

**HOUSE . . . . . No. 4409**

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The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act relative to healthy eating in school cafeterias.

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

1           SECTION 1. The Massachusetts School Building Authority, referred to in this section as  
2 the Authority, in collaboration with the department of elementary and secondary education, shall,  
3 subject to appropriation, develop a 3-year pilot program for up to 1 school per calendar year for  
4 public elementary and secondary schools with the purpose of updating school kitchens for fresh  
5 food preparation and storage.

6           Eligible schools electing to participate in the pilot program shall notify the Authority  
7 through an application procedure established by the Authority, on or before January 31 of each  
8 calendar year during the pilot program.

9           After the initial application, the Authority may determine the best candidates for the pilot  
10 program using the following criteria:

- 11           (i) the scope of renovations needed to fully update the kitchen to prepare fresh food;
- 12           (ii) the school’s capacity to implement such measures;

13 (iii) the school's plans on how best to use a newly renovated space with the additional  
14 features to allow for fresh food preparation; and

15 (iv) any additional criteria as established by the Authority.

16 Schools electing to participate shall be eligible for financial support of up to 70 per cent  
17 of the cost for updating the kitchen, as determined by the Authority, using criteria established  
18 pursuant to this section.

19 The Authority shall develop guidelines for a quarterly review of the progress being made  
20 by each pilot school kitchen. Strategies shall be researched to fully utilize the kitchens space to  
21 prepare and store fresh and nutritious food for students.

22 The participating schools shall prepare and submit an annual report during each year  
23 renovation is taking place and 3 years thereafter analyzing the implementation and efficacy of  
24 the pilot program to determine evidence-based standards for school kitchens to adhere to across  
25 school districts in the commonwealth. The schools shall submit such annual report to the joint  
26 committee on education and the house and senate committees on ways and means on or before  
27 September 1 of each year such report is required.

28 SECTION 2: (a) The department of agricultural resources, in conjunction with the  
29 department of elementary and secondary education and the department of public health, shall,  
30 subject to appropriation, develop a 4-year pilot program to create a farm-to-school community  
31 challenge. The goals of the farm-to-school pilot program will be to promote locally grown food  
32 as well as nutritious school meals with the purpose of providing evidence that communities gain  
33 positive changes in the eating habits of children and adolescents, improve access to local foods in  
34 eligible schools, increase the supply of fresh, locally grown farm products served for meals and

35 snacks in in public elementary and secondary schools, and incorporate better education and  
36 engagement around healthy food choices.

37 (b) The pilot program shall, subject to appropriation, include a farm-to-school grant  
38 program. The program shall be administered by the department of agricultural resources and  
39 shall have the following purposes:-

40 (i) to improve the health and nutrition of school children and adolescents in the  
41 commonwealth by increasing their consumption of fresh farm commodities, including fruits,  
42 vegetables, and nuts, as appropriate;

43 (ii) to conduct a needs assessment and menu audit to determine the next steps to create a  
44 farm-to-school plan;

45 (iii) to increase opportunities for farmers in the commonwealth to market directly to local  
46 schools and school districts;

47 (iv) to provide information and technical assistance to schools and school districts, food  
48 service personnel, farmers, and produce distributors and processors regarding the demand for and  
49 the availability of farm products in the commonwealth, with an emphasis on locally and  
50 regionally grown products;

51 (v) to identify and reduce barriers in order to successfully implement farm-to-school  
52 programs;

53 (vi) to promote successful models and strategies for local farm-to-school programs to  
54 school districts, food service personnel, farmers, distributors, and processors;

55 (vii) to identify local food vendors and products that can be obtained by the participating  
56 school and introduced into the school menu;

57 (viii) to provide school districts with the opportunity to develop a long-term strategy that  
58 supports locally sourced products, interactive menu planning, and an educational framework to  
59 provide increased learning opportunities to students in order for them to make informed and  
60 healthier food choices;

61 (ix) to provide a framework for sustained state funding for school districts who  
62 voluntarily participate in the farm-to-school program; and

63 (x) to provide for accountability to ensure the efficient and effective implementation of  
64 the farm-to-school program in participating schools.

65 (c) Any school participating in the pilot program, including the grant program, shall  
66 adhere to the following requirements:-

67 (i) schools selected to participate in the pilot program shall keep records of the fruits,  
68 vegetables, or other foods received under the pilot program in such manner and form as  
69 requested by the commissioner of agricultural resources;

70 (ii) each participant shall submit to the commissioner of agricultural resources a report on  
71 the success of the pilot project including information on: (a) the quantity and cost of each type of  
72 fruit, vegetable, or other food received under the pilot project; and (b) the benefit provided by  
73 those procurements in conducting school food service in the school, including meeting school  
74 meal requirements;

75 (iii) a record of each vendor used;

76 (iv) a record of menu changes that were affected by the fresh food procurement and the  
77 pilot program;

78 (v) changes to the wellness policy that occurred as a direct effect of the changes in fresh  
79 food availability at the participating school; and

80 (vi) any additional requirements promulgated by the department of agricultural resources.

81 (d) The participating schools shall prepare and submit an annual report analyzing the  
82 implementation of the pilot program to determine evidence-based standards for schools to adhere  
83 to across the commonwealth. The schools shall submit such annual report to the department of  
84 elementary and secondary education, the department of public health, and the department of  
85 agricultural resources on or before September 1 of each pilot year.

86 (e) (1) The department of elementary and secondary education, the department of  
87 agricultural resources, and the department of public health shall, subject to appropriation,  
88 collaborate with each other to establish a farm-to-school interagency task force to coordinate and  
89 advance the work of the pilot program. The task force shall consist of 13 members to be  
90 appointed by the governor: 2 of whom shall be nominated by the commissioner of the  
91 department of elementary and secondary education, 2 of whom shall be nominated by the  
92 commissioner of agricultural resources, 2 of whom shall be nominated by the commissioner of  
93 public health, 1 of whom shall be a representative of a school district, 1 of whom shall be a  
94 representative from the food service industry, 1 of whom shall be a farmer in the commonwealth,  
95 1 of whom shall be a food distributor in the commonwealth, 1 of whom shall be a food processor  
96 in the commonwealth, 1 of whom shall be a representative from an agricultural organization with

97 a level of expertise in farm-to-school programs, and 1 of whom shall be a representative from a  
98 nonprofit organization with expertise in community food security.

99 (2) The task force shall:

100 (i) identify and promote the critical components of individual farm-to-school programs  
101 and advise the department of agricultural resources on needed actions and effective strategies to  
102 implement the program; and

103 (ii) consider all of the following issues, in addition to any others it deems necessary:

104 (A) packing and grading standards;

105 (B) food safety;

106 (C) ensuring timely payments to farmers participating in farm-to-school programs;

107 (D) informing schools of the availability of farm products;

108 (E) the adequacy of staffing, storage, and preparation equipment necessary to operate a  
109 farm-to-school program; and

110 (F) promoting curriculum that links farm-to-school program activities to existing state  
111 academic content standards.