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AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING THE NAME OF THE HUNGER-FREE STUDENTS' BILL OF RIGHTS ACT TO THE HEALTHY HUNGER-FREE STUDENTS' BILL OF RIGHTS ACT; AMENDING AND ENACTING SECTIONS OF THE HEALTHY HUNGER-FREE STUDENTS' BILL OF RIGHTS ACT; ENSURING FREE, HEALTHY SCHOOL MEALS FOR ALL STUDENTS; PRESCRIBING DUTIES OF THE PUBLIC EDUCATION DEPARTMENT.

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

SECTION 1. Section 22-13C-1 NMSA 1978 (being Laws 2017, Chapter 117, Section 1) is amended to read:

"22-13C-1. SHORT TITLE.--Chapter 22, Article 13C NMSA 1978 may be cited as the "Healthy Hunger-Free Students' Bill of Rights Act"."

SECTION 2. Section 22-13C-2 NMSA 1978 (being Laws 2017, Chapter 117, Section 2) is amended to read:

"22-13C-2. DEFINITIONS.--As used in the Healthy Hunger-Free Students' Bill of Rights Act:

A. "community eligibility provision" means the federal provision created pursuant to Subparagraph (F) of Paragraph (1) of Subsection (a) of 42 U.S.C. Section 1759a that allows school districts to choose to receive federal special assistance payments for school meals in exchange for providing free school meals to all students enrolled in all

1 or selected schools of the school district;

2 B. "direct certification" means the process by  
3 which eligible children are certified for free meals without  
4 the need for a household application based on household  
5 participation in one or more means-tested federal assistance  
6 programs;

7 C. "eligible meals" means meals served to full  
8 price, paid students that qualify for reimbursement under the  
9 national school lunch program and the school breakfast  
10 program;

11 D. "federal free meal reimbursement" means the  
12 free meal reimbursement paid by the United States department  
13 of agriculture under 42 U.S.C. 1759a for meals that qualify  
14 for reimbursement pursuant to the national school lunch  
15 program and the school breakfast program;

16 E. "federal paid meal reimbursement rate" means  
17 the paid reimbursement rate as set annually by the United  
18 States department of agriculture under 42 U.S.C. 1759a for  
19 meals that qualify for reimbursement under the national  
20 school lunch program and the school breakfast program;

21 F. "identified student percentage" means the  
22 percentage of a school food authority's student enrollment  
23 that is certified as eligible for free meals based on a  
24 documentation of benefit of receipt or categorical  
25 eligibility as described in 7 C.F.R. Section 245.6;

1           G. "meal application" means an application for  
2 free or reduced-price meals pursuant to the national school  
3 lunch program and the school breakfast program;

4           H. "paid meal rate" means the paid student rate  
5 reported by the department to the United States department of  
6 agriculture based on the average paid meal rate charged by  
7 school food authorities in the prior school year;

8           I. "participating school food authority" means a  
9 school food authority that chooses to participate in the  
10 New Mexico grown grant program;

11           J. "program" means the healthy universal school  
12 meals program created pursuant to the Healthy Hunger-Free  
13 Students' Bill of Rights Act;

14           K. "school food authority" means school districts,  
15 charter schools, the United States department of the  
16 interior's bureau of Indian education schools, tribally  
17 controlled schools and private schools that operate the  
18 national school lunch program and the school breakfast  
19 program;

20           L. "unprocessed and minimally processed products"  
21 means raw or frozen products, products that retain their  
22 inherent character, such as shredded carrots or ground beef,  
23 and dried products, such as beans, but does not include any  
24 products that are heated, cooked or canned; and

25           M. "value-added processed products" means products   SEC/SB 4  
Page 3

1 that are altered from their unprocessed or minimally  
2 processed state through preservation techniques, including  
3 cooking, baking or canning."

4 SECTION 3. Section 22-13C-4 NMSA 1978 (being Laws 2017,  
5 Chapter 117, Section 4) is amended to read:

6 "22-13C-4. UNIVERSAL SCHOOL MEALS FOR CHILDREN.--

7 A. Public school districts and charter  
8 schools operating the national school lunch program and the  
9 school breakfast program shall establish a program to offer  
10 high-quality meals at no charge to all students. Bureau of  
11 Indian education schools, tribally controlled schools and  
12 private schools operating the national school lunch and the  
13 school breakfast program may establish a program to offer  
14 high-quality meals at no charge to students. All  
15 participating school food authorities shall offer one  
16 breakfast and one lunch at no cost to students during each  
17 school day to any student who requests a meal without  
18 consideration of the student's eligibility for a federally  
19 funded free or reduced-price meal, with a maximum of one free  
20 meal for each meal service period.

