

Thank you for the opportunity to testify in support of Senate Bill 760, which would implement best practices statewide for unpaid school meal fees and increase low-income children's access to free and reduced-price school meals.

My name is Etienne Melcher Philbin. I am Senior Policy Analyst for the Food Research and Action Center (FRAC), a Washington based anti-hunger organization that has worked for decades to improve and strengthen the federal child nutrition programs, including the School Breakfast Program and the National School Lunch Program through federal and state legislation. I work extensively with federal, state, and local government agencies, school districts, nonprofits, elected officials and other stakeholders to ensure all students who need these programs are able to access them.

In the 2018-2019 school year, the school meals programs provided Maryland schools nearly \$250 million dollars in federal funding to offer nutritious meals to students. This funding provides free meals to students at or below 130 percent of the poverty line. Students who live in a household participates in the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or the Food Distribution Program for Indian Reservations or they are homeless, migrant, or in foster care or Head Start. Additionally, the federal funding covers the majority of the costs of meals for students who are certified to receive free school meals. Students certified for reduced-price school meals can only be charged up to 30 cents for breakfast and 40 cents for lunch.

When students who are not certified to receive free or reduced-price school meals arrive in the cafeteria without cash in hand or in their school meals account, the district determine how to handle the situation. This situation can arise for two categories of students: those who are not certified for free or reduced-price school meals and are charged the meal price set by the district; and those who are certified for reduced-price school meals, and are charged a co-pay for breakfast and lunch.

School meals debt is a common problem for school districts. According to the School Nutrition Association, 76 percent of school districts reported having outstanding debt.¹ How school districts deal with unpaid school meals debt has a big impact on students and the quality of the culture inside and outside of the school cafeteria. It also affects whether or not students have the healthy nutrition they need to focus and concentrate throughout the school day.

I first heard of this issue more than 10 years ago when FRAC received a call from a grandparent raising her granddaughter. The granddaughter had just started kindergarten, and her application for free school meals had not been processed yet. A

¹ School Nutrition Association. (2016). *School Nutrition Operations Report*. This source is available to the public for purchase at <https://my.schoolnutrition.org/productcatalog/product.aspx?ID=10545>.

few weeks into the school year, the cafeteria staff took the child's meal away and threw it in the trash. This along with many other reports of children having their school lunches taken and thrown away; of children being marked to say "I owe lunch money" through a stamp or a sticker; and of children not being allowed to participate in extra-curricular or afterschool activities, field trips, prom, graduation, etc., drove Congress to act.

In 2010, the Healthy Hunger Free Kids Act directed the U.S. Department of Agriculture (USDA) to review school districts' unpaid school meal policies and determine if a federal policy was needed. In response, the U.S. Department of Agriculture (USDA) issued guidance requiring each school district participating in the National School Lunch or School Breakfast programs to establish and clearly communicate by July 1, 2017, its policy for collecting unpaid school meals fees, in effect for the 2017–2018 school year.² The USDA guidance does not establish any national standards for what districts need to include in their policies, nor does it provide any baseline for protection for children and families; instead, it only required that there be a policy.

USDA, however, does allow states to set policy for unpaid school meal fees. In enacting S.B. 760 Maryland will join a growing list of states, including California, New Mexico, New York, Oregon, Washington, and West Virginia that have instituted statewide protections for students who have accrued unpaid school meal debt and have taken steps to better ensure that children eligible for free and reduced-price school meals are certified to receive them.

While the exact requirements within each states' legislation vary, strong state policy has as its guiding principles: to not embarrass, stigmatize or punish students with unpaid school meal debt; to make it an adult to adult conversation; and to reduce school meal debt. States have taken steps to reduce school meal debt by requiring schools to better link eligible children to free and reduced-price school meals, such as through improved direct certification, school meal application assistance, and the use of community eligibility. An option for high poverty schools to offer free meals to all of their students, which eliminates school meal fees entirely.

Maryland has already taken steps to address this issue through the enactment of the "Maryland Cares For Kids Act" that will eventually eliminate the co-payments for students certified for reduced-price meals".

The provisions in S.B. 760 build off this commitment and will protect students with unpaid school meal debt from being publicly identified; ensure food is not wasted and that children are not sent the message that their school would rather throw food in the trash than let them eat it; prohibits students and their siblings from being punished and prevented from participating in important school activities and events. The school cafeteria should be a positive environment for students, and school programs and activities should be available for all students, especially for students whose families may be struggling.

² U.S. Department of Agriculture, Food and Nutrition Service. (2016). Memo SP 46 2016: Unpaid Meal Fees: Local Meal Charge Policies. Available at: <https://fns-prod.azureedge.net/sites/default/files/cn/SP46-2016os.pdf>. Accessed on September 5, 2017.

The provision that requires communications about school meal debt to be directed to the parents also is a crucial component of the bill. It is important to note that the bill does not prohibit the collection of debt, but it ensures that the conversations about unpaid school meal debt are adult to adult. Directing the conversations to the student and engaging them in an already stressful situation that will likely embarrass the student is not conducive to a healthy school environment.

In addition to providing protections for students with unpaid school meal debt, the bill directs schools to take important steps to certify eligible students for free or reduced-price school meals. When a family accrues school meals debt, it often is a sign that they are struggling to make ends meet and the student may be eligible for free or reduced-price school meals. There are many possible reasons why an eligible student may not be certified for free or reduced-price school meals. The student may have been eligible at the start of the school year, but was missed by the direct certification systems that do not always identify every student who is categorically eligible for free school meals (such as a child who lives in a household participating in the Supplemental Nutrition Assistance Program, or if they are homeless). The eligible student may not have submitted a school meal application, perhaps due to language or other barriers. There are also instances when the student may have become eligible during the school year due to changes in the household income.

Research shows that not only are well-nourished children better learners, but they also are better test-takers and more active participants in school—they are more likely to arrive at school on time, to behave and be attentive in class.³ In other words, it is in a school's best interest to ensure that their students have the nutrition they need to learn and do well in school and to make sure that the school cafeteria is a positive experience for all students.

In sum, FRAC fully supports S. 760. It will have a positive impact on families and schools throughout the state. And it will allow Maryland to join the growing list of states that are setting state policy for unpaid school meal debt. Thank you for the opportunity to testify.

Etienne Melcher Philbin
Senior Policy Analyst
Food Research & Action Center
emelcher@frac.org

³ Murphy, J.M. "Breakfast and Learning: An Updated Review." *Journal of Current Nutrition and Food Science* 2007; 3(1): 3-36.