



## **Guide to State Unpaid Meals Legislation and Trends**

### **Background:**

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) required the United States Department of Agriculture (USDA) to research and determine the feasibility of national standards for unpaid meal debt incurred by public schools. In 2016, USDA published the guidance “[Unpaid Meal Charges: Local Meal Charge Policies](#),” which required all schools that participate in the National School Lunch Program (NSLP) or the School Breakfast Program (SBP) to establish a meal charge policy. Each state was required to communicate this policy to all students and parents by the 2017-2018 school year. Since USDA published this guidance, there has been a multitude of approaches to address the issue of unpaid meal debt by the states.

While USDA does not set any policies, it does require the establishment of practices at the state level. Generally, states have approached this in three ways. Several states have introduced and passed legislation to address outstanding meal debt and/or lunch-shaming practices. Other states use policies and guidelines set forth by the State agency that oversees the National School Lunch Program. Other states have no formal statewide policy because all practices are decided at the local, district level.

### **USDA Resources:**

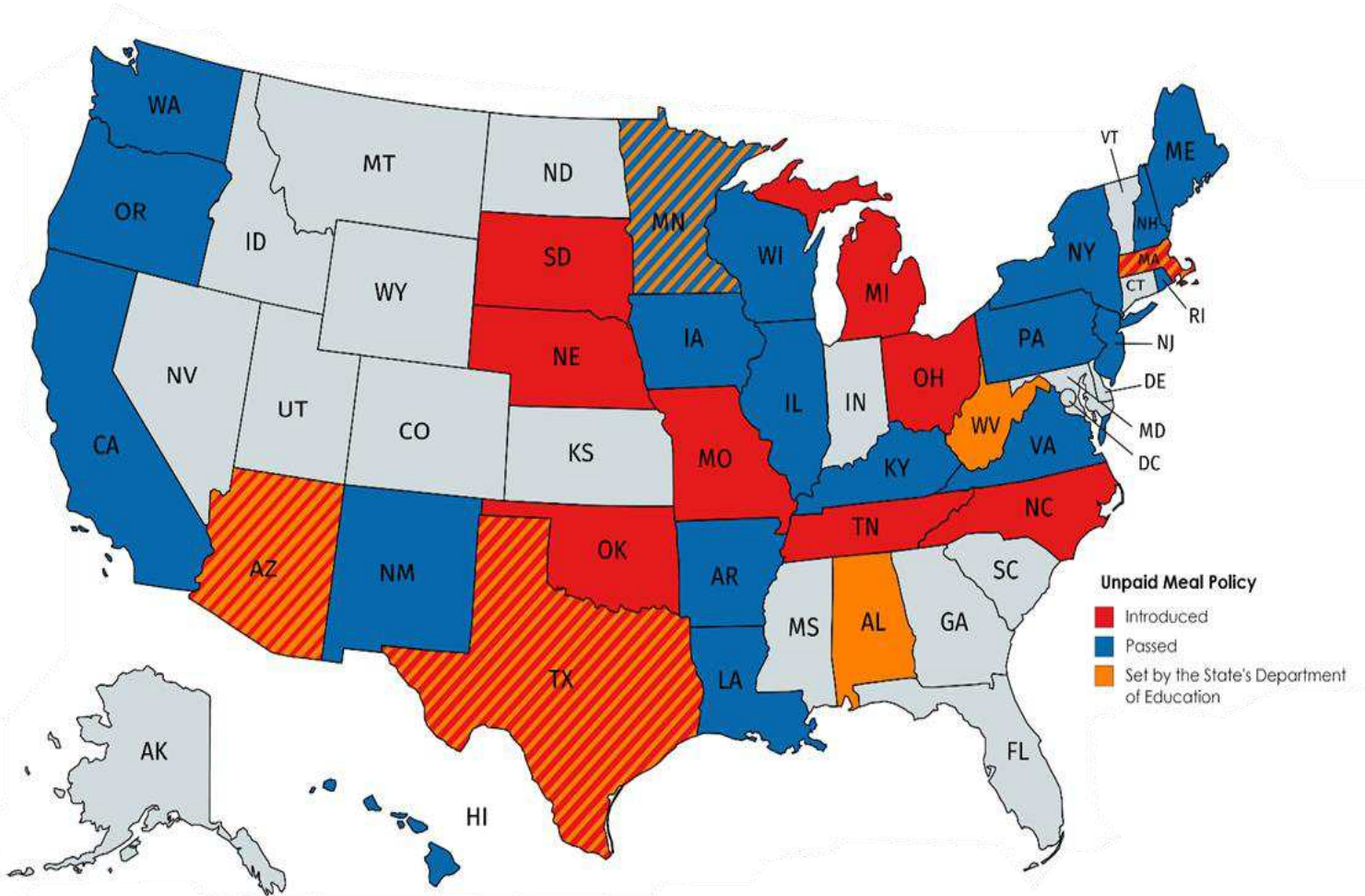
- ❖ USDA’s [Unpaid Meal Charges Webpage and Guidance](#)
- ❖ SNA’s [Unpaid Meal Charge Talking Point](#) and [State Unpaid Meals Legislation Tracking](#)
- ❖ FNS’s [Overcoming the Unpaid Meal Challenges: proven Strategies from Our Nation’s Schools](#)
- ❖ USDA’s [Unpaid Meal Charges: Guidance and Q&A](#)
- ❖ FRAC’s [Unpaid School Meals Fee: A review of 50 Large School Districts’ Policies](#)
- ❖ USDA’s [Preventing Lunch Shaming: Communication Strategies](#)