21 B. The department shall award funding to each  
22 school food authority that establishes a program pursuant to  
23 the provisions of Subsection E of this section as follows:

24 (1) for school food authorities that meet  
25 the meal quality improvement requirements established

1 pursuant to Subsection E of this section, the department  
2 shall distribute to each such school food authority an amount  
3 that is equal to the federal free meal reimbursement rate  
4 multiplied by the total number of eligible meals served  
5 during the applicable budget year, minus an amount equal to  
6 the federal paid meal reimbursement for eligible meals served  
7 during the applicable budget year; or

8 (2) for school food authorities that do not  
9 meet by July 1, 2025 the meal quality improvement  
10 requirements established pursuant to Subsection E of this  
11 section, the department shall distribute to each such school  
12 food authority an amount that is equal to the paid meal rate  
13 multiplied by the total number of eligible meals served  
14 during the applicable budget year.

15 C. School food authorities shall use the money  
16 received pursuant to this section to purchase commodities  
17 necessary to improve meal quality, including food and other  
18 consumables, equipment, staffing, labor needs or training and  
19 technical assistance.

20 D. By August 1 of each year, the department shall  
21 inform eligible school food authorities of the amount of  
22 program funding they will receive during the upcoming school  
23 year. When calculating the amount of program funding that is  
24 due to a school food authority, the department shall assume  
25 that student participation will remain at the same level as

1 the previous school year.

2 E. The department shall promulgate rules necessary  
3 for implementation of this section, including rules providing  
4 for:

5 (1) meal quality improvement requirements  
6 for the program, which may include purchasing New  
7 Mexico-produced food, freshly preparing scratch-cooked foods,  
8 providing culturally relevant meals and engaging student and  
9 family voices and choices in menu development; and

10 (2) procedures for annual certification.

11 F. School food authorities shall maximize access  
12 to federal funds for the cost of school breakfast and lunch  
13 programs by adopting the United States department of  
14 agriculture's community eligibility provision or any other  
15 federal provision that, in the opinion of the department,  
16 results in the most possible federal funding for meals served  
17 in that program. Each school food authority that has a  
18 school or site with an identified student percentage of at  
19 least forty percent, or an identified student percentage of  
20 less than forty percent if authorized by federal law, as  
21 determined annually by the deadline set by the United States  
22 department of agriculture, shall participate in the federal  
23 community eligibility provision in the subsequent school year  
24 and throughout the duration of the community eligibility  
25 provision's four-year cycle. School food authorities, to the

1 extent practicable, shall group public schools for purposes  
2 of maximizing the number of schools eligible to participate  
3 in the community eligibility provision.

4 G. If a school food authority does not elect the  
5 community eligibility provision or any other federal  
6 provision that, in the opinion of the department, results in  
7 the most possible federal funding for meals served in that  
8 program, school meal applications shall be collected and  
9 direct certification shall be used to identify students  
10 receiving free, reduced-price and paid meals based on United  
11 States department of agriculture guidance.

12 H. School food authorities shall take steps to  
13 maximize federal revenues and minimize debt on families by,  
14 at least monthly, taking steps to directly certify students  
15 for free school meal status pursuant to protocol determined  
16 by the department."

17 SECTION 4. A new section of the Healthy Hunger-Free  
18 Students' Bill of Rights Act is enacted to read:

19 "INCENTIVIZE NEW MEXICO-GROWN FOODS.--

20 A. School food authorities are eligible to receive  
21 an incentive grant pursuant to this section to purchase  
22 New Mexico-grown, -raised or -processed products. A  
23 participating school food authority may use the amount  
24 received pursuant to this section to support implementation  
25 of program requirements described in Subsection E of Section

1 3 of the Healthy Hunger-Free Students' Bill of Rights Act.

2 B. School food authorities shall use the money  
3 received pursuant to this section to purchase New  
4 Mexico-grown, -raised or -processed products. A minimum of  
5 seventy-five percent of funds shall be used to purchase  
6 unprocessed and minimally processed products. Up to  
7 twenty-five percent of funds may be used for value-added  
8 processed products.

9 C. By August 1 of each year, subject to available  
10 appropriations, the department shall distribute to each  
11 participating school food authority the greater of one  
12 thousand dollars (\$1,000) or an amount equal to ten cents  
13 (\$.10) multiplied by the number of lunches that qualified for  
14 federal free meal reimbursement that the participating school  
15 food authority served to students in the preceding school  
16 year. When calculating the amount of program funding that is  
17 due to a school food authority, the department shall assume  
18 that student participation will remain at the same level as  
19 the previous year."

20 SECTION 5. A new section of the Healthy Hunger-Free  
21 Students' Bill of Rights Act is enacted to read:

22 "ADDRESSING FOOD WASTE.--By no later than July 1, 2025,  
23 a school food authority shall seek to achieve the lowest  
24 level of food waste, which shall include all of the  
25 following:



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A. students in grades kindergarten through five shall be allowed to have up to twenty minutes of seated lunch time each school day to provide sufficient lunch periods that are long enough to give all students adequate time to eat; and

B. share tables shall be provided where food service staff, students and parents may return allowable food. Allowable food placed on the share tables that is not taken by a student during the course of a regular school meal period shall be donated to students, food banks or other nonprofit charitable organizations."

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023. \_\_\_\_\_