

64.20  
64.21**ARTICLE 6**  
**NUTRITION**

64.22 Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended  
64.23 to read:

64.24 Subd. 7. **Food service contracts.** A contract between a school board and a food service  
64.25 management company that complies with Code of Federal Regulations, title 7, section  
64.26 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for  
64.27 not more than four additional years.

64.28 Sec. 2. Minnesota Statutes 2016, section 124D.111, is amended to read:

64.29 **124D.111 SCHOOL MEALS POLICIES; LUNCH AID; FOOD SERVICE**  
64.30 **ACCOUNTING.**

65.1 Subdivision 1. ~~School lunch aid computation meals policies.~~ (a) Each Minnesota  
65.2 participant in the national school lunch program must adopt and post to its Web site, or the  
65.3 Web site of the organization where the meal is served, a school meals policy.

65.4 (b) The policy must be in writing and clearly communicate student meal charges when  
65.5 payment cannot be collected at the point of service. The policy must be reasonable and  
65.6 well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise  
65.7 ostracizing the student.

65.8 (c) The policy must address whether the participant uses a collections agency to collect  
65.9 unpaid school meals debt.

65.10 (d) The policy must ensure that once a participant has placed a meal on a tray or otherwise  
65.11 served the meal to a student, the meal may not be subsequently withdrawn from the student  
65.12 by the cashier or other school official, whether or not the student has an outstanding meals  
65.13 balance.

65.14 (e) The policy must ensure that a student who has been determined eligible for free and  
65.15 reduced-price lunch must always be served a reimbursable meal even if the student has an  
65.16 outstanding debt.

65.17 (f) If a school contracts with a third party for its meal services, it must provide the vendor  
65.18 with its school meals policy. Any contract between the school and a third-party provider

152.16  
152.17**ARTICLE 7**  
**NUTRITION**

152.18 Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended  
152.19 to read:

152.20 Subd. 7. **Food service contracts.** A contract between a school board and a food service  
152.21 management company that complies with Code of Federal Regulations, title 7, section  
152.22 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for  
152.23 not more than four additional years.

152.24 Sec. 2. Minnesota Statutes 2016, section 124D.111, is amended to read:

152.25 **124D.111 RESPECTFUL SCHOOL MEALS POLICY; LUNCH AID; FOOD**  
152.26 **SERVICE ACCOUNTING.**

**NOTE: FROM SUBDIVISION 5**

155.3 (b) Once a participant has placed a meal on a tray or otherwise served the meal to a  
155.4 student, the meal must not be subsequently withdrawn from the student by the cashier or  
155.5 other school official whether or not the student has an outstanding meals balance.

65.19 entered into or modified after the July 1, 2018, effective date of this act, must ensure that  
 65.20 the third-party provider adheres to the participant's school meals policy.

65.21 Subd. 1a. **School lunch aid amounts.** Each school year, the state must pay participants  
 65.22 in the national school lunch program the amount of 12.5 cents for each full paid and free  
 65.23 student lunch and 52.5 cents for each reduced-price lunch served to students.

65.24 Subd. 2. **Application.** A school district, charter school, nonpublic school, or other  
 65.25 participant in the national school lunch program shall apply to the department for this  
 65.26 payment on forms provided by the department.

65.27 Subd. 2a. **Federal child and adult care food program; criteria and notice.** The  
 65.28 commissioner must post on the department's Web site eligibility criteria and application  
 65.29 information for nonprofit organizations interested in applying to the commissioner for  
 65.30 approval as a multisite sponsoring organization under the federal child and adult care food  
 65.31 program. The posted criteria and information must inform interested nonprofit organizations  
 65.32 about:

66.1 (1) the criteria the commissioner uses to approve or disapprove an application, including  
 66.2 how an applicant demonstrates financial viability for the Minnesota program, among other  
 66.3 criteria;

66.4 (2) the commissioner's process and time line for notifying an applicant when its  
 66.5 application is approved or disapproved and, if the application is disapproved, the explanation  
 66.6 the commissioner provides to the applicant; and

66.7 (3) any appeal or other recourse available to a disapproved applicant.

66.8 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must  
 66.9 be recorded as provided in this subdivision.

66.10 (b) In each district, the expenses for a school food service program for pupils must be  
 66.11 attributed to a school food service fund. Under a food service program, the school food  
 66.12 service may prepare or serve milk, meals, or snacks in connection with school or community  
 66.13 service activities.

66.14 (c) Revenues and expenditures for food service activities must be recorded in the food  
 66.15 service fund. The costs of processing applications, accounting for meals, preparing and  
 66.16 serving food, providing kitchen custodial services, and other expenses involving the preparing  
 66.17 of meals or the kitchen section of the lunchroom may be charged to the food service fund  
 66.18 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial

152.27 Subdivision 1. **School lunch aid computation.** Each school year, the state must pay  
 152.28 participants in the national school lunch program the amount of 12.5 cents for each full paid  
 152.29 and free student lunch and 52.5 cents for each reduced-price lunch served to students.

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 153.2 participant in the national school lunch program shall apply to the department for this  
 153.3 payment on forms provided by the department.

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 153.5 commissioner must post on the department's Web site eligibility criteria and application  
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 153.11 how an applicant demonstrates financial viability for the Minnesota program, among other  
 153.12 criteria;

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 153.14 application is approved or disapproved and, if the application is disapproved, the explanation  
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 153.27 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial

66.19 services, lunchroom utilities, and other administrative costs of the food service program  
66.20 must be charged to the general fund.

