HOUSE . . . . . No. 5062

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON 02133, February 18, 1970.

To the Honorable Senate and House of Representatives:

In an age of billion dollar agricultural surpluses, in a nation whose gross national product is approaching one trillion dollars, it is an anomaly that nine hundred public schools in Massachusetts do not have a first-class school lunch program.

What is even more disturbing is that the very schools that lack school lunch programs are the ones where the schoolchildren need such programs the most—in our cities, our disadvantaged areas, our low income neighborhoods. Today I submit legislation which will require that school lunch programs be made available in all public schools by September, 1974 for children who wish to utilize them.

The accompanying measure will make school lunch programs mandatory. But it will do more. It will permit entirely new approaches to providing food services in schools. It will authorize the state department of education, through its bureau of school food services and nutrition education, to establish and operate centers for the preparation of school lunches which will serve many cities and towns from a single facility. This means more efficient and economical school lunch programs.

This legislation makes demands on our cities and towns. In doing so, it recognizes the obligation of the commonwealth to assist our cities and towns in meeting those demands. It makes expenditures for the operation of school lunch programs re-imbursable under the school aid formula, and it makes expenditures for the construction of free-standing school food service facilities eligible for financial aid under the school building assistance program.

We know that a child's educational achievement can be directly related to his health and physical well-being. We know that the

child who suffers from an inadequate diet will lag behind in school, no matter how excellent his teachers or how modern the curriculum. Yet, for all this, we know that thousands of Massachusetts schoolchildren do not receive proper nutrition. Ours is a society which has virtually boundless resources but where all too many fail to share in the bounty of our abundance. Let us act to direct our resources where they will serve the greatest need. I urge your approval of the accompanying legislation.

Respectfully submitted,

FRANCIS W. SARGENT,
Acting Governor of the Commonwealth.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT REQUIRING THAT SCHOOL FOOD SERVICES BE MADE AVAILABLE IN ALL PUBLIC SCHOOLS IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1G of chapter 15 of the General Laws, as amended by chapter 837 of the acts of 1969, is hereby amended by inserting after the fourteenth paragraph of said section a new paragraph as follows:—

The board shall establish minimum nutritional standards and regulations for all school food services and shall require all public schools to make school food services available to children no later than September nineteen hundred and seventy-four, on such basis and at such charges as the board may specify.

SECTION 2. Section 2 of chapter 70 of the General Laws is hereby amended by striking out paragraph (*c*) of said section, as amended by section 1 of chapter 791 of the acts of 1967, and inserting in place thereof the following paragraph:—

(*c*) "Reimbursable expenditures", the total amount expended by a city or town during a fiscal year for the support of public schools during said year exclusive of expenditures for transportation, for food for school food service programs, for special classes for the physically handicapped and the mentally retarded, for programs of vocational education as provided in chapter seventy-four and for capital outlays, after deducting therefrom any receipts for tuition, receipts from the federal government, the proceeds of any invested funds, and grants, gifts and receipts from any other source, to the extent that such receipts are applicable to such expenditures. The commissioner of education may, by regulation, further define the expenditures and receipts that may be included hereunder.

SECTION 3. Chapter 71 of the General Laws is hereby amended by striking section 72 of said chapter and substituting therefor the following new section:—

Section 72. The school committee shall make school food services available at all school buildings under its jurisdiction on such basis and at such charges as the board of education may specify under the provisions of section one G of chapter fifteen. Nothing in this section shall preclude any school committee from providing food services to children at a lesser price or free.

SECTION 4. Chapter 645 of the acts of 1948, as most recently amended by chapter 904 of the acts of 1969 is hereby further amended by striking out the first sentence under the definition of "Approved school project" and inserting in place thereof the following sentence:—"Approved school project" shall mean any project for the construction or enlargement of a regional, consolidated or county agricultural school, or of any public schoolhouse in any city or town, or of any central food production facility for the purpose of preparing school lunches for distribution to any schools in a city, town, county or regional school district, and shall include the original equipment and furnishings, whether movable or built in, to complete said project, the contract or contracts for which shall have been awarded on or after January first, nineteen hundred and forty-six, by any city, town, county or regional school building committee, which has been approved by the commission for the purposes of sections seven through nine, inclusive.

SECTION 5. Notwithstanding the provisions of chapter six hundred and twenty-two of the acts of nineteen hundred and fifty-one or chapter four hundred and thirty-five of the acts of nineteen hundred and fifty-three or any other acts to the contrary, any vacancy which occurs in the position of director, assistant director, senior supervisor in education, supervisor in education, or assistant supervisor in education in the bureau of nutrition education and school food services in the department of education after the effective date of this act

shall not be filled under the provisions of chapter thirty-one but shall be filled by the board of education on recommendation of the commissioner of education.

SECTION 6. Chapter 548 of the acts of 1948, as most recently amended by chapter 650 of the acts of 1969, is hereby further amended by adding after section ten of said chapter five hundred and forty-eight a new section as follows:—

Section 11. The bureau of nutrition education and school food services may contract with cities, towns and regional school districts for the establishment and operation of regional food service production centers for the purpose of providing school food services more economically than such services could be provided by a city, town or regional school district acting alone, provided that federal funds are available to meet all or a portion of the cost of constructing, equipping or operating such centers. The bureau may also contract with private food service companies on behalf of cities, towns and regional school districts, if so requested by and at the expense of such cities, towns and regional school districts, to provide food services authorized under the provisions of this act and chapter seven hundred and three of the acts of nineteen hundred and sixty-nine to participating non-profit public or private schools, child care centers, and community centers. Payments by cities, towns, and regional school districts and funds received from the federal government in connection with contracts made under the provisions of this section shall be paid into the state treasury, maintained as a separate account, and shall not be disbursed without authorization of the commissioner of education.

SECTION 7. Section 6 of chapter 548 of the acts of 1948, as most recently amended by chapter 650 of the acts of 1969, is hereby further amended by adding at the end of said section a new paragraph as follows:—

The commissioner of education is hereby further authorized to reimburse, from such funds as may be appropriated for the purpose of providing free lunches and breakfasts to

8 children, sponsors of non-profit school food service programs
9 to the extent that federal funds apportioned to the common-
10 wealth for the purpose of providing free meals to children are
11 insufficient to cover the average state-wide cost of such free
12 meals as determined by the bureau of nutrition education and
13 school food services. To the extent that funds are available,
14 free meals shall be provided to all children from families
15 receiving public assistance and to all children from families
16 whose net incomes and assets are comparable to those of
17 families of like size receiving public assistance and who are
18 determined by local school authorities to be in need of free
19 meals.

1 SECTION 8. Section three of this act shall take effect on
2 September first, nineteen hundred and seventy-four.