

SENATE BILL 760

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CF HB 1173

By: **Senator Lam**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2020

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Education

7–125.

(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) THIS SECTION DOES NOT APPLY TO A COUNTY THAT HAS ADOPTED THE COMMUNITY ELIGIBILITY PROVISION OF THE FEDERAL HEALTHY, HUNGER-FREE KIDS ACT OF 2010 DISTRICTWIDE.

~~(B)~~ (C) 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)~~ (D) EACH POLICY ESTABLISHED BY A COUNTY BOARD UNDER SUBSECTION ~~(B)~~ (C) 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

1 CONDUCTED IN A MANNER THAT DOES NOT DRAW ATTENTION TO, IDENTIFY, OR
2 STIGMATIZE THE STUDENT; AND

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

6 (5) PROHIBIT A SCHOOL, IN RESPONSE TO A STUDENT'S UNPAID MEAL
7 DEBT, FROM:

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

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

12 (III) DENYING A MEAL TO THE STUDENT;

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

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

17 ~~(D)~~ (E) EACH COUNTY BOARD SHALL:

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

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

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

25 (4) SUBMIT THE MEAL CHARGE POLICY AND ANY UPDATES TO THE
26 DEPARTMENT.

27 ~~(E)~~ (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT THE
28 BEGINNING OF THE SCHOOL YEAR OR ON ADMISSION, EACH SCHOOL SHALL PROVIDE
29 EACH STUDENT:

1 **(I) A PRINTED APPLICATION FOR THE SCHOOL'S FREE OR**
2 **REDUCED PRICE MEAL PROGRAMS; OR**

3 **(II) IF THE SCHOOL USES AN ELECTRONIC MEAL ACCOUNT, A**
4 **WRITTEN EXPLANATION OF THE ELECTRONIC APPLICATION PROCESS.**

5 **(2) A SCHOOL SHALL PROVIDE ASSISTANCE TO A PARENT OR LEGAL**
6 **GUARDIAN OF A STUDENT IN UNDERSTANDING HOW TO APPLY FOR THE SCHOOL'S**
7 **FREE OR REDUCED PRICE MEAL PROGRAMS AS NEEDED DUE TO LANGUAGE,**
8 **LITERACY, OR OTHER RELATED LIMITATIONS.**

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

14 ~~**(F)**~~ **(G) THE DEPARTMENT SHALL CREATE AND MAINTAIN A DATABASE OF**
15 **THE MEAL CHARGE POLICIES ESTABLISHED BY THE COUNTY BOARDS IN**
16 **ACCORDANCE WITH THIS SECTION AND PUBLISH THE POLICIES ON ITS WEBSITE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
18 2020, and on or before December 1, 2021, the State Department of Education shall report
19 to the General Assembly, in accordance with § 2–1257 of the State Government Article,
20 based on data collected from each local school system, on:

21 (1) the annual accumulated student meal debt;

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

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

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

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

33 (6) the State's direct certification continuous improvement plan, as
34 required by the federal Healthy, Hunger-Free Kids Act of 2010 due to the State failing to

1 achieve the 95% direct certification benchmark for children in households participating in
2 the Supplemental Nutrition Assistance Program.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.