1. School Lunch and Breakfast [Reimbursement]
14 Procedures.--* * *

15 (c.2) (1) A school shall provide:

16 (i) a free, printed meal application in every school
17 enrollment packet or, if the school chooses to use an electronic
18 meal application, an explanation of the electronic meal

1 application process and instructions for how parents or
2 guardians may request a paper application at no cost; and
3 (ii) meal applications and instructions in a language that
4 parents and guardians understand. If a parent or guardian cannot
5 read or understand a meal application, the school shall offer
6 assistance in completing the application.

7 (2) If a school becomes aware that a student who has not
8 submitted a meal application is eligible for the school lunch
9 program or school breakfast program, the school shall complete
10 and file an application for the student under the authority
11 granted by 7 CFR 245.6(d) (relating to application, eligibility
12 and certification of children for free and reduced price meals
13 and free milk).

14 (3) This subsection does not apply to a school that provides
15 free meals to all students in a year in which the school does
16 not collect meal applications from students.

17 (c.3) (1) The liaison required for a school under the
18 McKinney-Vento Homeless Assistance Act (Public Law 100-77, 42
19 U.S.C. § 11301 et seq.) shall coordinate with the Commonwealth
20 to ensure that a homeless student receives free school meals,
21 which shall be appropriately coded and entered into the
22 Pennsylvania Information Management System.

23 (2) This subsection does not apply to a private or religious
24 school.

25 (c.4) Regardless of whether a student has money to pay for a
26 meal or owes money for earlier meals, a school:

27 (1) shall provide a United States Department of Agriculture
28 reimbursable meal to a student who requests one, unless the
29 student's parent or guardian has specifically provided written
30 permission to the school to withhold a meal; and

1 (2) may not require that a student throw away a meal after
2 the meal has been served because of the student's inability to
3 pay for the meal or because money is owed for earlier meals.

4 (c.5) If a student owes money for five or more meals, a
5 school shall:

6 (1) check the State list of students categorically eligible
7 for free meals to determine if the student is categorically
8 eligible;

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

13 (3) require a principal, assistant principal or counselor to
14 contact the parent or guardian to offer assistance with a meal
15 application, determine if there are other issues within the
16 household that have caused the student to have insufficient
17 funds to purchase a school meal and offer other appropriate
18 assistance.

19 (c.6) A school may not:

20 (1) publicly identify or stigmatize a student who cannot pay
21 for a meal or owes a meal debt by requiring that the student
22 wear a wristband or hand stamp; or

23 (2) require a student who cannot pay for a meal or owes a
24 meal debt to perform chores or other work to pay for meals,
25 provided that chores or work required of all students regardless
26 of a meal debt is permitted.

27 (c.7) (1) A school shall direct communications about a
28 student's meal debt to a parent or guardian and not the student.

29 (2) Nothing in this subsection shall be construed to
30 prohibit a school from sending a student home with a letter

1 addressed to a parent or guardian.

2 (c.8) A school may not require a parent or guardian to pay
3 fees or costs from collection agencies hired to collect a meal
4 debt.

5 (d) For the purposes of this section, the following terms
6 shall have the following meanings:

7 "Meal application" shall mean an application for the school
8 lunch program or school breakfast program.

9 "School" shall have the same meaning as given to that term in
10 7 CFR 210.2 (relating to definitions).

11 "School breakfast program" shall have the same meaning as
12 given to that term in 7 CFR Pt. 220 (relating to School
13 Breakfast Program).

14 "School lunch program" shall have the same meaning as given
15 to the term "National School Lunch Program" in 7 CFR 210.2
16 (relating to definitions).

17 ["School breakfast program" shall have the same meaning as
18 given to that term in 7 CFR Pt. 220 (relating to School
19 Breakfast Program).]

20 Section 2. This act shall take effect in 60 days.