66.21 That portion of superintendent and fiscal manager costs that can be documented as  
66.22 attributable to the food service program may be charged to the food service fund provided  
66.23 that the school district does not employ or contract with a food service director or other  
66.24 individual who manages the food service program, or food service management company.  
66.25 If the cost of the superintendent or fiscal manager is charged to the food service fund, the  
66.26 charge must be at a wage rate not to exceed the statewide average for food service directors  
66.27 as determined by the department.

66.28 (d) Capital expenditures for the purchase of food service equipment must be made from  
66.29 the general fund and not the food service fund, unless the restricted balance in the food  
66.30 service fund at the end of the last fiscal year is greater than the cost of the equipment to be  
66.31 purchased.

66.32 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased  
66.33 from the food service fund.

67.1 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit  
67.2 is not eliminated by revenues from food service operations in the next fiscal year, then the  
67.3 deficit must be eliminated by a permanent fund transfer from the general fund at the end of  
67.4 that second fiscal year. However, if a district contracts with a food service management  
67.5 company during the period in which the deficit has accrued, the deficit must be eliminated  
67.6 by a payment from the food service management company.

67.7 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund  
67.8 for up to three years without making the permanent transfer if the district submits to the  
67.9 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at  
67.10 the end of the third fiscal year.

67.11 (h) If a surplus in the food service fund exists at the end of a fiscal year for three  
67.12 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,  
67.13 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food  
67.14 service program charged to the general fund according to paragraph (c) and charge those  
67.15 costs to the food service fund in a total amount not to exceed the amount of surplus in the  
67.16 food service fund.

153.28 services, lunchroom utilities, and other administrative costs of the food service program  
153.29 must be charged to the general fund.

153.30 That portion of superintendent and fiscal manager costs that can be documented as  
153.31 attributable to the food service program may be charged to the food service fund provided  
153.32 that the school district does not employ or contract with a food service director or other  
153.33 individual who manages the food service program, or food service management company.  
154.1 If the cost of the superintendent or fiscal manager is charged to the food service fund, the  
154.2 charge must be at a wage rate not to exceed the statewide average for food service directors  
154.3 as determined by the department.

154.4 (d) Capital expenditures for the purchase of food service equipment must be made from  
154.5 the general fund and not the food service fund, unless the restricted balance in the food  
154.6 service fund at the end of the last fiscal year is greater than the cost of the equipment to be  
154.7 purchased.

154.8 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased  
154.9 from the food service fund.

154.10 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit  
154.11 is not eliminated by revenues from food service operations in the next fiscal year, then the  
154.12 deficit must be eliminated by a permanent fund transfer from the general fund at the end of  
154.13 that second fiscal year. However, if a district contracts with a food service management  
154.14 company during the period in which the deficit has accrued, the deficit must be eliminated  
154.15 by a payment from the food service management company. A district's meal charge policy  
154.16 may allow a district to collect unpaid meal debt that contributes to a food service fund  
154.17 deficit. Such collection efforts must be consistent with subdivisions 4 and 5.

154.18 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund  
154.19 for up to three years without making the permanent transfer if the district submits to the  
154.20 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at  
154.21 the end of the third fiscal year.

154.22 (h) If a surplus in the food service fund exists at the end of a fiscal year for three  
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154.24 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food  
154.25 service program charged to the general fund according to paragraph (c) and charge those  
154.26 costs to the food service fund in a total amount not to exceed the amount of surplus in the  
154.27 food service fund.

67.17 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must  
 67.18 make lunch available without charge to all participating students who qualify for free or  
 67.19 reduced-price meals.

67.20 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students  
 67.21 in a respectful manner according to the policy adopted under subdivision 1. The participant  
 67.22 must ensure that any reminders for payment of outstanding student meal balances do not  
 67.23 demean or stigmatize any child participating in the school lunch program, including, but  
 67.24 not limited to, dumping meals, withdrawing a meal that has been served, announcing or  
 67.25 listing students names publicly, or affixing stickers, stamps, or pins. The participant must  
 67.26 not impose any other restriction prohibited under section 123B.37 due to unpaid student  
 67.27 meal balances. The participant must not limit a student's participation in graduation  
 67.28 ceremonies due to an unpaid student meal balance.

67.29 (b) If the commissioner or the commissioner's designee determines a participant has  
 67.30 violated the requirement to provide meals to participating students in a respectful manner,  
 67.31 the commissioner or the commissioner's designee must send a letter of noncompliance to  
 67.32 the participant. The participant is required to respond and, if applicable, remedy the practice  
 67.33 within 60 days.

67.34 **EFFECTIVE DATE.** This section is effective July 1, 2018.

154.28 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must  
 154.29 make lunch available without charge and must not deny a school lunch to all participating  
 154.30 students who qualify for free or reduced-price meals, whether or not that student has an  
 154.31 outstanding balance in the student's meals account attributable to a la carte purchases or for  
 154.32 any other reason.

154.33 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to  
 154.34 participating students in a respectful manner and ensure that any reminders for payment of  
 155.1 outstanding student meal balances do not demean or stigmatize any child participating in  
 155.2 the school lunch program and conform to the participant's school meals policy.

155.6 (c) Notwithstanding section 123B.38, the participant must not limit a student's  
 155.7 participation in any school activities, graduation ceremonies, field trips, athletics, activity  
 155.8 clubs, or other extracurricular activities or access to materials, technology, or other items  
 155.9 provided to other students because of unpaid meal balances. The participant must not impose  
 155.10 any other restriction prohibited under section 123B.37 due to unpaid student meal balances.

155.11 (d) The participant must not discipline a student due to an unpaid student meal balance.

155.12 **EFFECTIVE DATE.** This section is effective July 1, 2018.