

Anti-Lunch Shaming Legislation in Other States

By: Jessica Callahan, Legislative Analyst II
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Issue

Describe the National School Lunch Program's requirements for schools' meal charge policies. Provide a summary of (1) recently enacted anti-lunch shaming legislation in other states and (2) proposed federal legislation to address lunch shaming and unpaid meal debt.

Summary

Beginning in 2017, all state agencies and local school food authorities (SFAs) operating a National School Lunch Program (NSLP) (see BACKGROUND) must have a written and clearly communicated [meal charge policy](#) that minimizes the identification of children with insufficient funds to pay for school meals and the collection of delinquent meal debt. The policy can be developed by each district and approved by the state, or districts may be required to adopt a statewide policy. [Federal guidelines](#) encourage policies that minimize the identification of children with unpaid meal debt, but specific provisions are left to the state or district.

Connecticut state law is silent on the issue of how school districts should handle outstanding meal debt accrued by students, but several states (California, Iowa, Oregon, Virginia) recently enacted legislation to prevent the identification and stigmatization of students with this debt, often referred to as "lunch shaming." At least two states (New Mexico and Washington) enacted a Hunger-free Students' Bill of Rights Act and two others (New York and West Virginia) use non-legislative guidelines to prevent lunch shaming in schools.

There is also related federal legislation pending. In April 2019, Congress introduced the Anti-Lunch Shaming Act of 2019 ([S. 1119](#)/[H.R. 2311](#)), which would (1) prohibit public identification or

stigmatization of children who owe school meal debt, including marking children with handstamps or stickers or making them do chores; (2) bar schools from disposing of a meal after it has been served to a child; and (3) require school districts to direct any communication about outstanding debt to parents and guardians instead of the child. The bill also encourages school districts to ensure that eligible children are certified for free and reduced-price school meals.

Definition of Lunch Shaming

“Lunch shaming” is a term generally used to describe the practice of publicly identifying or stigmatizing a student who cannot afford to purchase a school meal or who has accrued unpaid school meal debt. Practices may include taking a meal from the student at the point-of-service and throwing it away, substituting a lower quality cold meal for the preferred hot meal, marking a student’s hand with a marker or stamp, or requiring a student to perform chores or work in exchange for a meal or to pay off their meal debt.

Connecticut State Law

Connecticut state law is silent on how school districts should handle outstanding meal debt accrued by students. However, under state statute, boards of education who operate a school lunch or breakfast program may charge for meals an amount that does not exceed the cost of food, wages, and other expenses directly incurred in providing the services. When offering meal services, a board must also provide free lunches or breakfasts to children whose economic needs require it under standards set by federal law ([CGS § 10-215](#)).

Recent Legislation in Other States

Prohibition of Public Stigmatization

Several states, including California, Iowa, Oregon, and Virginia, have enacted legislation to prevent the identification or stigmatization of students with meal debt.

California

California’s Child Hunger Prevention and Fair Treatment Act of 2017 requires schools providing meals through the NSLP to (1) prevent stigmatization or identification of students with meal debt, (2) notify parents or guardians of a negative balance on the student’s meal account no later than 10 days after the negative balance appears, and (3) publish their debt collecting policies ([Cal. Ed. Code § 49557.5](#)).

Iowa

Iowa law prohibits schools from, among other things, (1) stigmatizing or identifying a student with accrued meal debt, (2) denying the student participation in an afterschool program or other extracurricular activity, or (3) providing the student an alternative meal. Additionally, it allows school districts to establish an unpaid meals account and deposit money from private sources or transfer money from other specified accounts to pay off student meal debts ([Iowa Code Ann. § 283A.11](#)).

Oregon

Oregon law requires any school participating in the NSLP to generally provide a meal to any student who asks for one. It forbids schools from stigmatizing children or calling attention to their status in any way, including asking for payment. It also requires schools to determine if a student is eligible for free or reduced price lunch if the student owes for five or more meals ([Or. Rev. Stat. § 327.537](#)).

Virginia

Virginia law requires each local school board to (1) adopt policies that prohibit employees from publicly identifying or stigmatizing a student who owes a school meal debt or cannot pay for a meal at school and (2) direct any communication relating to school meal debt to the student's parent, which may be made by a letter addressed to the parent to be sent home with the student ([Va. Code Ann. § 22.1-79.7](#)).

Hunger Free Students' Bill of Rights

At least two states, New Mexico and Washington, have enacted a Hunger-free Students' Bill of Rights Act. This legislation outlines schools' responsibilities in determining if students are eligible for free or reduced price meals, in addition to prohibiting practices that identify or stigmatize students with meal debt.

New Mexico

New Mexico's Hunger-free Students' Bill of Rights Act requires schools that participate in the NSLP to, among other things, (1) generally provide a meal to any child that asks for one, (2) make applications for free and reduced-price lunch available and accessible to parents, (3) not publicly identify or stigmatize a student who owes a meal debt, and (4) coordinate with the nutrition department to make sure homeless students receive free public school meals ([N.M. Stat. Ann. §§ 22-13C-1 to 22-13C-7](#)).

Washington

Washington's Hunger-free Students' Bill of Rights Act prohibits school staff from taking any action that would publicly identify a student who cannot pay for a school meal or who owes meal debt. It

requires school staff to (1) direct communications about amounts owed to the student's parent or guardian if the student is under the age of 15; (2) notify parents of a negative balance on the student's school meal account within 10 days of earning the charge; and (3) take specified actions if students have not paid for more than five meals, including determining if students qualify for free and reduced lunches and connecting families to the appropriate resources ([Wash. Rev. Code Ann. § 28A.235.270](#)).

Non-Legislative Guidelines

New York and West Virginia use non-legislative guidelines to prevent lunch shaming in schools.

New York law requires all public school districts, charter schools, and non-public schools that participate in the NSLP to develop a plan to ensure that students are not publicly identified or stigmatized for unpaid meal debt. The plan must include, among other things, an explanation of how staff will be trained to ensure that the school or school district's procedures are carried out correctly and how parents and guardians may establish eligibility for free or reduced-price meals for their children ([N.Y. Educ. Law § 908](#)).

West Virginia's Department of Education adopted an [agency rule](#) (§ 126-86-14) that prohibits counties from penalizing students due to unpaid meal debt, including by (1) denying meals, (2) prohibiting participation in extracurricular activities, or (3) requiring students to complete chores in exchange for meals. Further, schools must direct all communication about meal debt to parents or guardians.

Background

National School Lunch Program

The [National School Lunch Program](#) (NSLP) is a federally assisted meal program that was established under the National School Lunch Act in 1965. The program operates in public and nonpublic schools and provides nutritionally balanced, free or low-cost lunches to students. The NSLP is administered by the U. S. Department of Agriculture's Food and Nutrition Service at the federal level, and by state agencies which operate the program through agreements with school food authorities (SFAs). All NSLP lunches must meet federal requirements; however, local SFAs make decisions about the foods they serve and their preparation methods.

According to [preliminary data](#), in FY 18, schools and education institutions participating in the NSLP provided lunch to about 30 million students per day, including 20.2 million free lunches and 1.8 million reduced price lunches.

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