

**SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION**

**S.F. No. 1901**

(SENATE AUTHORS: DUCKWORTH)

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D-PG

Introduction and first reading  
Referred to Education Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education finance; creating a community eligibility provision requirement  
1.3 for school meal program participation; proposing coding for new law in Minnesota  
1.4 Statutes, chapter 124D.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[124D.1112] COMMUNITY ELIGIBILITY PROVISION**  
1.7 **PARTICIPATION AND TECHNICAL ASSISTANCE.**

1.8 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
1.9 the meanings given.

1.10 (b) "Community eligibility provision" means the reimbursement option available for the  
1.11 national school lunch program and national school breakfast program, as defined under  
1.12 Code of Federal Regulations, title 7, section 245.9.

1.13 (c) "Community-eligibility qualifying school" means a school that, as determined by  
1.14 the Department of Education by April 1 of each year, meets the eligibility criteria specified  
1.15 in Code of Federal Regulations, title 7, section 245.9, for participation in the community  
1.16 eligibility provision. A school will be found to meet the eligibility criteria if the department  
1.17 determines it qualifies to do so as an individual school, as part of an entire local educational  
1.18 agency, or as part of a group of schools within a local educational agency, as defined under  
1.19 Code of Federal Regulations, title 7, section 245.9(f).

1.20 (d) "Full-reimbursement qualifying school" means a community-eligibility qualifying  
1.21 school that, as determined by the department by April 1 of each year, has an identified  
1.22 student percentage sufficient to allow the school to claim reimbursement through the  
1.23 community eligibility provision at the applicable federal free rate for all meals served within

2.1 the school as part of the national school lunch program and national school breakfast program.  
2.2 A school will be found to satisfy this definition if the department determines that it meets  
2.3 this criteria as an individual school, part of an entire local educational agency, or part of a  
2.4 group of schools within a local educational agency, as defined under Code of Federal  
2.5 Regulations, title 7, section 245.9(f).

2.6 (e) "Identified student" and "identified student percentage" have the meanings as defined  
2.7 under Code of Federal Regulations, title 7, section 245.9.

2.8 (f) "Local educational agency" has the meaning as defined under Code of Federal  
2.9 Regulations, title 7, section 245.2.

2.10 (g) "National school breakfast program" means the nonprofit breakfast program  
2.11 established by section 4 of the Child Nutrition Act of 1966, as defined under United States  
2.12 Code, title 42, section 1773.

2.13 (h) "National school lunch program" means the nonprofit lunch program established  
2.14 under the Richard B. Russell National School Lunch Act, as defined under United States  
2.15 Code, title 42, section 1751, et seq.

2.16 Subd. 2. **Purpose.** The purpose of this section is to leverage federal funding through the  
2.17 community eligibility provision to support students in achieving their academic potential,  
2.18 provide students with increased access to nutritious options while they are developing  
2.19 life-long eating habits, and reduce stigma associated with receiving free school meals.

2.20 Subd. 3. **Department duties.** (a) In addition to fulfilling any other applicable state and  
2.21 federal requirements, the department must provide to each local educational agency a list  
2.22 of schools as defined under Code of Federal Regulations, title 7, section 245.9(f)(5), within  
2.23 the time frame described therein, and must gather the information necessary to compile this  
2.24 list. As is allowed by the Code of Federal Regulations, this provision thereby exempts local  
2.25 educational agencies from the requirement to submit this information to the state.

2.26 (b) Within the time frame described in paragraph (a), the department must notify local  
2.27 educational agencies with one or more community-eligibility qualifying schools that are  
2.28 not full-reimbursement qualifying schools of the option to elect, for any such schools,  
2.29 national school lunch program and national school breakfast program meal reimbursement  
2.30 through the community eligibility provision.

2.31 (c) Within the time frame described in paragraph (a), the department must (1) identify  
2.32 full-reimbursement qualifying schools; (2) provide each local educational agency with one  
2.33 or more full-reimbursement qualifying schools a list of those schools; and (3) notify those

3.1 local educational agencies of the obligation to elect for any qualifying schools national  
3.2 school lunch program and national school breakfast program meal reimbursement through  
3.3 the community eligibility provision.

3.4 (d) The department must provide technical assistance to a local educational agency with  
3.5 one or more community-eligibility qualifying schools to assist them in meeting any state  
3.6 and federal requirements necessary in order to receive reimbursement through the community  
3.7 eligibility provision.

3.8 (e) The department must ensure appropriate reimbursement rates for schools and districts  
3.9 using the community eligibility provision.

3.10 (f) If a school or district is ineligible to receive reimbursement through the community  
3.11 eligibility provision, the department must assist the school or district, if feasible, in achieving  
3.12 eligibility.

3.13 (g) The department shall conduct an annual review to identify local educational agencies  
3.14 that have not fully complied with subdivision 4 and provide notification of that determination  
3.15 to the relevant local educational agencies within 30 days of making that determination.

3.16 **Subd. 4. Community eligibility provision; required participation; exemption.** (a)  
3.17 Except as provided otherwise by this section, effective in the 2022-2023 school year and  
3.18 every school year thereafter, each school that is qualified for full reimbursement must  
3.19 participate in the community eligibility provision in the subsequent school year and  
3.20 throughout the duration of the community eligibility provision's four-year cycle.

3.21 (b) Schools that, through an arrangement with a local entity, provide meals to all students  
3.22 and at no cost to the students are exempt from the requirements of this section.

3.23 **Subd. 5. Reporting obligations for noncompliant full-reimbursement qualifying**  
3.24 **schools.** A local agency with one or more schools that qualify for full reimbursement that  
3.25 fails to comply with subdivision 4 must respond to a notification of noncompliance from  
3.26 the department within 60 days of receipt of the notification. The response must include a  
3.27 report available to the public on any obstacles to participation that contributed to the  
3.28 noncompliance and plans to ensure compliance for the following school year.