



IOWA HOUSE DEMOCRATS

BILL SUMMARY

Food Shaming, School Meals HF 2467

Status of Bill: On House Floor

Committee: Education (23-0)

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Background

The national issue of school's with school lunch account debt continues to be a problem as the number of kids with lunch debt and the amount of debt, has grown. School districts nationwide have reacted with tactics that have been termed as "shaming." This could be actions such as making student throw away their lunch if they cannot pay, which leads to bad performance in the afternoon of their classes. Schools have also attempted to collect the debt by making the kid wear wrist bands seeking payment from parents when they go home, or stamps (for example) that say "PAY LUNCH BILL." They may also be asked to sit at a separate table or do chores for food.

These actions have an adverse effect on students with a debt as other students know that they have not eaten, or identify them as so poor that they cannot pay their lunch bill. A group of teachers in a district in Iowa created a fund to help pay for kids lunches so that they could get a meal, and then the district made the decision to scoop the funds and use the money for something else.

Starting with the Obama administration, and now put into effect under the Trump administration, school districts nationwide are required to develop a policy to address school lunch debt. There is suggested best practices from the federal government, but not a mandate to address the issue. Iowa also does not have a state law addressing the issue currently, and school districts and nonpublic schools address the issue on their own. This bill uses those best practices and food shaming laws passed in other states as well as specific school districts nationwide to come up with a statewide policy for Iowa. It contains three unique provisions for Iowa that are not current policy in any known state, including:

1. Preventing students from being segregated to a separate table,
2. Encouraging the practice of having the checkout counter before students receive food.
3. Allowing an income set-off under certain conditions that a school district could use to help collect on a high debt. Also somewhat unique is the ability to use the newly created Flexibility Accounts that school districts have to off-set their school lunch account, but that is not known if that is unique to Iowa given other states school funding streams.

Currently there are seven known states that have some type of statewide policy that address food shaming and school lunch debt. Louisiana, Minnesota and New Hampshire have a law, but New Mexico, New York, Oregon and Pennsylvania have a comprehensive law similar to this bill, with New Mexico considered to be the model for the country.

Bill Summary

The bill requires a school (except for the income off-set provision, a school would include both public and accredited nonpublic schools) to provide notice, at least twice annually, to the parents or guardians of students on the availability and eligibility of free and reduced lunch. The notice may be provided by letter or by electronic means (note that this does not involve the student in the communication). If a student owes money for five or more meals, a school principal, assistant principal or staff are allowed to contact the parent or guardian to provide information regarding the application for free and reduced lunch, or provide information on other options or assistance available.

Many schools currently provide an alternative meal if a student cannot pay for their meal, but it may not meet the guidelines for a reimbursable meal to the school district. It also leads to a possible way of shaming a student, since they can be identified by others as having the alternative meal. The bill does give the option for the parent or guardian to specifically provide written direction to the school to withhold a meal from the student. This would most likely be done for diet reasons or personal reasons against school lunches.

Shaming Requirements

The bill provides (not mandates) that if practicable, a school shall position the point of service at the beginning of a lunch line. This is to provide options other than the meal disposal or replacement. This is the first provision that is unique to Iowa compared to other known states with a statewide food shaming policy. A school is prohibited from posting a list of students who owe money for school meals and from engaging in any of the following acts towards the student because they cannot pay for the meal:

1. Publicly identifying or stigmatizing the student, which includes, but is not limited to, requiring the student to consume the meal at a table set aside for students who owe a meal debt. This is the second provision that is unique to Iowa compared to other known states with a statewide food shaming policy. The school is also not allowed to have a student discard a meal after it has been served.
2. Require a student to wear a wrist band, hand stamp, or other identifying marks, or do chores or work to pay for their meal.
3. Denying participation in afterschool program or other extracurricular activities.
4. A school is required to direct communications about student meal debt to a parent or guardian and not the student. This does not prevent the school from sending a note home with the student addressed to the parent or guardian or contacting the parent or guardian by phone. Most school districts in Iowa currently have electronic communication with parents or guardians that allow access to their lunch account. Many have the unique feature that allows someone to set reminders when an account gets to a certain financial level. However, this type of communication set up is not required in the bill.

Department of Education Guidance

The bill requires the Department of Education (DE), in consultation with schools, to develop and establish best practices, guidance and policies that will assist schools to reach the goal of having all students having access to reimbursable meals.

School Fund, Flexibility Account Addition

The bill allows a school district to establish an unpaid student meals account within their school nutrition fund and may deposit in the account moneys received from private sources for the purpose of paying student meal debt by students, as well as the ability to transfer funds from their flexibility fund to that

account. Last year, the Legislature allowed schools to establish a Flexibility Account to allow for greater flexibility in using funds that have a surplus from various accounts.

This bill allows for amounts designated from the school district's flexibility account to be transferred to the unpaid school lunch account. Amounts may go into the unpaid school lunch account, but not be taken from this account to the school's flexibility account. Any moneys that may be added to moneys deposited in the unpaid student meals fund are to be used by the school district only to pay individual student meal debt. It is the school district's responsibility to set fair and equitable procedures for such expenditures. The bill makes the conforming change to the flexibility account code section.

Income Set-off Procedures for School Districts

Currently Iowa has an income set-off that could be applicable and put in place for example during a divorce proceeding, where income could be offset of an individual who does not pay their child support. There are other examples where this procedure is used in current Iowa law. A school district currently could use this to collect an unpaid school lunch account debt, but they would have to sue the parent or guardian in order to enforce it through a court action. So, it is not a standard practice for a school to take this action.

The third unique to Iowa policy in this food shaming legislation, is to allow school districts to seek to use the set-off procedures under by the Department of Administrative Services. A school district is allowed to use the set-off if it has made reasonable efforts to collect the debt for at least two years, and the amount of debt owed by a person to the school district is \$500 or more. The bill clarifies that this would not prohibit a school from collecting on a school lunch debt through other means including using a collection agency with proper notice to the parent or guardian.

Effective Date

The bill takes effect on July 1, 2018 and could go into effect for the 2018-19 school year.