

111TH CONGRESS  
1ST SESSION

# S. 1226

To amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 10, 2009

Mr. CASEY (for himself, Mr. BENNET, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Paperless Enrollment  
5 for School Meals Act of 2009”.

1 **SEC. 2. DATA-BASED ELIGIBILITY FOR SCHOOL MEALS PRO-**  
 2 **GRAMS.**

3 (a) **ELIGIBILITY.**—Section 11(a)(1) of the Richard B.  
 4 Russell National School Lunch Act (42 U.S.C.  
 5 1759a(a)(1)) is amended by adding at the end the fol-  
 6 lowing:

7 “(F) **DATA-BASED ELIGIBILITY.**—

8 “(i) **IN GENERAL.**—A school or local  
 9 educational agency may elect to receive  
 10 special assistance payments under clause  
 11 (ii) in lieu of special assistance payments  
 12 otherwise made available under this para-  
 13 graph based on applications for free and  
 14 reduced price lunches if the school or local  
 15 educational agency—

16 “(I) elects to serve all children in  
 17 the school or local educational agency  
 18 free lunches and breakfasts under the  
 19 school lunch program and school  
 20 breakfast program established under  
 21 section 4 of the Child Nutrition Act of  
 22 1966 (42 U.S.C. 1773), during a pe-  
 23 riod of 5 successive school years; and

24 “(II) pays, from sources other  
 25 than Federal funds, the costs of serv-  
 26 ing the lunches or breakfasts that are

1 in excess of the value of assistance re-  
2 ceived under this Act and the Child  
3 Nutrition Act of 1966 (42 U.S.C.  
4 1771 et seq.).

5 “(ii) ALTERNATIVE DATA SOURCES.—  
6 Subject to criteria established by the Sec-  
7 retary not later than December 31, 2010,  
8 special assistance payments under clause  
9 (i) may be based on an estimate of the  
10 number of children eligible for free and re-  
11 duced price lunches under section  
12 9(b)(1)(A) derived from recent data other  
13 than applications, including—

14 “(I) a socioeconomic survey of a  
15 representative sample of households of  
16 students, which may exclude students  
17 who have been directly certified under  
18 paragraphs (4) and (5) of section  
19 9(b);

20 “(II) data from the American  
21 Community Survey of the Bureau of  
22 the Census;

23 “(III) data on receipt of income-  
24 tested public benefits by students or  
25 the households of students or income

1 data collected by public benefit pro-  
2 grams, including—

3 “(aa) the supplemental nu-  
4 trition assistance program estab-  
5 lished under the Food and Nutri-  
6 tion Act of 2008 (7 U.S.C. 2011  
7 et seq.);

8 “(bb) the medical assistance  
9 program under the State Med-  
10 icaid program under title XIX of  
11 the Social Security Act (42  
12 U.S.C. 1396 et seq.);

13 “(cc) the supplemental secu-  
14 rity income program established  
15 under title XVI of that Act (42  
16 U.S.C. 1381 et seq.); and

17 “(dd) the program of block  
18 grants to States for temporary  
19 assistance for needy families es-  
20 tablished under part A of title IV  
21 of that Act (42 U.S.C. 601 et  
22 seq.); or

23 “(IV) other data, including State  
24 or local survey data and State or local  
25 tax records.

1 “(iii) PAYMENTS.—

2 “(I) FREE MEALS.—For each  
3 month of the period during which a  
4 school or local educational agency de-  
5 scribed in clause (i) serves free  
6 lunches or breakfasts to all enrolled  
7 children, special assistance payments  
8 at the rate for free meals shall be  
9 made for a percentage of all reimburs-  
10 able meals served that is equal to the  
11 percentage of students estimated to be  
12 eligible for free meals.

13 “(II) REDUCED PRICE MEALS.—  
14 For each month of the period during  
15 which the school or local educational  
16 agency serves free lunches or break-  
17 fasts to all enrolled children, special  
18 assistance payments at the rate for  
19 reduced price meals shall be made for  
20 a percentage of all reimbursable meals  
21 served that is equal to the percentage  
22 of students estimated to be eligible for  
23 reduced price meals.

24 “(III) OTHER MEALS.—For each  
25 month of the period during which the

1 school or local educational agency  
2 serves free lunches or breakfasts to all  
3 enrolled children, food assistance pay-  
4 ments at the rate provided under sec-  
5 tion 4 shall be made for the remain-  
6 der of the reimbursable meals served.

7 “(iv) RENEWALS.—

8 “(I) IN GENERAL.—A school or  
9 local educational agency described in  
10 clause (i) may reapply to the Sec-  
11 retary at the end of the period de-  
12 scribed in clause (i), and at the end of  
13 each period thereafter for which the  
14 school or local educational agency re-  
15 ceives special assistance payments  
16 under this subparagraph, for the pur-  
17 pose of continuing to receive the reim-  
18 bursements and assistance for a sub-  
19 sequent 5-school-year period.

20 “(II) APPROVAL.—The Secretary  
21 shall approve an application under  
22 this clause if available socioeconomic  
23 data demonstrate that the income  
24 level of the population of the school or  
25 local educational agency has remained

1 consistent with or below the income  
2 level of the population of the school or  
3 local educational agency in the last  
4 year in which reimbursement rates  
5 were determined under clause (ii).