### **SNA Resources:**

- ❖ [Unpaid Meal Charge Talking Points](#)
- ❖ [State Unpaid Meals Legislation Tracking](#)
- ❖ [State School Meal Mandates and Reimbursements Report: School Year 2017-2018](#)

## National Perspective

As of November 2019, **19 states have passed** some form of legislation to address unpaid meal debt or lunch shaming. Currently, an additional 10 states have introduced legislation that is still pending. There are 6 states that have unpaid meal debt regulations or guidance determined by the State agency. The remaining states have unpaid meal debt policy that is set at the local or district level.



As of November 2019

## A Breakdown of Current Unpaid Meals Laws

The chart below provides a breakdown of each state's unpaid meal debt law or policy for public schools and the common provisions under these statutes. The most common provisions among states includes the requirement to direct all communications towards the parent or guardian and state's prohibiting the public identification of a student due to his or her inability to pay.

|                                                                                   | AR | CA | HI | IA | IL | KY | LA | ME | MN  | NH | NJ | NM | NY | OR | PA | RI | VA | WA | WI |   |
|-----------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|---|
| <b>Required</b>                                                                   |    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |   |
| Providing Reimbursable Meal                                                       |    |    | ✓  |    | ✓  |    |    | ✓  |     |    |    | ✓  | ✓  | ✓  | ✓  |    |    |    |    | ✓ |
| Directing Communications to Parents                                               |    |    |    | ✓  |    |    | ✓  | ✓  |     | ✓  | ✓  | ✓  | ✓  | ✓  | ✓  | ✓  | ✓  | ✓  | ✓  | ✓ |
| Efforts to Increase Free or Reduced Awareness                                     |    |    |    | ✓  |    |    |    |    |     |    |    | ✓  | ✓  | ✓  |    |    |    |    |    | ✓ |
| If 5+ unpaid meals, make at least 2 attempts to have family submit an application | ✓  | ✓  |    |    | ✓  |    |    | ✓  |     |    | ✓  | ✓  | ✓  | ✓  | ✓  |    |    |    | ✓  | ✓ |
| If 5+ Unpaid Meals, School Official Must Contact Family to offer assistance       | ✓  | ✓  |    |    | ✓  |    |    | ✓  |     |    |    |    | ✓  | ✓  | ✓  |    |    |    | ✓  | ✓ |
| <b>Encouraged</b>                                                                 |    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |   |
| Providing a Reimbursable Meal                                                     |    |    |    | ✓  |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |   |
| <b>Prohibited</b>                                                                 |    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |   |
| Providing an Alternative Meal                                                     | ✓  | ✓  |    |    |    |    |    |    |     |    |    |    | ✓  | ✓  |    |    |    |    | ✓  |   |
| Discarding a Meal Served to a Student                                             | ✓  | ✓  | *  | ✓  | ✓  |    |    | ✓  |     |    |    | ✓  | ✓  | ✓  | ✓  | ✓  |    |    | ✓  | ✓ |
| Publicly Identifying Students                                                     | ✓  | ✓  |    | ✓  | ✓  | ** |    |    | *** | ✓  |    | ✓  | ✓  | ✓  | ✓  | ✓  |    |    | ✓  | ✓ |
| Marking Students With a Wristband/Stamp/Ect.                                      | ✓  | ✓  |    | ✓  | ✓  |    |    |    |     |    |    | ✓  | ✓  | ✓  |    |    | ✓  | ✓  | ✓  |   |
| Requiring Students to Preform Chores/Work                                         |    | ✓  |    | ✓  |    |    |    |    |     |    |    | ✓  |    | ✓  | ✓  | ✓  | ✓  | ✓  |    |   |
| Charting Additional Fees, Debt Collection Costs                                   |    |    |    |    |    |    |    |    |     |    |    | ✓  | ✓  |    |    |    |    |    | ✓  | ✓ |
| Denying Participation in Activities                                               |    | ✓  |    | ✓  |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |   |

