

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1173  
Ways and Means

(Delegate Valentino-Smith, *et al.*)

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Public Schools - Student Meal Programs and Meal Charge Policies

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This bill requires each county board of education to establish a meal charge policy that addresses payment for school meals, unpaid meal debt, prohibition of stigmatizing actions, and other issues related to the administration of school meal programs and management of payments for school meals. Each county board must at least annually review and update its meal charge policy, must publish the policy on its website, provide the policy to students at the beginning of each school year, and provide the policy to the Maryland State Department of Education (MSDE). MSDE must create and maintain a database of the county board meal charge policies and publish them on the MSDE website. Each school must provide each student and certain parents with information and assistance related to free or reduced meal programs. **The bill takes effect July 1, 2020.**

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Fiscal Summary

**State Effect:** None. MSDE can develop and administer the required database, post information to its website, and produce the required report using existing resources.

**Local Effect:** Local school system expenditures for training of staff and for reimbursement of meals and absorption of student meal debt may increase. **The bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The policy established by a county board must provide for appropriate training of relevant personnel; require personnel to treat all students with unpaid meal debt

with compassion and dignity; and authorize a school to serve an alternative meal instead of a standard meal, if the meal meets specified federal nutritional requirement and is a meal offered to all students. The policy must also provide specific guidelines and procedures for informing parents of a student's unpaid meal debt or low meal account balance, and must also prohibit a school, in response to a student's unpaid meal debt, from:

- requiring the student to wear a wristband, hand stamp, sticker, or other identifying mark;
- requiring the student to complete additional chores, tasks, or activities as a punishment;
- denying a meal to a student or disposing of a meal after it has been served; or
- restricting a student from access to school records or participation in extracurricular activities.

By December 1 of both 2020 and 2021, MSDE must report to the General Assembly on data collected from each local school system on accumulated student meal debt; fees paid for and amounts collected from meal account providers and debt collectors; the cost of expanding subsidized meal programs and the cost of a State supplement to increase the community eligibility program reimbursement rate; and the State's direct certification continuous improvement plan as required by the Healthy, Hunger-Free Kids Act of 2010.

**Current Law:** Federal law requires all school districts that serve meals through the School Breakfast Program and/or the National School Lunch Program to establish and clearly communicate a local meal charge policy by July 1, 2017. However, school districts that participate districtwide in the Community Eligibility Provision (CEP) are exempted because student meal debt is assumed to not occur in these districts. Under CEP, all students are served free lunches and breakfasts, and participating schools and school districts agree to cover with nonfederal funds any costs of providing free meals to all students above amounts provided in federal assistance.

All public schools in the State are required to provide subsidized or free nutrition programs for eligible students. The funds (including federal funds) appropriated annually by the State are used to reimburse each county for the subsidized or free, food-service programs. To be eligible for free meals, a child's family must have an annual income of no more than 130% of the federal poverty guidelines. To be eligible for reduced-priced meals, a child's family must have annual income of no more than 185% of the federal poverty guidelines.

Under the Maryland Cares for Kids Act (Chapter 560) of 2018, the State is responsible for the *student share* of the costs of (1) reduced-price breakfasts provided under the federal School Breakfast Program by fiscal 2022 and (2) reduced-price lunches provided under the National School Lunch Program by fiscal 2023; the responsibility is phased in beginning

with fiscal 2020. A local board of education or participating nonpublic school is prohibited from charging a student who is eligible for a reduced-price breakfast beginning in fiscal 2022 or a reduced-price lunch beginning in fiscal 2023, for any portion of the cost of a meal.

**Background:** The U.S. Department of Agriculture (USDA) requires school food authorities to develop and communicate a policy for handling unpaid meal charges but allow local officials to develop specific provisions of their policies. USDA strongly discourages “lunch shaming” tactics, such as denying children meals, requiring children to work for meals, or using hand stamps or stickers to identify children with meal charges. USDA best practices include:

- ensuring eligible children are certified for free or reduced-price meals;
- offering families multiple payment options, including online payment; and
- reminding families of low account balances through discreet methods such as calls, texts, and emails sent directly to the parent/guardian.

The public school systems in Baltimore City and Dorchester and Somerset counties participate districtwide in CEP. According to a fall 2019 Maryland Hunger Solutions report, of the remaining 21 school districts, 18 have a written policy, 14 include their policy in an alternative location (*e.g.*, handbook or school board manual), 11 annually distribute their policy to households, and 10 post their policies on their Food and Nutrition Services website. The report indicates that 3 school districts in Maryland allow the identification of students with meal debt and 3 school districts restrict participation in extracurricular activities and access to student records and report cards. However, the report finds that at least 15 school districts take some measures to prevent debt and to reduce stigma in their school meal charge policies.

**Local Fiscal Effect:** Local school system expenditures may increase for training of staff and for reimbursement of meals and absorption of student meal debt while still providing a meal to every student. However, it is assumed that some school systems already comply with many aspects of the bill and that additional costs under the bill are only those associated with provisions that are not already required under federal law (*e.g.*, the requirement to have a policy and to communicate the policy to parents.) Further, it is assumed that once the Maryland Cares for Kids Act is fully phased in, student meal debt statewide will be reduced because students qualifying for reduced-price meals will no longer be charged a price for school breakfast and school lunch.

Frederick County Public Schools (FCPS) advises that it currently has a policy in place consistent with USDA mandates but that under the bill it would take the additional step of publishing the policy to its website. FCPS advises it can do so using existing resources.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 760 (Senator Lam) - Education, Health, and Environmental Affairs.

**Information Source(s):** Frederick County Public Schools; Maryland State Department of Education; Maryland Hunger Solutions; U.S. Department of Agriculture; Department of Legislative Services

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