

HOUSE BILL 827

By Clemmons

AN ACT to amend Tennessee Code Annotated, Title 49
and Title 71, relative to the Tennessee Hunger-
Free Students Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

49-6-2601.

This part shall be known and may be cited as the "Tennessee Hunger-Free Students Act."

49-6-2602.

As used in this part:

(1) "Meal application" means an application for free or reduced-price meals pursuant to the national school lunch program created by the National School Lunch Act (42 U.S.C. §§ 1751-1769) or the school breakfast program created by the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1789); and

(2) "School":

(A) Means any public elementary or secondary school that receives state financial assistance; and

(B) Includes a local education agency.

49-6-2603.

This part applies to each school that participates in the national school lunch program created by the National School Lunch Act (42 U.S.C. §§ 1751-1769) or the school breakfast program created by the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-

1789) under the Tennessee School Nutrition Standards Act, compiled in part 23 of this chapter.

49-6-2604.

(a) A school shall provide, in every school enrollment packet:

(1) A free, paper meal application printed in a language that parents and guardians can easily understand; or

(2) Instructions for parents and guardians, printed in a language that parents and guardians can easily understand, on how to:

(i) Submit an electronic meal application; and

(ii) Request a paper meal application at no cost.

(b) If a parent or guardian cannot read or understand a meal application, then the school shall assist the parent or guardian in completing the meal application.

(c) If a school is aware that a student is eligible for free or reduced-price meals and has not submitted a meal application, then the school shall complete and file a meal application for the student under the authority granted by 7 CFR 245.6(d).

(d) A school is not required to comply with subsections (a)-(c) for any school year in which the school provides free meals to all students.

(e) The department of education, in consultation with local school boards, shall ensure that all homeless students receive free school meals pursuant to the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11301 et seq.) and that each LEA maintains the records required by the McKinney-Vento Homeless Assistance Act.

49-6-2605.

(a) A school shall provide a United States department of agriculture reimbursable meal to each student who requests one, unless the student's parent or guardian directs the school, in writing, to withhold the meal.

(b) A school shall not require a student to throw away a meal after the meal has been served to the student because of the student's inability to pay for the meal, or because the student owes a meal debt.

(c) If a student owes a meal debt for five (5) or more meals provided to the student during the school year, then the student's school shall:

(1) Verify with the department of education whether the student is categorically eligible for free or reduced-price meals;

(2) Make at least two (2) attempts, not including the meal application or instructions provided in the school enrollment packet, to reach the student's parent or guardian and have the parent or guardian fill out a meal application; and

(3) Require a principal, assistant principal, or counselor to contact the student's parent or guardian to offer assistance with filling out a meal application, or to determine whether other issues are present within the student's household that may be causing the student to have insufficient funds to purchase school meals and offer any assistance that may be appropriate.

49-6-2606.

(a) A school shall not:

(1) Publicly identify or stigmatize a student who cannot pay for a meal, or who owes a meal debt, which includes, but is not limited to, requiring a student to wear a wristband or hand stamp;

(2) Require a student who cannot pay for a meal, or who owes a meal debt, to do chores or other work as payment for meals; or

(3) Prohibit a student who cannot pay for a meal, or who owes a meal debt, from:

(A) Participating in a school-related event or activity;

(B) Graduating or participating in a graduation ceremony; or

(C) Receiving a diploma.

(b) A school shall direct communications about a student's meal debt to the student's parent or guardian and not to the student. This subsection (b) does not prohibit a school from sending a student home with a letter addressed to the student's parent or guardian regarding a meal debt owed to the school.

49-6-2607.

(a) A school shall not hold a student personally responsible for a meal debt regardless of the student's age when the meal debt was incurred.

(b) A school shall not require a student's parent or guardian to pay fees or costs from collection agencies hired to collect a meal debt.

(c) For purposes of this section, "student" means any person, regardless of age, enrolled in a school who is eligible to receive free or reduced-price meals pursuant to the national school lunch program created by the National School Lunch Act (42 U.S.C. §§ 1751-1769) or the school breakfast program created by the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1789).

SECTION 2. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (14) and substituting instead the following:

Prescribe rules to establish a program for public schools to withhold the grade cards, diplomas, certificates of progress, or transcripts of a student who has incurred a debt to the school, or a student who has taken property that belongs to the school or any agency of the school, until the student makes restitution to the school for the debt. The state board of education shall not authorize the imposition of sanctions against:

(A) A student who is without fault; or

(B) A student who owes a meal debt. For purposes of this subdivision

(a)(14)(B), "student" means any person, regardless of age, enrolled in a public school who is eligible to receive free or reduced-price meals pursuant to the

national school lunch program created by the National School Lunch Act (42 U.S.C. §§ 1751-1769) or the school breakfast program created by the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1789).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2019-2020 school year and each school year thereafter.