



Ensuring Student Access to Meals

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Ensuring Student Access to Meals

APPROVED CHAPTER
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BY GOVERNOR PUBLIC LAW

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

—
H.P. 130 - L.D. 167

An Act To Prevent Food Shaming in Maine's Public Schools

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA c. 223, sub-c. 11 is enacted to read:

SUBCHAPTER 11

FOOD RIGHTS

§6681. Access to food and use of food discipline

This section governs student access to and school use of food, including as a disciplinary tool, in public schools.

1. Serving of reimbursable meals. A public school that provides free and reduced-price meals or other meals to students pursuant to subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture shall provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's inability to pay for the school meal or failure in the past to pay for school meals.

2. Punishment related to meals. A public school may not:

A. Because of a student's inability to pay for a meal or because of any payments due for meals served previously to the student, require the student:

(1) To throw away a meal after it has been served to the student; or

Sections to the law

1. Serving of reimbursable meals
2. Punishment related to meals
3. Stigmatization
4. Required Communications
5. Debt Collection

1. Serving of reimbursable meals

A public school that provides free and reduced-price meals or other meals to students pursuant to subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture shall provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's inability to pay for the school meal or failure in the past to pay for school meals.

1. Serving of reimbursable meals

- Applies to public schools that serves reimbursable meals/snack
- Must provide a reimbursable meal to any student who requests it
- Whether or not they have funds
- Whether or not they have meal debt



2. Punishment related to meals

A public school **may not**:

- A. **Because of a student's inability to pay for a meal** or because of any payments due for meals served previously to the student, require the student:
 - (1) To **throw away a meal** after it has been served to the student; or
 - (2) To **undertake chores or work** as a means of paying for one or more meals or as punishment for not paying for one or more meals; or
- B. **Refuse a meal** to a student as a form or as part of a disciplinary action.

2. Punishment related to meals

- A public school may not punish or discipline a student by:
 - Throwing away a meal that has been served to a student because they cannot pay for it
 - Making a student perform chores or work to pay for meals
 - Refusing a meal to a student

3. Stigmatization

- A public school may not **openly identify or otherwise stigmatize** a student who cannot pay for a meal or who has payments due for previous meals.

3. Stigmatization

- A public school cannot identify or stigmatize a student without funds or with meal debt

4. Required Communication

- A public schools communications about a student's meal debts **must be made to the parent or guardian of the student rather than to the student directly** except that, if a student inquired about that student's meal debt, **the school may answer the student's inquiry**. A public school may ask a student to carry to the student's parent or guardian a letter regarding the student's meal debt.

4. Required Communications

- The school can only communicate about a student's negative meal balance with that student's parent/guardian.
- You can communicate a student's negative balance with them if they ask
- You can communicate positive balances with the student

5. Debt collection; Best Practices

- The department shall develop guidance for school administrative units relating to the collection of student meal debt, including, but not limited to, best practices and information on how to create an online system for the payment of student meal debt. The department shall post the information under this subsection on its publicly accessible website.

The screenshot shows the Maine Department of Education website. At the top left is the logo with the text "Maine Department of Education". To the right are links for "Newsroom | Contact Us | Commissioner | A-Z Index" and a search bar labeled "Search DOE" with a "SEARCH" button. Below the header is a navigation menu with categories: "About", "Maine Educators", "Teaching & Learning", "Maine Schools", "Testing & Accountability", "Data & Reporting", and "Funding". The breadcrumb trail reads: "Home → Maine Schools → Child Nutrition → Financial Information → Unpaid Meals".

Unpaid Meals

New Unpaid Meal Charges Resources on USDA Website
FNS has released several [new unpaid meal charges resources](#) for SFAs. These resources, now available on the USDA Unpaid Meal Charges Website, include:

- **Local Charge Policy Training Template:** An adaptable presentation SFAs can use to develop a training for school and district staff members responsible for enforcing the local charge policy.
- **Unpaid Meals Fact Sheets:** Three fact sheets providing an overview of unpaid meal charges and strategies SFAs can use to prevent "school lunch shaming."
- **Unpaid Meal Charges Talking Points:** Sample talking points school officials can use as a starting point to address questions about unpaid meal charges.
- **Excess Balance Donation Letter:** An adaptable letter and donation form that SFAs can use to encourage families to donate any balances remaining in their account at the end of the school year.

