

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2180 Session of 2024

INTRODUCED BY KINKEAD, HILL-EVANS, PROBST, SANCHEZ, KINSEY, SIEGEL, GIRAL, SCHLOSSBERG, KHAN, HOWARD, HOHENSTEIN AND WAXMAN, JUNE 24, 2024

REFERRED TO COMMITTEE ON EDUCATION, JUNE 24, 2024

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 Nonprofit School Food Program and providing for
 7 School Meal Debt Fund; and making appropriations.

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

10 Section 1. Section 1337(a), (c) and (d) of the act of March
 11 10, 1949 (P.L.30, No.14), known as the Public School Code of
 12 1949, are amended and the section is amended by adding
 13 subsections to read:

14 Section 1337. Nonprofit School Food Program.--(a)
 15 Definitions. For the purpose of this section[---

16 "school]:

17 "Public school" means a school operated by a school district,
 18 intermediate unit, charter school, regional charter school or an
 19 area career and technical school.

20 "School food program" means a program under which food

1 served by any school on a nonprofit basis to children in
2 attendance, including any such program under which a school
3 receives assistance out of funds appropriated by the Congress of
4 the United States.

5 * * *

6 (c) Administration of Program. The Department of Education
7 may enter into such agreements with any agency of the Federal
8 Government, with any board of school directors, or with any
9 other agency or person prescribe such regulations, employ such
10 personnel, and take such other action as it may deem necessary
11 to provide for the establishment, maintenance, operation and
12 expansion of any school food program, and to direct the
13 disbursement of Federal and State funds in accordance with any
14 applicable provisions of Federal or State law. The Department of
15 Education may give technical advice and assistance to any board
16 of school directors in connection with the establishment and
17 operation of any school food program, and may assist in training
18 personnel engaged in the operation of such program. [The
19 Department of Education, and any board of school directors, may
20 accept any gift for use in connection with any school food
21 program.]

22 (d) Boards of School Directors.

23 (1) Pursuant to any power of boards of school directors to
24 operate or provide for the operation of school food programs in
25 schools under their jurisdiction, boards of school directors may
26 use therefore funds disbursed to them under the provisions of
27 this section, [gifts] and other funds, received from sale of
28 school food under such programs.

29 (2) [(i) Pursuant to subclause (ii), regardless] Regardless
30 of whether a student has money to pay for a school meal or owes

1 money for school meals, each board of school directors shall
2 establish a requirement for schools under its jurisdiction to
3 provide a school food program meal to a student who requests
4 one, unless the student's parent or guardian has specifically
5 provided written directive to the school to withhold a school
6 meal.

7 [(ii) If a student is not eligible for participation in the
8 school food program and owes greater than seventy-five dollars
9 (\$75) in a school year for school meals, a school may provide
10 the student with alternative meals instead of school food
11 program meals until the student's unpaid balance for school
12 meals is paid or a payment plan has been established with the
13 school to reduce the unpaid balance.]

14 (3) Each board of school directors shall require schools
15 under its jurisdiction to comply with the following when a
16 student owes money for five or more school meals:

17 (i) The school shall make at least two attempts to reach the
18 student's parent or guardian and have the parent or guardian
19 apply for participation in the school food program.

20 (ii) The school shall offer assistance with applying for
21 participation in the school food program.

22 (iii) The school shall provide the parent or guardian with
23 information on resources for applying for social service
24 assistance programs.

25 (4) Each board of school directors shall[:

26 (i) Require] require schools under its jurisdiction to
27 direct communications regarding money owed by a student for
28 school meals to the student's parent or guardian and not to the
29 student. [if the student is enrolled in grades kindergarten
30 through eight. For a student enrolled in grades nine through

1 twelve, the board of school directors may require the schools to
2 direct communications regarding a low balance or money owed by a
3 student for school meals to the student if the communications
4 are made individually to the student by appropriate school
5 personnel and are made discreetly.

6 (ii) Permit schools under its jurisdiction to contact the
7 student's parent or guardian by means of a letter addressed to
8 the parent or guardian that is delivered by the student.]

9 (5) Each board of school directors shall prohibit schools
10 under its jurisdiction from implementing the following:

11 (i) Publicly identifying or stigmatizing a student who
12 cannot pay for a school meal or who owes money for school
13 [meals. It shall not constitute public identification or
14 stigmatization of a student for a school to restrict privileges
15 and activities of students who owe money for school meals if
16 those same restrictions apply to students who owe money for
17 other school-related purposes. It shall not constitute public
18 identification or stigmatization of a student for a school to
19 provide a student with an alternative meal pursuant to clause
20 (2)(ii).] meals, including serving a student an alternative meal
21 or requiring a student to wear a wristband, hand stamp or other
22 article identifying the student as having school meal debt.

23 (ii) Requiring a student who cannot pay for a school meal to
24 perform chores or other work to pay for the school meal. This
25 subclause shall not apply if chores or other work are required
26 of all students regardless of the student's [~~inability~~] ability
27 to pay for the school meal.

