

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 760

(Senator Lam)

Education, Health, and Environmental Affairs

Ways and Means

Public Schools – Student Meal Programs and Policies

This bill requires a public school to notify a parent of a student when there is a low balance in the student’s meal account and before the student accrues unpaid meal debt. A public school may provide an alternative meal instead of a standard meal, if the meal meets specified federal nutritional requirement and is a meal offered to all students regardless of meal debt. A public school may not communicate about unpaid meal debt directly with a student or in a manner that humiliates, embarrasses, or stigmatizes the student. In response to a student’s unpaid meal debt, a public school may not (1) require the student to wear a wristband, hand stamp, sticker, or other identifying mark; (2) require the student to complete chores or tasks; (3) deny a meal to a student or dispose of a meal after it has been served; or (4) restrict a student from access to school records or participation in any school-related extracurricular activity. Each public school must notify the parent of each student about the application process and eligibility requirements for the school’s free or reduced-price meal program. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: None. The Maryland State Department of Education (MSDE) can receive reports from county boards using existing resources.

Local Effect: Local school system expenditures for providing parents with specified information and absorption of the cost of meals served to students with meal debt may increase. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: A public school must allow a student to apply for the school's free or reduced price meal programs at any time during the year. If a student who qualifies for a free or reduced-price meal transfers to another school within the same jurisdiction, the new school must enroll the student in the free or reduced-price meal program.

Each county board must (1) determine whether each public school in its jurisdiction is in compliance with the policies and standards of the U.S. Department of Agriculture (USDA) regarding communications about meal charge policies and (2) report its findings annually to MSDE.

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: USDA requires school food authorities to develop and communicate a policy for handling unpaid meal charges but allows 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 student meal debt 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: Beginning in fiscal 2021, local school system expenditures may increase for absorption of student meal debt while still providing a meal to every student. Schools and school systems that participate in CEP will incur no such costs. Baltimore City Public Schools, which participates systemwide in CEP advises that its costs will not increase under the bill.

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.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1173 (Delegate Valentino-Smith, *et al.*) - Ways and Means.

Information Source(s): Baltimore City Public Schools; Montgomery County Public Schools; U.S. Department of Agriculture; Maryland State Department of Education; Department of Legislative Services

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