[An Act to Prevent Food Shaming in Maine's Public Schools \(P.L. 2019, ch. 54\)](#), (pdf)

[Frequently Asked Questions](#) (doc)

Best Practices for School Districts to Reduce Potential Unpaid Meal Charges

- Encourage households who qualify for meal benefits to apply by:
 - Making the Free and Reduced Price Meal Application available to families throughout the school year in various forms (paper and online)
 - Provide a mechanism to ensure confidentiality of the meal application such as attaching an envelope addressed to the school nutrition office and offering an online application process
 - Informing households that they can apply or re-apply for meal benefits anytime throughout the school year, especially if their circumstances have changed (household size increases, income decreases)
 - Provide assistance to families who may struggle to complete the application independently
 - Provide opportunities to complete the meal application at school events such as open house and parent-teacher conferences.
- Clearly communicate the school nutrition Meal Charging Policy/Procedure throughout the school year:
 - On the district website,
 - With "back to school" packets,
 - In student handbooks,
 - in school newsletters.
- Districts investigate online payment systems as an option for families to submit meal payments
- Food service department keeps District administration current on outstanding meal account balances

Charging Policy Requirement

- All school food authorities (SFAs) operating the National School Lunch Program and/or School Breakfast Program must develop a meal charge policy
 - SFAs **have discretion** in developing the specifics of their policies
 - Must comply with State law

Charging Policy Requirement

- SFAs must communicate the policy, in writing, to:
 - All families at the start of the school year
 - Families with students who transfer mid-year
- SFAs must provide the policy, in writing, to any school or district-level staff members responsible for policy enforcement
- **Best Practice: Share in multiple ways!**

Preventing Unpaid Meal Charges

- Provide Payment Options
 - Pre-payment
 - Online payment
 - Repayment Plans

Preventing Unpaid Meal Charges

- Provide Payment Reminders
 - Encourage families to track spending
 - Remind families of a low balance **BEFORE** the account goes negative

Q & A



Question

Are cashiers allowed to tell students when their balance is getting low?

Answer

A student with a low balance still has funds on their account and is not in debt, therefore it is allowable to communicate with a student about their low balance.

Question

Can schools prohibit seniors from participating in graduation functions/activities if the student has meal debt?

Answer

The law prevents openly identifying or otherwise stigmatizing a student with a meal debt. If the only reason a student is being prohibited from an activity is because of a meal debt, it would constitute identifying or stigmatizing a student. And is not allowed.

Question

Our school policy says that if you owe money you cannot purchase a la carte items and there is no charging of a la carte items. Is this allowed?

Answer

Yes. This law applies to reimbursable meals only. If your local policy does not allow a student to charge a la carte items, a public school may notify a student that they do not have funds on their account to purchase the a la carte item(s).

Question

Can Schools implement an alternative meal (with all components) until the debt is paid?

Answer

No, the student must receive the same reimbursable meal as the other students. In addition, providing an alternative meal is a means of openly identifying or stigmatizing a student.

Question

When a parent asks us to not allow their child to take or charge meals, can we follow their request.

Answer

With written parental permission, you may follow their request. It is recommended to have an agreement that clearly outlines what will happen if the child does try to get a meal and this should be shared with other key individuals in the school such as the building principal, teacher, and guidance counselor. The student should be notified before they go through the meal service line of the new procedure.

Question

Does this law apply to all meals, breakfast, lunch and snack?

Answer

This law applies to all programs that provide student meals eligible for reimbursement under a program administered by the United States Department of Agriculture. This includes the School Breakfast Program, National School Lunch Program and Afterschool Snack Service.

Summary

- Public Schools
- Reimbursable Meals (not a la carte)
- Communicate debt with parent/guardian
 - Unless student asks
- Cannot punish a student without funds/debt
- Cannot publicly identify/stigmatize

Thank you



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