



## 2018-19 Preliminary ELFA Analysis

On March 28, S.7506B/A.9506B was amended as the final Education, Labor, and Family Assistance (ELFA) legislation for the 2018-19 State Fiscal Year (FY) Budget.

Note, we anticipate further education language in other budget bills yet to be finalized.

### 1. Prohibition on Meal Shaming

All public schools, charter schools, and non-public schools that participate in the national school lunch program or breakfast program, and are already not required to serve breakfast and lunch to all children, must develop a plan to ensure that students with unpaid meal fees are not shamed or treated differently than a student who has paid meal fees.

Such plan must be submitted to the Commissioner of Education no later than July 1, 2018.

Once submitted, the school district must post the plan on its website.

The plan must include:

- A statement that the school must provide students with the meal of their choice from available reimbursed meals for that day, unless the parent has specifically provided written permission to the school to withhold a meal. A la carte items and/or adult meals are exempted from this provision;
- An explanation of how staff will be trained to ensure procedures are implemented correctly;
- An explanation of how affected parents and guardians will be provided with assistance in establishing their eligibility for free or reduced-price (FRPL) meals for their children;
- Procedures requiring schools to notify parents or guardians that the child's account is past due; such procedure may include a repayment schedule but no interest or fees can be charged for negative or overdue balances;
- A communication procedure to support eligible families in enrolling in the national FRPL program;
- If a child owes 5 or more meals, the school must:
  - (1) make "every attempt" to determine if a student is directly certified to be eligible for FRPL,
  - (2) make at least two attempts, not including the application in the school enrollment packet, to reach the parent or guardian and have the application for FRPL filled out, and
  - (3) contact the parent or guardian to offer assistance with the FRPL application, determine if there are other issues within the household that have caused the insufficient funds, and offer other assistance;

- Districts cannot:
  - (1) Publically identify or stigmatize a student who cannot pay for a meal or who has a debt by any means, including but not to requiring a student to wear a wrist band or hand stamp,
  - (2) Require a student to do chores or other work to pay off a debt,
  - (3) Require a student to throw away a meal after it has been served if they have a debt,
  - (4) Discuss any outstanding debt in front of other students, and
  - (5) Take any action directed as a student, however a school may attempt to collect the debt from a parent or guardian but cannot use a debt collector;
- A clear explanation of procedures to handle unpaid meal charges;
- Note however, the law doesn't intend to allow for "unlimited accrual of debt";
- Procedures to enroll students in the FRPL program which must include that in the beginning of each school year a school provide a free printed application in every enrollment packet, or if they use electronic enrollment materials, a process whereby parents can request a free printed version.

The school can, however, complete and file an application on behalf of a family if the school becomes aware that a student who has not submitted an application is eligible pursuant to federal law.

For homeless, foster and migrant students, the school must coordinate with the nutrition department to make sure students receive free meals pursuant to law.

## 2. Breakfast After the Bell

All public schools, not including charter schools, with at least 75% or more of students eligible for FRPL must offer to all students school breakfast "after the instructional day has begun."

Each school can determine their delivery model, which may include, but not limited to: (1) breakfast in the classroom, (2) grab and go breakfast, and/or (3) breakfast in the cafeteria.

The time for breakfast after the bell will be considered instructional time when students consume breakfast in the classroom and instruction is being provided at the same time.

Schools must consult with teachers, parents, students and community in determining delivery method.

Schools must provide notice to parents and guardians that breakfast after the bell will be offered.

Districts can apply to the State Education Department (SED) for a waiver from these requirements when: (1) the district already has a successful breakfast program or (2) providing breakfast after the bell would provide economic hardship.

SED must annually review any waiver on or before May 1 each year and publish on its website the list of schools that meet these new requirements. They must also notify schools that they meet these requirements by May 1.

SED must develop guidelines for implementation, provide technical assistance to schools for reimbursement claims, and publish by each December beginning in 2019 information related to this program.

3. Farm to School Program

For school meals served in the 2019-20 school year and after, the reimbursement rate for subsidy will be \$0.25 cents per lunch meal for any school that certifies that at least 30% of its total cost of lunch food products from NYS farmers in the preceding year.

SED in cooperation with the Department of Agriculture and Markets must develop an application for reimbursement and documentation.

SED must annually publish on its website by September 1, 2019 and September 1 thereafter data on this program including the school, enrollment, daily lunch participation, total food cost and percent purchased from farmers.

4. Recovery High Schools

Boards of Cooperative Educational Services (BOCES) are now authorized to enter into agreements (for up to 5 years) with non-component school districts, including large cities, to participate in recovery high school programs operated by the BOCES.

5. Feminine Hygiene Products in Schools

All public elementary and secondary schools serving grades six through twelve must provide free feminine hygiene products in restrooms of school buildings at no charge to students.

6. Excelsior Scholarship Amendments

Applicants can have their application reviewed for possibility eligibility based on a change of familial income when change is caused by death, permanent and total disability or mental disability, and divorce or separation.

7. NYS Teacher Loan Forgiveness Program

A new student loan forgiveness program is established, for applicants who are: (1) a certified teacher, (2) employed full time in an elementary or secondary school, (3) have outstanding loan debt, (4) either teach in a shortage subject area, teach in a hard to staff district, or applicant is economically disadvantaged.

Grants of up to \$5,000 will be authorized in priority order: (1) received in previous year and teach in hard to staff schools or teach in subject area shortage, (2) did not receive in previous year and teach in hard to staff schools or teach in subject area shortage, (3) economically disadvantaged.

Grants cannot exceed the remaining total student loan debt, in excess of \$20,000.

8. Education of Children in Foster Care

New language outlines that the social service district, in consultation with the local education agency (LEA) will either designate the school district or residence or school district of origin for attendance, in the best interest of the child.

Extensive language is included that discusses origin and residence, and outlines enrollment and support procedures as well as reimbursement.