\*Hawaii: No student shall be denied a meal solely for failure to pay: Within the first 21 days of the first semester of a school year while the student's application for free or reduced lunch is processed.

\*\* Kentucky: No physical segregation or other discrimination against any child shall be made by school officials because of his inability to pay the full cost of a meal.

\*\*\* Minnesota The participant must also ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize any child participating in the school lunch program.

# Current Unpaid Meal Legislation and Guidance

## UNPAID MEALS STATE LEGISLATION:

- **Arkansas**
  - [HB 1356](#) establishes prohibited conduct by schools when a student owes money for or cannot pay for school meals. It prohibits schools from providing an alternate meal or taking actions that would stigmatize the student. The bill also requires the Department of Education's Child Nutrition Unit to implement a system for reviewing local unpaid meal practices and provide model policies that local districts can adopt.
- **California**
  - Under the Child Hunger Prevention and Fair Treatment Act of 2017, California prohibits school personnel and volunteers at a local educational agency from allowing any disciplinary action that is taken against a pupil to result in the denial or delay of a nutritionally adequate meal to that pupil due to unpaid meal debt. This law requires a local educational agency to notify a parent or guardian of the negative balance of a pupil's school meal account no later than 10 days after the pupil's school meal account has reached a negative balance [[CAL. EDUC. CODE § 49557.5](#)].
- **Hawaii**
  - School districts may not deny meals to students with insufficient funds during the first 21 days of school. Following the first 21 days of school, school districts must provide at least a seven-day grace period to students that cannot pay for school meals [[SB 423](#), [HAW. REV. STAT. §302A-404](#)].
- **Illinois**
  - The Hunger-Free Students Bill of Rights Act requires every school to provide a federally reimbursable meal or snack to a student, regardless of whether the student has the ability to pay for the meal or snack or owes money for earlier meals or snacks. If a student owes money for meals or snacks that is in excess of the equivalent of the amount charged a student for 5 lunches, or a lower amount. A school may not publicly identify or stigmatize a student who cannot pay for a meal or snack or who owes money for a meal or snack [[ILL. GEN Public Act 100-1092](#)].
- **Iowa**
  - Prohibits schools from publicly stigmatizing students that cannot pay for a meal and also encourages all schools to provide reimbursable meals to those students that cannot pay. [[IOWA CODE §8A.504](#), [IOWA CODE §283A.11](#)]
- **Kentucky**
  - Schools may not have physical segregation or other discrimination against any child because of inability to pay the full cost of a meal [[702 KY. ADMIN. REG. § 6:050](#)]
- **Louisiana**
  - If the governing authority of a public school district adopts a policy of denying a scheduled meal to a child who is an elementary school student, it shall implement the following procedures to provide for safeguards to the child's health and the child's ability to learn: ) Provide actual notification to the child's parent or legal guardian as to the date and time after which meals may be denied, Verify with appropriate school staff

that the child does not have an Individual Education Plan that requires the child to receive meals provided by the school to ensure that neither the child's health nor learning ability will be negatively affected by denying the child meals during school hours [[LA. STAT. ANN. §17:192.1](#)].

