**Questions & Answers: An Act to Prevent Food Shaming in Maine’s Public Schools (P.L. 2019, ch. 54)**

**July 2019**

1. **What constitutes food shaming?**

The law prevents public schools from:

* denying a reimbursable meal to an otherwise eligible student who requests it;
* requiring a student to throw away their meal after it has been served to them;
* requiring a student to perform chores or work as a means of paying for one or more meals or as punishment for not paying for one or more meals;
* refusing a meal as a form of or as part of a disciplinary action; or
* openly identifying or otherwise stigmatizing a student who cannot pay for a meal or has payments due for a meal.
1. **What grade levels are impacted by this new law?**

The law applies to all grade levels in a public school that provides students meals eligible for reimbursement under a program administered by the United States Department of Agriculture, therefore any grade enrolled in the public school.

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

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. If the prohibition is based on a number of factors including a meal debt, it might not constitute identifying or stigmatizing a student. School administrative units are encouraged to consult with legal counsel about their specific policies.

1. **When seniors have balances at the end of the year, whether it is for meals, books, or computers, we do not pass out the cap and gown until the balance is paid. Can we still do that?**

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. If the prohibition is based on a number of factors including a meal debt, it might not constitute identifying or stigmatizing a student. School administrative units are encouraged to consult with legal counsel about their specific policies.

1. **Our district charging policy has been that in order to receive graduation tickets, seniors must have their lunch balance cleared up. Additionally, we have withheld senior privileges and superintendent’s agreement if there is an outstanding lunch balance. Will this still be allowable?**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. If the prohibition is based on a number of factors including a meal debt, it might not constitute identifying or stigmatizing a student. School administrative units are encouraged to consult with legal counsel about their specific policies.

1. **When a high school senior is about to graduate, and owes money to food services, can the senior class adviser tell the student that he/she owes money? Does this fall into "food shaming"?**

A public school's communications about a student's meal debt (charging) must be made to the parent or guardian of the student rather than to the student directly except that, if a student inquires 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. 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.

1. **Are the cashiers allowed to tell the students when they are charging or close to charging?**

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1. **Are we allowed to let the children know that they are getting low on their account?**

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.

1. **Most software schools are using automatically say "Please wait, low balance," when a student uses their PIN. which is identifying the student, where others can hear it. Would that still be acceptable?**

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.

1. **If a child directly asks about balance information what is our answer? What if they are 18 years old?**

If the student inquires about their meal debt, the school may answer the student’s inquiry. This applies to a student enrolled at the public school regardless of age.

1. **Can we post a sign at the register telling students they can ask what their account balance is?**

Yes. If the student inquires about their meal debt, the student may answer their inquiry. Otherwise communication must be made directly to the parent/guardian.

1. **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. This policy has helped to keep our lunch debt down some. Are we still going to be able to say no to the extra items if they don't have money?**

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).

1. **Charging for ala carte is not allowed so when the student is told that in line in front of other students, is that considered lunch shaming?**

No. 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).

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

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.

1. **Our school provides a bag lunch to students with a negative balance before the lunch period so that it looks like a lunch brought from home. Can we keep doing this?**

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.

1. **What are we to do with the outstanding lunch balances? How do we encourage parents to be responsible?**

Public schools should follow their policy or procedure for collecting payments from families. This policy/procedure must be shared publicly so parents are informed of the process.

1. **Can we send outstanding debts to collection?**

Yes.

1. **What happens when everyone owes and refuses to pay because they know they do not have to?**

The school nutrition program should make efforts to collect meal payments as identified in their local policy.

1. **Who will pay for the unpaid balances?**

The school nutrition program should make efforts to collect meal payments as identified in their local policy. Once the debt is determined to be uncollectable, such as after a student leaves the district or graduates, it is considered bad debt and is not an allowable expense of the Federal school foodservice program or any other Federal program. The debt would need to be paid by non-Federal funds, such as the general fund and the debt would become the responsibility of the public school at this point.

1. **What is the State’s plan to provide funding for the lunch bills that won't get paid.**

The law was identified as an unfunded mandate and passed by a 2/3 vote by the Legislature. Funding will need to be addressed at the local level.

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

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.

1. **Does this law apply to private schools that are in the National School Lunch Program?**

No. This law applies to public schools only.

1. **Does this apply to all meals, breakfast, lunch and snack?**

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.

1. **Is there guidance available on how to handle unpaid meals?**

The law requires the Department of Education to 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 Maine DOE has guidance available online: <https://www.maine.gov/doe/schools/nutrition/financial/unpaidmealcharges>

The USDA has guidance and resources available online:
<https://www.fns.usda.gov/school-meals/unpaid-meal-charges>

**August 2019**

1. **Can we still suggest to parents that if a student’s negative balance is high, the student should bring a lunch from home.  If they do not, we would continue to give the student the regular meal.**

When communicating with the parents/guardians you can suggest ways to address meal debt such as sending a lunch, set up payment plans, signing up for balance notifications, etc. Communication needs to be directly with the parent/guardian and you must provide a complete reimbursable meal regardless. You may also suggest that they complete a meal benefit application.

1. **We send bills home in homework folders for younger grades and older students are handed bills to give to their parents.  Do the bills have to be in envelopes and mailed or can we fold the letters and use staples to close them and address to the Parents of (child's name) and continue with the same process we have been doing.**

Since communication regarding meal debt must be made to the parent/guardian and you can ask the student to carry a letter, the letter should be stapled closed or placed in an envelope.

1. **A high school student has a negative balance of $10 and wants to get extra a la carte items in addition to the reimbursable meal.  The district’s currently policy is if a student owes money, a la carte for a extra snack item is not allowed but the cash that was intended for a la carte purchase is applied to their account.  Is this allowed?**

The student cannot be denied a reimbursable meal and staff cannot take the student’s cash and apply it to their balance. The student will be able to get a reimbursable meal, maintain a negative balance and buy a la carte with cash.

1. **A high school student completed an application as a family of one (themselves). How does the school communicate with them if they have a negative balance?**

In this case, a negative balance should be communicated to the student privately. Best practice is to treat the student as a student at point of service and communicate with them privately as you would all other parents. They should be separated.