

Chapter 581

(Senate Bill 760)

AN ACT concerning

Public Schools – Student Meal Programs and ~~Meal Charge~~ Policies

FOR the purpose of requiring ~~each county board of education, except under certain circumstances, to establish a meal charge policy that addresses certain matters related to the administration of school meal programs and management of payments for school meals; requiring a certain meal charge policy to include certain provisions, requirements, and prohibitions; requiring each county board to review, update, and publish its meal charge policy in a certain manner and to submit the policy and any updates to the State Department of Education; requiring each county board to provide a printed copy of the meal charge policy to each student in a public school each school year; requiring a school to provide certain information and assistance to certain individuals regarding applications for the school's meal programs at certain times; requiring the Department to create and maintain a certain database, publish certain meal charge policies on its website, and report to the General Assembly on certain dates on certain matters; defining a certain term; and generally relating to public school meal charge policies~~ a public school to notify a student's parent or legal guardian about the status of certain school meal accounts under certain circumstances; prohibiting a public school from communicating about certain unpaid meal debt directly with a student or in a certain manner; prohibiting a public school from taking certain actions in response to a student's unpaid meal debt; authorizing a public school to provide a certain alternative meal under certain conditions; requiring a public school to ensure that parents and legal guardians of students are notified about the application process and eligibility requirements for certain meal programs in a certain manner; requiring a public school to allow a student to apply for certain meal programs at any time; requiring a certain public school to enroll a certain transfer student in a certain meal program; requiring each county board of education to determine whether each school in its jurisdiction is in compliance with certain federal policies and standards and to report its findings to the State Department of Education each year; defining a certain term; and generally relating to student meal programs in public schools.

BY adding to

Article – Education

Section 7–125

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

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

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~~

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

~~(H) 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 DEBT, FROM:~~

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

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

~~(III) DENYING A MEAL TO THE STUDENT;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~(1) the annual accumulated student meal debt;~~
- ~~(2) the fees paid for using electronic meal account providers and the amount collected from electronic meal account providers;~~
- ~~(3) the fees paid for using third-party debt collectors for their services, the fees charged to a student with unpaid meal debt, and the amount collected by third-party debt collectors;~~
- ~~(4) the cost of expanding subsidized meal programs to include students who meet 185% to 300% of the federal poverty guideline;~~
- ~~(5) the cost of a State supplement to increase the community eligibility program reimbursement rate to a minimum of 90% for all schools that are currently enrolled in or eligible for the program by determining groupings that allow for maximum school participation; and~~
- ~~(6) the State's direct certification continuous improvement plan, as required by the federal Healthy, Hunger-Free Kids Act of 2010 due to the State failing to~~

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

(B) A PUBLIC SCHOOL SHALL NOTIFY A PARENT OR LEGAL GUARDIAN OF A STUDENT WHEN THERE IS A LOW BALANCE IN THE STUDENT'S MEAL ACCOUNT AND BEFORE THE STUDENT ACCRUES UNPAID MEAL DEBT.

(C) A PUBLIC SCHOOL MAY NOT:

(1) COMMUNICATE ABOUT UNPAID MEAL DEBT DIRECTLY WITH A STUDENT OR IN A MANNER THAT HUMILIATES, EMBARRASSES, OR STIGMATIZES THE STUDENT; OR

(2) IN RESPONSE TO A STUDENT'S UNPAID MEAL DEBT:

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

(II) REQUIRE THE STUDENT TO COMPLETE CHORES OR TASKS;

(III) DENY A MEAL TO THE STUDENT;

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

(V) RESTRICT A STUDENT FROM ACCESS TO SCHOOL RECORDS OR PARTICIPATION IN ANY SCHOOL-RELATED EXTRACURRICULAR ACTIVITY.

(D) A PUBLIC SCHOOL MAY PROVIDE AN ALTERNATIVE MEAL INSTEAD OF A STANDARD MEAL IF THE MEAL:

(1) MEETS THE NUTRITIONAL STANDARDS OF THE U.S. DEPARTMENT OF AGRICULTURE; AND

(2) IS AVAILABLE TO ALL STUDENTS IN THE SCHOOL, REGARDLESS OF UNPAID MEAL DEBT.

(E) (1) A PUBLIC SCHOOL SHALL ENSURE THAT A PARENT OR LEGAL GUARDIAN OF EACH STUDENT IS NOTIFIED ABOUT THE APPLICATION PROCESS AND ELIGIBILITY REQUIREMENTS FOR THE SCHOOL'S FREE OR REDUCED PRICE MEAL PROGRAMS BY PROVIDING:

(I) ASSISTANCE IN UNDERSTANDING THE APPLICATION PROCESS AND ELIGIBILITY REQUIREMENTS; AND

(II) PRINTED APPLICATIONS IN MULTIPLE LANGUAGES.

(2) A PUBLIC SCHOOL SHALL ALLOW A STUDENT TO APPLY FOR THE SCHOOL'S FREE OR REDUCED PRICE MEAL PROGRAMS AT ANY TIME DURING THE YEAR.

(3) IF A STUDENT WHO QUALIFIES FOR A FREE OR REDUCED PRICE MEAL PROGRAM TRANSFERS TO ANOTHER SCHOOL WITHIN THE SAME JURISDICTION, THE NEW SCHOOL SHALL ENROLL THE STUDENT IN THE CORRESPONDING FREE OR REDUCED PRICE MEAL PROGRAM.

(F) EACH COUNTY BOARD SHALL:

(1) DETERMINE WHETHER EACH PUBLIC SCHOOL IN ITS JURISDICTION IS IN COMPLIANCE WITH THE POLICIES AND STANDARDS OF THE U.S. DEPARTMENT OF AGRICULTURE REGARDING COMMUNICATIONS ABOUT MEAL CHARGE POLICIES; AND

(2) REPORT TO THE DEPARTMENT ITS FINDINGS EACH YEAR.

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.