- **Maine**

- [LD 167](#) requires schools to provide a reimbursable meal to any student who requests one, regardless of a student's ability to pay or past accrual of unpaid meal debt. It would require schools to take certain actions to assist the parent or guardian of a student who has accrued meal debt, prohibit schools from punishing students due to their inability to pay for a meal and prohibit activities that would identify or stigmatize a student who cannot pay for a meal or owes money for previous meals.

- **Minnesota**

- In 2014, Minnesota passed legislation that addressed school meal payment reminders. Specifically, School Food Authorities (SFAs) must ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize any child participating in the school lunch program [[Minn. Stat. § 124D.111, subd. 4 \(2015\)](#)].

- **New Hampshire**

- A school lunch meal payment policy which is implemented by a school board either before or after the effective date of this section shall ensure that all students have access to a healthy school lunch, that the school district will make every reasonable effort to inform parents of the policy, and that no student will be subject to different treatment from the standard school lunch meal or school cafeteria procedures. The department of education or the state board of education, upon request of the local school board, may provide communication assistance to school districts and parents of school children regarding the school lunch meal payment policy [[N.H. REV. STAT. § 189.11-A](#)].

- **New Jersey**

- A district shall contact a student's parent or guardian if the student is unable to pay for school meal. If the student's parent or guardian has not made full payment by the end of the 10 school days, then the district shall provide notice that school breakfast or school lunch, as applicable, shall not be served to the student beginning one week from the date of the second notice unless payment is made in full. A school district shall report at least biannually to the Department of Agriculture the number of students who are denied school breakfast or school lunch pursuant to this section [[N.J STAT. ANN. § 18A:33-21](#)].

- **New Mexico**

- A school shall not publicly identify or stigmatize a student who cannot pay for a meal or who owes a meal debt by, for example, requiring that a student wear a wristband or hand stamp or require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for meals; provided that chores or work required of all students regardless of a meal debt is permitted. A school shall direct communications about a student's meal debt to a parent or guardian and not the student. Nothing in this subsection prohibits a school from sending a student home with a letter addressed to a parent or guardian [[N.M. STAT. ANN. § 22-3C-5](#)].

- **New York**
  - All public school districts and charter schools that participate in the national school lunch program or school breakfast program in which there is a school at which all pupils are not eligible to be served breakfast and lunch under CEP shall develop a plan to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed or treated differently than a pupil whose parent or guardian does not have unpaid school meal fees. The plan shall include, but not be limited to, the following elements: make every attempt to determine if a student is directly certified to be eligible for free meals, no school district shall publicly identify or stigmatize a student that unable to pay for a meal or owes a meal debt [[N.Y. Educ. Law § 908](#)].
- **Oregon**
  - A school district that makes meals accessible to students at school sites under the NSLP or SBP must provide a reimbursable meal to a student who requests a meal regardless of whether the student has money to pay for the meal or owes money for meals. Schools cannot require that a student throw away a meal after the meal has been served because of the student's inability to pay for the meal or because money is owed for meals [[2017 OR. REV. STAT. 327.537.1](#)].
- **Pennsylvania**
  - Pennsylvania schools are prohibited from denying a meal to any student who requests one but does not have the money to pay at the time of service. Schools cannot publicly identify or stigmatize students because they have a school meal debt. Communication about a student's school meal debt must be directed to the parent/guardian. Such communication must occur when the student owes money for five or more meals [[HB 178 2017, P.L. 1142, No. 55](#)].
- **Rhode Island**
  - All public schools are prohibited from stigmatizing child that are unable to pay for meals [[R.I. GEN. LAWS § 16-8-10.2](#)].
- **Virginia**
  - Virginia prohibits school board employees from requiring a student who cannot pay for a meal to work to pay for meals or to be physically identified as owing for school meals. Virginia also requires school board employees to communicate directly with the parent regarding student debt and permit this communication to be sent home with the student. School board employees should inform the parent of the amount of debt no later than 20 days after it accrues. The policy and procedure related to unpaid debt includes the student may be served an alternative meal or the meal will be disposed of, while the debt is unpaid [[VA. CODE ANN. § 22.1-79.7](#)].
- **Washington**
  - Washington prohibits any school district personnel from taking any action that would publicly identify a student who cannot pay for a school meal or for meals previously served to the student, including requiring the student to wear a wristband, hand stamp, or other identifying marker, or by serving the student an alternative meal. [[WASH. REV CODE § 28A.235.270](#)].
- **Wisconsin**