28 (iii) Requiring a student or school staff to discard a
29 school meal after it was served to the student due to the
30 student's [~~inability~~] ability to pay for the school meal or the

1 amount of money owed by the student for earlier school meals.

2 (iv) Penalizing a student with detention, in-school
3 suspension or out-of-school suspension for eating a school meal
4 for which the student could not pay.

5 (v) Denying a student the opportunity to participate in
6 curricular or extracurricular activities or graduation or to
7 receive a diploma as a result of outstanding school meal debt.

8 (vi) Using collections agencies to threaten or damage the
9 credit score of a parent or guardian to recover school meal
10 debt.

11 (vii) Applying interest, fees or other penalties to
12 outstanding school meal debt.

13 (viii) Filing a lawsuit against a student, parent or
14 guardian to recover outstanding school meal debt.

15 (ix) Filing one or more criminal charges against a student,
16 parent or guardian to recover outstanding school meal debt.

17 (x) Using the nonprofit food service account to pay for the
18 student debt.

19 (g) Data collection.

20 (1) Except as provided in paragraph (3), the Department of
21 Revenue shall collect household income information for each
22 public school in this Commonwealth and distribute to each public
23 school its household income information regarding its students.

24 The data shall:

25 (i) Be used to determine the number of students who are
26 eligible for federally funded free or reduced-price meals from
27 the United States Department of Agriculture.

28 (ii) Be used to determine students with the greatest need to
29 reimburse the cost of discharging outstanding school meal debt.

30 (iii) Remain confidential and shall not be subject to

1 disclosure under the act of February 14, 2008 (P.L.6, No.3),
2 known as the "Right-to-Know Law." The data shall not be shared
3 by the public school other than as necessary for purposes of
4 determining funding allocation.

5 (iv) Not be used to deny any student from receiving two free
6 meals each school day.

7 (2) Students for whom household income information is not
8 collected under paragraph (1) shall continue to be provided two
9 free meals each school day upon request.

10 (3) Paragraph (1) does not apply if the public school is
11 able to obtain equivalent information through another means,
12 including eligibility for other assistance programs.

13 (h) Outreach grant.

14 (1) In order to increase a public schools Identified Student
15 Population and maximize Federal funding through the National
16 School Breakfast Program and National School Lunch Program, the
17 Department of Human Services shall establish an annual grant to
18 assist with outreach to parents and guardians about direct
19 certification programs.

20 (2) The sum of \$1,000,000 is annually appropriated from the
21 General Fund to the Department of Human Services to provide
22 payments to public schools in an amount necessary to reimburse
23 the cost of operating an outreach program to increase their
24 Identified Student Population.

25 (3) The Department of Human Services shall develop
26 procedures to allocate and disburse, beginning in the 2024-2025
27 school year, the money appropriated under paragraph (2) to
28 public schools.

29 * * *

30 Section 2. The act is amended by adding a section to read:

1 Section 1337.2. School Meal Debt Fund.--(a) The School Meal
2 Debt Fund is established to assist public schools with
3 discharging debt accumulated through the operation of a school
4 food service program.

5 (b) The sum of \$80,000,000 is appropriated from the General
6 Fund to the department to provide payments to public schools in
7 an amount necessary to reimburse the cost of discharging
8 outstanding school meal debt.

9 (c) The department shall develop procedures to allocate and
10 disburse, beginning in the 2024-2025 school year, the money
11 appropriated under subsection (b) to public schools that
12 participate in the National School Breakfast Program and
13 National School Lunch Program. The following shall receive
14 priority for a grant under this subsection:

15 (1) Eligible schools under the Community Eligibility
16 Provision (CEP) with an identified student percentage (ISP)
17 between 30 percent and 40 percent.

18 (2) Public schools with a market value/ personal income aid
19 ratio of six thousand ten-thousandths (0.6000) or greater.

20 (d) (1) Funds allocated to and disbursed by this fund shall
21 only be used to discharge school meal debt accumulated by meals
22 served as part of the National School Breakfast Program and
23 National School Lunch Program.

24 (2) If an additional snack or other food is offered by the
25 public school that is not included in meals offered through the
26 National School Breakfast Program or National School Lunch
27 Program, students may be required to purchase the additional
28 snack or other food unless the public school provides the
29 additional snack or other food at no charge and may not be
30 recovered through these funds.

1 (e) If the amount appropriated under subsection (a) is
2 insufficient to fully reimburse the cost of discharging
3 outstanding school meal debt, the department shall develop
4 procedures for how to equitably prorate the funds to public
5 schools.

6 (f) For the purposes of this section, the term "public
7 school" shall mean a school operated by a school district,
8 intermediate unit, charter school, regional charter school or an
9 area career and technical school.

10 Section 3. This act shall take effect in 60 days.