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AN ACT

RELATING TO EDUCATION; ENACTING THE HUNGER-FREE STUDENTS'  
BILL OF RIGHTS ACT; PROVIDING FOR THE RIGHTS OF STUDENTS AND  
RESPONSIBILITIES OF SCHOOLS PARTICIPATING IN FREE OR  
REDUCED-FEE MEAL PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the  
"Hunger-Free Students' Bill of Rights Act".

SECTION 2. DEFINITIONS.--As used in the Hunger-Free  
Students' Bill of Rights Act:

A. "meal application" means an application for  
free or reduced-fee meals pursuant to the national school  
lunch program and school breakfast program; and

B. "school" means a public school district, a  
public school, a private school or a religious school.

SECTION 3. MEAL APPLICATION AVAILABILITY AND CLARITY.--

A. A school shall provide:

(1) a free, printed meal application in  
every school enrollment packet, or if the school chooses to  
use an electronic meal application, provide in school  
enrollment packets an explanation of the electronic meal  
application process and instructions for how parents or  
guardians may request a paper application at no cost; and

(2) meal applications and instructions in a

1 language that parents and guardians understand. If a parent  
2 or guardian cannot read or understand a meal application, the  
3 school shall offer assistance in completing the application.

4 B. If a school becomes aware that a student who  
5 has not submitted a meal application is eligible for free or  
6 reduced-fee meals, the school shall complete and file an  
7 application for the student under the authority granted by  
8 Title 7, Section 245.6(d) of the Code of Federal Regulations.

9 C. Subsections A and B of this section do not  
10 apply to a school that provides free meals to all students in  
11 a year in which the school does not collect meal applications  
12 from students.

13 D. The liaison required of a school pursuant to  
14 the federal McKinney-Vento Homeless Assistance Act shall  
15 coordinate with the nutrition department to make sure that a  
16 homeless student receives free school meals and shall be  
17 appropriately coded and entered in the student-teacher  
18 accountability reporting system. The requirements of this  
19 subsection do not apply to a private or religious school.

20 SECTION 4. REQUIREMENT TO PROVIDE MEALS AND ENSURE THAT  
21 ELIGIBLE STUDENTS ARE ENROLLED.--

22 A. Regardless of whether or not a student has  
23 money to pay for a meal or owes money for earlier meals, a  
24 school:

25 (1) shall provide a United States department SB 374  
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1 of agriculture reimbursable meal to a student who requests  
2 one, unless the student's parent or guardian has specifically  
3 provided written permission to the school to withhold a meal;  
4 and

5 (2) shall not require that a student throw  
6 away a meal after it has been served because of the student's  
7 inability to pay for the meal or because money is owed for  
8 earlier meals.

9 B. If a student owes money for five or more meals,  
10 a school shall:

11 (1) check the state list of students  
12 categorically eligible for free meals to determine if the  
13 student is categorically eligible;

14 (2) make at least two attempts, not  
15 including the application or instructions included in a  
16 school enrollment packet, to reach the student's parent or  
17 guardian and have the parent or guardian fill out a meal  
18 application; and

19 (3) require a principal, assistant principal  
20 or counselor to contact the parent or guardian to offer  
21 assistance with a meal application, determine if there are  
22 other issues within the household that have caused the child  
23 to have insufficient funds to purchase a school meal and  
24 offer any other assistance that is appropriate.

1 PRACTICES.--

2 A. A school shall not:

3 (1) publicly identify or stigmatize a  
4 student who cannot pay for a meal or who owes a meal debt by,  
5 for example, requiring that a student wear a wristband or  
6 hand stamp; or

7 (2) require a student who cannot pay for a  
8 meal or who owes a meal debt to do chores or other work to  
9 pay for meals; provided that chores or work required of all  
10 students regardless of a meal debt is permitted.

11 B. A school shall direct communications about a  
12 student's meal debt to a parent or guardian and not the  
13 student. Nothing in this subsection prohibits a school from  
14 sending a student home with a letter addressed to a parent or  
15 guardian.

16 SECTION 6. DEBT COLLECTION PRACTICES--UNCOLLECTABLE  
17 DEBT.--A school shall not require a parent or guardian to pay  
18 fees or costs from collection agencies hired to collect a  
19 meal debt.

20 SECTION 7. APPLICABILITY.--The Hunger-Free Students'  
21 Bill of Rights Act applies to a public school district, a  
22 public school, a private school or a religious school that  
23 participates in the national school lunch program or school  
24 breakfast program.

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