- All school shall provide a quality meal to each pupil who requests one, regardless of the pupil's ability to pay for the quality meal and may not give the pupil an inferior meal in place of a quality meal. The state requires schools from taking certain actions against any student unable to pay for meals and requires schools to provide information and take certain actions related to free or reduced-price meal applications [[WIS. STAT. § 115.3415](#)].

## STATE AGENCY GUIDANCE

- **Alabama**
  - Unpaid meal debt practices are determined at the local or district level. Alabama Department of Education provide guidelines for unpaid meal. State agencies and SFAs ensure collection efforts do not have a negative impact on the child involved, and instead focus on household responsible for providing funds for meal purchases. Policies for the collection of unpaid meal charges should be included in written meal charge policy [[Alabama Department of Education Memorandum](#)].
- **Arizona**
  - Arizona's Department of Education provide State specific restrictions that SFAs in Arizona must adhere to when developing and implementing SFA-level written meal charge policy. This guidance has been developed in order to ensure that all students and parents are treated in a respectful manner, regardless of their economic circumstance [[Arizona Department of Education Memorandum](#)].
- **Massachusetts**
  - Massachusetts Department of Elementary and Secondary Education issued guidance: each year unpaid meal balances on the nonprofit school lunch account must be paid off using nonfederal funds. School districts must still collect outstanding debt from households and can either deposit funds collected after June in nonfederal accounts or contribute towards nonprofits school food service account [[MASS. DESE. B.S. 256, Sec 5-7](#)].
- **Minnesota**
  - the Minnesota Department of Education (MDE) stated that districts are in the best position to understand their school community's attitudes, beliefs and cultural sensitivities on methods of reminding and collecting payments. What may work for one district's community may not work for another. However, at no time should a meal policy target or shame students for financial considerations beyond their control. Districts should exhaust all options to ensure students are not denied a nutritious meal [[Minn. Stat. § 124D.111, subd. 4 \(2015\)](#)]
- **Texas**
  - Students must be given a grace period for charging meals when they no longer have funds in their student account. Each district sets the grace period. During the grace period, the student must receive a meal. Parents must be notified of grace period policy in writing. Parents must be notified when a student has unpaid meal charges and must be given the opportunity to set up a payment plan. Grace period restarts each school year [[TEX. EDUC. CODE § 33.908](#)].

- **West Virginia**

- Counties are prohibited from penalizing students due to unpaid and/or outstanding meal debt. This includes denial of meals, prohibition of participating in extra-curricular activities, the denial of participation in graduation, and/or the refusal of transcript requests. Students shall not be denied a meal or served an alternative meal as a result of unpaid meal debt. All communication addressing financial matters shall be directed to parents/guardians. Practices, including putting stickers or wristbands on children to remind parents/guardians to pay unpaid fees are prohibited. Schools are prohibited from identifying or stigmatizing students with meal debt or require them to complete chores or work in exchange for meals [[W. VA. C.S.R §126-86-14.1](#)].