

HOUSE BILL 1173

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CF SB 760

By: **Delegates Valentino–Smith, Atterbeary, Cain, Chang, Corderman, D.M. Davis, Ivey, Korman, Lehman, Lierman, Lopez, Patterson, Shetty, and Solomon**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Meal Programs and Meal Charge Policies**

3 FOR the purpose of requiring each county board of education to establish a meal charge
4 policy that addresses certain matters related to the administration of school meal
5 programs and management of payments for school meals; requiring a certain meal
6 charge policy to include certain provisions, requirements, and prohibitions; requiring
7 each county board to review, update, and publish its meal charge policy in a certain
8 manner and to submit the policy and any updates to the State Department of
9 Education; requiring each county board to provide a printed copy of the meal charge
10 policy to each student in a public school each school year; requiring a school to
11 provide certain information and assistance to certain individuals regarding
12 applications for the school's meal programs at certain times; requiring the
13 Department to create and maintain a certain database, publish certain meal charge
14 policies on its website, and report to the General Assembly on certain dates on
15 certain matters; defining a certain term; and generally relating to public school meal
16 charge policies.

17 BY adding to
18 Article – Education
19 Section 7–125
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2019 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Education**

25 **7–125.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) IN THIS SECTION, "UNPAID MEAL DEBT" MEANS DEBT OWED TO A SCHOOL BY A STUDENT FOR SCHOOL MEALS OR INSUFFICIENT FUNDS IN THE STUDENT'S MEAL ACCOUNT.

(B) EACH COUNTY BOARD SHALL 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.

(C) EACH POLICY ESTABLISHED BY A COUNTY BOARD UNDER SUBSECTION (B) OF THIS SECTION SHALL:

(1) PROVIDE FOR APPROPRIATE TRAINING OF SCHOOL PERSONNEL WHO INTERACT OR COMMUNICATE WITH STUDENTS ABOUT SCHOOL MEALS;

(2) REQUIRE SCHOOL PERSONNEL TO TREAT ALL STUDENTS WITH UNPAID MEAL DEBT WITH COMPASSION AND DIGNITY;

(3) AUTHORIZE A SCHOOL TO SERVE AN ALTERNATIVE MEAL INSTEAD OF A STANDARD MEAL IF THE ALTERNATIVE MEAL:

(I) MEETS THE U.S. DEPARTMENT OF AGRICULTURE'S NUTRITIONAL REQUIREMENTS FOR A MEAL TO BE REIMBURSABLE UNDER FEDERAL LAW; AND

(II) IS AVAILABLE AS A MEAL OPTION ON THE SCHOOL MENU OFFERED TO ALL STUDENTS;

(4) PROVIDE SPECIFIC GUIDELINES AND PROCEDURES FOR INFORMING A PARENT OR LEGAL GUARDIAN OF A STUDENT'S UNPAID MEAL DEBT THAT INCLUDE:

(I) A REQUIREMENT THAT COMMUNICATIONS ABOUT UNPAID MEAL DEBT BE DIRECTED TO THE PARENT OR LEGAL GUARDIAN OF A STUDENT AND CONDUCTED IN A MANNER THAT DOES NOT DRAW ATTENTION TO, IDENTIFY, OR STIGMATIZE THE STUDENT; AND

(II) NOTIFICATION TO THE PARENT OR LEGAL GUARDIAN OF A STUDENT WHEN THE STUDENT HAS UNPAID MEAL DEBT OR THE STUDENT'S MEAL ACCOUNT HAS A LOW BALANCE, AS DEFINED BY THE COUNTY BOARD; AND

(5) PROHIBIT A SCHOOL, IN RESPONSE TO A STUDENT'S UNPAID MEAL

1 DEBT, FROM:

2 (I) REQUIRING THE STUDENT TO WEAR A WRISTBAND, HAND
3 STAMP, STICKER, OR OTHER IDENTIFYING MARK;

4 (II) REQUIRING THE STUDENT TO COMPLETE ADDITIONAL
5 CHORES, TASKS, OR ACTIVITIES AS A PUNISHMENT FOR UNPAID MEAL DEBT;

6 (III) DENYING A MEAL TO THE STUDENT;

7 (IV) DISPOSING OF A MEAL AFTER IT HAS BEEN SERVED TO THE
8 STUDENT; OR

9 (V) RESTRICTING A STUDENT FROM ACCESS TO SCHOOL
10 RECORDS OR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES.

