STATE OF NEW YORK

5151

2021-2022 Regular Sessions

IN SENATE

February 25, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to prohibiting schools or school districts from filing a lawsuit against a student's parent or guardian for unpaid meal fees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 908 of the education law, as added by section 1 of part B of chapter 56 of the laws of 2018, is amended to read as follows:

§ 908. Prohibition against meal shaming. All public school districts, charter schools and non-public schools in the state that participate in the national school lunch program or school breakfast program in which there is a school at which all pupils are not eligible to be served breakfast and lunch under the community eligibility provision or provision two of the federal national school lunch act, 42 U.S.C. Sec. 1751 et seq., shall develop a plan to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed or treated differently than a pupil whose parent or guardian does not have unpaid school meal fees. The plan shall be submitted to the commissioner by July first, two thousand eighteen, or sixty days from the effective date of this section after enactment in conformance with regulations of the commissioner. **Following such initial submission, such plan shall be re-submitted within sixty days after the effective date of any subsequent amendment to this section.** After submission of such plan, the school or school district shall adopt and post the plan on its website. The plan shall include, but not be limited to, the following elements:

a. A statement that the school or school district shall provide the student with the student's meal of choice for that school day of the available reimbursable meal choices for such school day, if the student requests one, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal, provided

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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that the school or school district shall only be required to provide access to reimbursable meals, not a la carte items, adult meals, or other similar items;

b. An explanation of how staff will be trained to ensure that the school or school district's procedures are carried out correctly and how the affected parents and guardians will be provided with assistance in establishing eligibility for free or reduced-price meals for their children;

c. Procedures requiring the school or school district to notify the student's parent or guardian that the student's meal card or account balance is exhausted and unpaid meal charges are due. The notification procedures may include a repayment schedule, but the school or school district may not charge any interest or fees in connection with any meals charged;

d. A communication procedure designed to support eligible families enrolling in the national free and reduced price meal program. Such communication procedures shall also include a process for determining eligibility when a student owes money for five or more meals, wherein the school or school district shall:

i. make every attempt to determine if a student is directly certified to be eligible for free meals;

ii. make at least two attempts, not including the application or instructions included in a school enrollment packet, to reach the student's parent or guardian and have the parent or guardian fill out a meal application; and

iii. require a school or school district to contact the parent or guardian to offer assistance with a meal application, determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school meal and offer any other assistance that is appropriate;

e. A clear explanation of procedures designed to decrease student distress or embarrassment, provided that, no school or school district shall:

i. publicly identify or stigmatize a student who cannot pay for a meal or who owes a meal debt by any means including, but not limited to, requiring that a student wear a wristband or hand stamp;

ii. require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for meals;

iii. require that a student throw away a meal after it has been served because of the student's inability to pay for the meal or because money is owed for earlier meals;

iv. take any action directed at a pupil to collect unpaid school meal fees. A school or school district [~~may~~] **shall not** attempt to collect unpaid school meal fees from a **student's** parent or guardian[~~, but shall not use a debt collector, as defined in section eight hundred three of the federal consumer credit protection act, 15 U.S.C. Sec. 1692a~~] **by filing a lawsuit against such student's parent or guardian**; or

v. discuss any outstanding meal debt in the presence of other students;

f. A clear explanation of the procedure to handle unpaid meal charges, provided that nothing in this section is intended to allow for the unlimited accrual of debt;

g. Procedures to enroll in the free and reduced price lunch program, provided that such procedures shall include that, at the beginning of each school year, a school or school district shall provide a free, printed meal application in every school enrollment packet, or if the

school or school district chooses to use an electronic meal application, provide in school enrollment packets an explanation of the electronic meal application process and instructions for how parents or guardians may request a paper application at no cost;

h. If a school or school district becomes aware that a student who has not submitted a meal application is eligible for free or reduced-fee meals, the school or school district shall complete and file an application for the student pursuant to title seven, section 245.6(d) of the code of federal regulations; and

i. School liaisons required for homeless, foster, and migrant students shall coordinate with the nutrition department to make sure such students receive free school meals, in accordance with federal law.

§ 2. This act shall take effect immediately.