6 “(III) DATA.—Not later than  
7 December 31, 2010, the Secretary  
8 shall establish criteria regarding the  
9 socioeconomic data that may be used  
10 when applying for a renewal of the  
11 special assistance payments for a sub-  
12 sequent 5-school-year period.

13 “(G) HIGH-POVERTY AREAS.—

14 “(i) IN GENERAL.—A school or local  
15 educational agency may elect to receive  
16 special assistance payments under clause  
17 (ii) in lieu of special assistance payments  
18 otherwise made available under this para-  
19 graph based on applications for free and  
20 reduced price lunches if the school or local  
21 educational agency—

22 “(I) during a period of 2 succes-  
23 sive school years, elects to serve all  
24 children in the school or local edu-  
25 cational agency free lunches and

1 breakfasts under the school lunch pro-  
2 gram under this Act and the school  
3 breakfast program established under  
4 section 4 of the Child Nutrition Act of  
5 1966 (42 U.S.C. 1773);

6 “(II) pays, from sources other  
7 than Federal funds, the costs of serv-  
8 ing the lunches or breakfasts that are  
9 in excess of the value of assistance re-  
10 ceived under this Act and the Child  
11 Nutrition Act of 1966 (42 U.S.C.  
12 1771 et seq.); and

13 “(III)(aa) for a local educational  
14 agency, for the prior school year, di-  
15 rectly certified under paragraphs (4)  
16 and (5) of section 9(b) at least 50  
17 percent of the enrolled students;

18 “(bb) for a school, for the prior  
19 school year, directly certified under  
20 paragraphs (4) and (5) of section 9(b)  
21 at least 60 percent of the enrolled stu-  
22 dents; or

23 “(cc) for a local educational  
24 agency or school that received pay-  
25 ments under this subparagraph for

1 the prior school year, directly certifies  
 2 under paragraphs (4) and (5) of sec-  
 3 tion 9(b) at least 40 or 50 percent, re-  
 4 spectively, of the enrolled students.

5 “(ii) PAYMENTS.—

6 “(I) IN GENERAL.—For each  
 7 month of the school year, special as-  
 8 sistance payments at the rate for free  
 9 meals shall be made under this sub-  
 10 paragraph for a percentage of all re-  
 11 imburseable meals served in an amount  
 12 equal to the product obtained by mul-  
 13 tiplying—

14 “(aa) 1.5; by

15 “(bb) the percentage of stu-  
 16 dents directly certified under  
 17 paragraphs (4) and (5) of section  
 18 9(b), up to a maximum of 100  
 19 percent.

20 “(II) OTHER MEALS.—The per-  
 21 centage of meals served that is not de-  
 22 scribed in subclause (I) shall be reim-  
 23 bursed at the rate provided under sec-  
 24 tion 4.

25 “(iii) ELECTION OF OPTION.—

1           “(I) IN GENERAL.—Any school  
2 or local educational agency eligible for  
3 the option under clause (i) may elect  
4 to receive special assistance payments  
5 under clause (ii) for the next school  
6 year if the school or local educational  
7 agency provides to the State agency  
8 evidence of the percentage of students  
9 directly certified not later than June  
10 30 of the current school year.

11           “(II) STATE AGENCY NOTIFICA-  
12 TION.—Not later than May 1 of each  
13 school year, each State agency shall  
14 notify—

15           “(aa) any local educational  
16 agency that appears, based on re-  
17 ported verification summary  
18 data, to have directly certified at  
19 least 50 percent of the enrolled  
20 students for the current school  
21 year, that the local educational  
22 agency may be eligible to elect to  
23 receive special assistance pay-  
24 ments under clause (ii) for the  
25 next 2 school years and explain

1 the procedures for the local edu-  
2 cational agency to make such an  
3 election; and

4 “(bb) any local educational  
5 agency that appears, based on re-  
6 ported verification summary  
7 data, to have directly certified at  
8 least 40 percent of the enrolled  
9 students for the current school  
10 year, that the local educational  
11 agency may become eligible to  
12 elect to receive special assistance  
13 payments under clause (ii) for a  
14 future school year if the local  
15 educational agency directly cer-  
16 tifies at least 50 percent of the  
17 enrolled students.

18 “(III) LOCAL EDUCATIONAL  
19 AGENCY NOTIFICATION.—Not later  
20 than May 1 of each school year, each  
21 local educational agency shall notify—

22 “(aa) any school that di-  
23 rectly certified at least 60 per-  
24 cent of the enrolled students for  
25 the current school year, that the

1 school is eligible to elect to re-  
2 ceive special assistance payments  
3 under clause (ii) for the next  
4 school year and explain the pro-  
5 cedures for the school to make  
6 such an election; and

7 “(bb) any school that di-  
8 rectly certified at least 50 per-  
9 cent of the enrolled students for  
10 the current school year, that the  
11 school may become eligible to  
12 elect to receive special assistance  
13 payments under clause (ii) for a  
14 future school year if the school  
15 directly certifies at least 60 per-  
16 cent of the enrolled students.

17 “(IV) PROCEDURES.—Not later  
18 than December 31, 2010, the Sec-  
19 retary shall establish procedures for  
20 State agencies, local educational agen-  
21 cies, and schools to meet the require-  
22 ments of this clause and to exercise  
23 the option provided under clause (i).”.

24 (b) CONFORMING AMENDMENTS.—Section  
25 11(a)(1)(B) of the Richard B. Russell National School

1 Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is amended by  
2 striking “or (E)” and inserting “(E), (F), or (G)”.

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