11 (D) EACH COUNTY BOARD SHALL:

12 (1) REVIEW AND UPDATE ITS MEAL CHARGE POLICY EACH YEAR OR
13 MORE OFTEN AS NEEDED;

14 (2) PUBLISH THE MEAL CHARGE POLICY AND ANY UPDATES ON THE
15 COUNTY BOARD'S WEBSITE;

16 (3) AT THE BEGINNING OF EACH SCHOOL YEAR, PROVIDE A PRINTED
17 COPY OF THE MEAL CHARGE POLICY TO EACH STUDENT IN A PUBLIC SCHOOL IN THE
18 COUNTY; AND

19 (4) SUBMIT THE MEAL CHARGE POLICY AND ANY UPDATES TO THE
20 DEPARTMENT.

21 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT THE
22 BEGINNING OF THE SCHOOL YEAR OR ON ADMISSION, EACH SCHOOL SHALL PROVIDE
23 EACH STUDENT:

24 (I) A PRINTED APPLICATION FOR THE SCHOOL'S FREE OR
25 REDUCED PRICE MEAL PROGRAMS; OR

26 (II) IF THE SCHOOL USES AN ELECTRONIC MEAL ACCOUNT, A
27 WRITTEN EXPLANATION OF THE ELECTRONIC APPLICATION PROCESS.

28 (2) A SCHOOL SHALL PROVIDE ASSISTANCE TO A PARENT OR LEGAL
29 GUARDIAN OF A STUDENT IN UNDERSTANDING HOW TO APPLY FOR THE SCHOOL'S

1 FREE OR REDUCED PRICE MEAL PROGRAMS AS NEEDED DUE TO LANGUAGE,
2 LITERACY, OR OTHER RELATED LIMITATIONS.

3 (3) IF AT ANY OTHER TIME A SCHOOL ACQUIRES KNOWLEDGE THAT A
4 STUDENT MAY QUALIFY FOR THE SCHOOL'S FREE OR REDUCED PRICE MEAL
5 PROGRAMS, THE SCHOOL SHALL PROVIDE A PAPER APPLICATION OR AN
6 ELECTRONIC LINK TO AN APPLICATION FOR THE PROGRAMS AND APPLICATION
7 ASSISTANCE AS NEEDED.

8 (F) THE DEPARTMENT SHALL CREATE AND MAINTAIN A DATABASE OF THE
9 MEAL CHARGE POLICIES ESTABLISHED BY THE COUNTY BOARDS IN ACCORDANCE
10 WITH THIS SECTION AND PUBLISH THE POLICIES ON ITS WEBSITE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
12 2020, and on or before December 1, 2021, the State Department of Education shall report
13 to the General Assembly, in accordance with § 2–1257 of the State Government Article,
14 based on data collected from each local school system, on:

15 (1) the annual accumulated student meal debt;

16 (2) the fees paid for using electronic meal account providers and the
17 amount collected from electronic meal account providers;

18 (3) the fees paid for using third-party debt collectors for their services, the
19 fees charged to a student with unpaid meal debt, and the amount collected by third-party
20 debt collectors;

21 (4) the cost of expanding subsidized meal programs to include students who
22 meet 185% to 300% of the federal poverty guideline;

23 (5) the cost of a State supplement to increase the community eligibility
24 program reimbursement rate to a minimum of 90% for all schools that are currently
25 enrolled in or eligible for the program by determining groupings that allow for maximum
26 school participation; and

27 (6) the State's direct certification continuous improvement plan, as
28 required by the federal Healthy, Hunger-Free Kids Act of 2010 due to the State failing to
29 achieve the 95% direct certification benchmark for children in households participating in
30 the Supplemental Nutrition Assistance Program.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2020.