

Your Question

You requested information on state policies to prohibit the identification and stigmatizing of students unable to pay for school meals.

Our Response

Research shows that hunger severely impedes students' ability to focus, and, more specifically, that a lack of adequate consumption of fruits, vegetables or dairy products is associated with lower grades among students. Furthermore, deficits of specific nutrients are associated with higher rates of absenteeism and tardiness. There are several programs funded and administered by the United States Department of Agriculture Food and Nutrition Service to address student hunger. At the state level, these programs are often run by state education agencies.

State policy efforts related to school nutrition generally seek to complement federal school nutrition policies. However, some states go further to ensure that students unable to pay for a meal are not stigmatized and have continued access to meals. Education Commission of the States identified several states with legislation concerning students who are unable to pay for school meals or snacks. Information is provided on state actions and provisions against stigmatizing students.

State Action

In 2017, two states, California and New Mexico, passed legislation prohibiting actions that directly or indirectly punish a student unable to pay for school meals.

California adopted S.B. 250, also known as the Child Hunger Prevention and Fair Treatment Act. Local education agencies must ensure that a student is not shamed, treated differently or served a different meal from what other students receive. An LEA must attempt to collect unpaid school meal fees from a parent or guardian and are prohibited from taking any action directed at a student.

New Mexico passed S.B. 374, also known as the Hunger-Free Students' Bill of Rights Act. A school must provide a meal to a student who requests one, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal. In addition, the school cannot require that a student throw away a meal after it has been served because of an inability to pay for the meal or because money is owed for previous meals. If a student owes money for five or more meals, the school can check the student's eligibility for free meals and contact the parents.

Arkansas, Illinois, Iowa and Washington developed similar policies, including debt reeducation practices, parental notification, and state assistance for schools and districts to implement policy.

Arkansas adopted H.B. 1356 in 2019, which charges the child nutrition unit in the department of education with identifying and developing models to improve meal services and resources for vulnerable populations.

Illinois adopted [S.B. 2428](#) in 2018 that allows a school district to offset an amount owed by a student for meals or snacks if the district has made reasonable efforts to collect the debt from the student's parent or guardian for at least one year.

Iowa adopted [H.F. 2467](#) in 2018 that allows a school district to establish an account to pay student meal debts from deposits received from private sources.

Washington's [H.B. 2610](#), adopted in 2018, requires a school district to notify a parent or guardian within 10 days after the student's school meal account has reached a negative balance. Within 30 days of sending this notification, the district must exhaust all options to directly certify the student for free or reduced-price meals. The school cannot deny access to a meal during this certification period, unless the district determines that the student is ineligible for free or reduced-price meals.

Policies Against Stigmatizing Students

Each state with a hunger-free students' bill of rights, or similar legislation, has a unique definition of what stigmatizing means in practice. [Arkansas](#) and [Illinois](#) prohibit actions that would publicly identify a student who cannot pay for a school meal or for meals previously served to the student, including:

- Requiring a student to wear a wristband.
- Giving a student a hand stamp.
- Requiring a student to dispose of a meal or snack after the student is served the meal or snack.
- Requiring a student to sit in a location separate from other students.
- Publicly making known the name of a student.
- Performing any other action that may stigmatize a student.

In addition to prohibition to publicly identify or stigmatize a student, **Iowa** [bans](#) a school from denying participation in an after-school program or extracurricular activity. **New Mexico** [prohibits](#) schools from requiring students to do chores or work to pay off debt. **Washington** [bans](#) any disciplinary action against a student that denies or delays a nutritionally adequate meal or requires a parent or guardian to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.