

HOUSE No. 5286

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 2, 1969.

The Committee on Education to whom was referred the petition (accompanied by bill, House, No. 4425) of Marie E. Howe for legislation to clarify responsibilities of the Board of Education in administering the National School Lunch Act and the Child Nutrition Act, reports the accompanying bill (House, No. 5286).

For the committee,

MARIE E. HOWE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT FURTHER CLARIFYING THE RESPONSIBILITIES OF "THE STATE EDUCATIONAL AGENCY" IN ADMINISTERING THE NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS.

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

1 SECTION 1. Chapter 548 of the acts of 1948 is hereby
2 amended by striking out section 1 and inserting in place
3 thereof the following section: —

4 *Section 1.* The board of education is hereby designated as
5 the "State Educational Agency" to represent the common-
6 wealth in dealing with the Secretary of Agriculture of the
7 United States in carrying out the provisions of the National
8 School Lunch Act as enacted into law on June fourth, nine-
9 teen hundred and forty-six, as amended, the Child Nutrition
10 Act of 1966, as amended, and such other acts as may be
11 enacted by Congress relating to nutrition education and food
12 services to children.

1 SECTION 2. Said chapter 548 is hereby further amended by
2 striking out section 2, as amended by chapter 303 of the acts
3 of 1949, and inserting in place thereof the following section: —

4 *Section 2.* Pursuant to any power of school committees to
5 operate or provide for the operation of school food service
6 programs in schools under their jurisdiction, a school com-
7 mittee of any town may establish, maintain, operate and ex-
8 pand a school food service program for the pupils in any
9 school building under the jurisdiction of said committee, may
10 make all contracts necessary to provide material, personnel
11 and equipment needed to carry out the provisions of this
12 act; and if necessary may expend funds to meet the matching
13 requirements and any other provisions of said National School

14 Lunch Act, and such other acts, as are provided for in sec-
15 tion one of this act.

1 SECTION 3. Said chapter 548 is hereby further amended by
2 striking out section 3, as amended by chapter 256 of the
3 acts of 1954, and inserting in place thereof the following
4 section: —

5 *Section 3.* School committees may use therefor funds dis-
6 bursed to them under the provisions of this act, gifts and other
7 funds received from sale of school lunches and other meals
8 under such programs. Such contributions received in the form
9 of money, together with fees from sale of lunches, other
10 meals and any allotments received from the state under
11 the provisions of this act for said purposes, shall be deposited
12 with the treasurer of such town or, in cases where the town
13 is a member of a regional school district, with the treasurer
14 of such district, and held as a separate account and expended
15 by said school committee without appropriation, notwithstand-
16 ing the provisions of section fifty-three of chapter forty-four
17 of the General Laws. Nothing in this act shall prevent cities
18 or towns from appropriating funds in addition to those pro-
19 vided from other sources.

1 SECTION 4. Said chapter 548 is hereby further amended by
2 striking out section 4, as amended by section 1 of chapter
3 610 of the acts of 1965, and inserting in place thereof the
4 following section: —

5 *Section 4.* The bureau of nutrition education and school
6 food services, with the approval of the commissioner, shall
7 prescribe regulations for the keeping of accounts and records
8 and the making of reports by or under the supervision of
9 school committees. Such accounts and records shall at all times
10 be available for inspection and audit by authorized officials
11 and shall be preserved for such period of time, not in excess
12 of five years, as the bureau may lawfully prescribe. The
13 bureau shall conduct or cause to be conducted such audits,
14 inspections and administrative reviews of accounts, records
15 and operations with respect to school food service programs

16 as may be necessary to determine whether its agreements
17 with school committees or other sponsors of school food serv-
18 ice programs and other regulations made pursuant to this act
19 are being complied with, and to insure that school food serv-
20 ice programs are effectively administered.

21 The bureau may by regulations establish standards and
22 qualifications, which shall be subject to the approval of the
23 board of education, for the positions of school food service su-
24 pervisors, managers and other food service personnel which
25 are not subject to chapter thirty-one of the General Laws, and
26 establish training programs for such personnel.

1 SECTION 5. Said chapter 548 is hereby further amended
2 by striking out section 5, added by chapter 417 of the acts of
3 1950, and inserting in place thereof the following section: —

4 *Section 5.* The bureau of nutrition education and school
5 food services is hereby authorized to the extent that funds are
6 available for that purpose, and in co-operation with other
7 appropriate agencies and organizations, to conduct studies as
8 to the methods of improving and expanding school food serv-
9 ice programs and promoting nutritional education in the
10 schools, to conduct appraisals of the nutritive benefits of
11 school food service programs, and to report its findings and
12 recommendations from time to time to the commissioner
13 of education.

1 SECTION 6. Said chapter 548 is hereby further amended by
2 striking out section 6, inserted by chapter 538 of the acts
3 of 1951, and inserting in place thereof the following section: —

4 *Section 6.* The commissioner of education is hereby auth-
5 orized to reimburse, from such funds as may be appropriated
6 therefor, sponsors of non-profit school food service programs
7 to the extent that federal funds apportioned to the common-
8 wealth are sufficient to provide the full reimbursement to
9 which such sponsors may be entitled pursuant to the provi-
10 sions of school food service agreements entered into by the
11 department of education and such sponsors, in accordance
12 with the provisions of the National School Lunch Act and
13 the Child Nutrition Act.

14 The term "non-profit school food service programs" as used
15 in this section shall mean the school's food services are ad-
16 ministered, managed and operated solely by employees of the
17 governing body of said school and all funds received in con-
18 nection with such services shall be used solely for the op-
19 eration and improvement of school food services for children.
20 Upon report to the commissioner of education on such
21 blanks and in such form as he may prescribe, in accordance
22 with the provisions of said National School Lunch Act and
23 said Child Nutrition Act of 1966 and expenditure hereunder
24 said commissioner shall, if he approves the same, certify to
25 the comptroller such payments as are due and the state
26 treasurer shall pay the same.

1 SECTION 7. Said chapter 548 is hereby further amended by
2 striking out section 8, inserted by chapter 637 of the acts of
3 1953, and inserting in place thereof the following section: —
4 *Section 8.* Nothing in this act shall prevent the bureau
5 of nutrition education and school food services from rendering
6 technical, advisory and other assistance to any other schools
7 of the commonwealth which may not be participating under
8 the provisions of the National School Lunch Act and Child
9 Nutrition Act and which may request such assistance in the
10 operation of their school food service program; provided,
11 however, that no financial assistance shall be furnished these
12 schools unless they are complying with all the rules and regu-
13 lations which may be in effect or be established under the
14 provisions of these acts, as amended, and such other acts, as
15 are provided for in section one of this act.

1 SECTION 8. Said chapter 548 is hereby further amended by
2 striking out section 10, added by chapter 889 of the acts of
3 1965, and inserting in place thereof the following section: —
4 *Section 10.* There shall be employed in the bureau of nu-
5 trition education and school food services a senior supervisor
6 in education whose duties shall include, among others, the
7 development, promotion, supervision and co-ordination of nu-
8 trition education in the schools of the commonwealth as pro-
9 vided for in section nine.

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