

116TH CONGRESS
1ST SESSION

S. 1907

To amend the Richard B. Russell National School Lunch Act to prohibit the stigmatization of children who are unable to pay for school meals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2019

Ms. SMITH introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Richard B. Russell National School Lunch Act to prohibit the stigmatization of children who are unable to pay for school meals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Shame at School
5 Act of 2019”.

6 **SEC. 2. MANDATORY CERTIFICATION.**

7 Section 9(b)(5) of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—

1 (1) in the paragraph heading, by striking “DIS-
2 CRETIONARY” and inserting “MANDATORY”; and

3 (2) in the matter preceding subparagraph (A),
4 by striking “may” and inserting “shall”.

5 **SEC. 3. RETROACTIVE REIMBURSEMENT.**

6 Section 9(b)(9) of the Richard B. Russell National
7 School Lunch Act (42 U.S.C. 1758(b)(9)) is amended by
8 adding at the end the following:

9 “(D) RETROACTIVE REIMBURSEMENT.—

10 “(i) DEFINITIONS.—In this subpara-
11 graph:

12 “(I) CHANGE IN ELIGIBILITY.—

13 The term ‘change in eligibility’ means,
14 with respect to eligibility for the
15 school lunch program under this
16 Act—

17 “(aa) a change from eligi-
18 bility for reduced price meals to
19 eligibility for free meals; and

20 “(bb) a change from non-
21 eligibility to eligibility for free or
22 reduced price meals.

23 “(II) MEAL CLAIM.—The term
24 ‘meal claim’ means any documenta-
25 tion provided by a school food author-

1 ity to a State agency in order to re-
 2 ceive reimbursement under this Act
 3 for the cost of a meal served to a
 4 child by the school food authority.

5 “(III) PREVIOUSLY SUB-
 6 MITTED.—The term ‘previously sub-
 7 mitted’, with respect to a meal claim,
 8 means a meal claim submitted on or
 9 after the retroactive date.

10 “(IV) RETROACTIVE DATE.—The
 11 term ‘retroactive date’ means the date
 12 that is the earlier of—

13 “(aa) the first day of the
 14 current school year; and

15 “(bb) the date that is 90
 16 days prior to the date of a
 17 change in eligibility of a child.

18 “(ii) RETROACTIVITY.—

19 “(I) SUBMISSION OF MEAL
 20 CLAIMS.—A local educational agency
 21 shall—

22 “(aa) revise and resubmit a
 23 previously submitted meal claim
 24 to reflect a change in eligibility

1 described in subclause (i)(I)(aa)
 2 of a child; and

3 “(bb) submit a meal claim
 4 for any meal provided on or after
 5 the retroactive date for a child
 6 that has a change of eligibility
 7 described in subclause (i)(I)(bb).

8 “(II) REIMBURSEMENT.—The
 9 Secretary shall reimburse each meal
 10 claim submitted by a local educational
 11 agency under subclause (I).”.

12 **SEC. 4. REDUCING STIGMA ASSOCIATED WITH UNPAID**
 13 **SCHOOL MEAL FEES.**

14 Section 9(b) of the Richard B. Russell National
 15 School Lunch Act (42 U.S.C. 1758(b)) is amended by
 16 striking paragraph (10) and inserting the following:

17 “(10) REDUCING STIGMA ASSOCIATED WITH
 18 UNPAID SCHOOL MEAL FEES.—

19 “(A) DEFINITIONS.—In this paragraph:

20 “(i) COVERED CHILD.—The term
 21 ‘covered child’ means a child who—

22 “(I) is enrolled in a school that
 23 participates in the school lunch pro-
 24 gram under this Act or the school
 25 breakfast program under section 4 of

1 the Child Nutrition Act of 1966 (42
2 U.S.C. 1773); and

3 “(II) is a member of a household
4 that owes unpaid school meal fees.

5 “(ii) UNPAID SCHOOL MEAL FEES.—
6 The term ‘unpaid school meal fees’ means
7 outstanding fees owed by a household to a
8 local educational agency for lunch provided
9 under this Act or breakfast provided under
10 section 4 of the Child Nutrition Act of
11 1966 (42 U.S.C. 1773).

12 “(B) OVERT IDENTIFICATION PROHIB-
13 ITED.—A local educational agency or school
14 food authority may not, based on the status of
15 a covered child as a covered child—

16 “(i) physically segregate the covered
17 child;

18 “(ii) overtly identify the covered
19 child—

20 “(I) through the use of special
21 tokens or tickets; or

22 “(II) by an announcement or a
23 published list of names; or

24 “(iii) identify or stigmatize the cov-
25 ered child by any other means.

1 “(C) ELIGIBILITY DETERMINATION BY
2 LOCAL EDUCATIONAL AGENCY.—For any cov-
3 ered child who is a member of a household that
4 has unpaid school meal fees for 1 consecutive
5 week of meals or more, a local educational
6 agency shall—

7 “(i) attempt to directly certify the
8 covered child for free meals under para-
9 graph (4) or (5); or

10 “(ii) in a case where the local edu-
11 cational agency is not able to directly cer-
12 tify the covered child under paragraph (4)
13 or (5), provide to the household of the cov-
14 ered child—

15 “(I) a household application for
16 free or reduced price lunch under this
17 Act and free breakfast under section 4
18 of the Child Nutrition Act of 1966
19 (42 U.S.C. 1773) and applicable de-
20 scriptive material; and

21 “(II) written and oral commu-
22 nication to encourage submission of
23 the application described in subclause
24 (I).

1 “(D) COLLECTION OF UNPAID SCHOOL
2 MEAL FEES.—In attempting to collect unpaid
3 school meal fees from a household, a local edu-
4 cational agency or school food authority may
5 not—

6 “(i) except as described in subpara-
7 graph (E), direct any communication re-
8 garding unpaid school meal fees to a cov-
9 ered child who is a member of the house-
10 hold;

11 “(ii) withhold educational opportuni-
12 ties from, or otherwise stigmatize, a cov-
13 ered child due to the status of the covered
14 child as a covered child; or

15 “(iii) use a debt collector (as defined
16 in section 803 of the Consumer Credit
17 Protection Act (15 U.S.C. 1692a)).

18 “(E) LETTERS.—

19 “(i) IN GENERAL.—Subject to clause
20 (ii), a school food authority may request a
21 covered child to deliver a letter addressed
22 to a parent or guardian of the covered
23 child that contains a communication relat-
24 ing to unpaid school meal fees.

1 “(ii) CONDITION.—In carrying out
2 clause (i), a school food authority shall not
3 provide the letter to the covered child in a
4 manner that stigmatizes the covered child.

5 “(F) ELIMINATING STIGMA IN MEAL SERV-
6 ICE.—In providing a meal to a covered child, a
7 local educational agency or school food author-
8 ity may not, based on the status of the covered
9 child as a covered child, dispose of or take away
10 from the covered child any food that has al-
11 ready been served to the covered child.”.

12 **SEC. 5. SENSE OF CONGRESS.**

13 It is the sense of Congress that the Secretary of Agri-
14 culture should ensure, to the maximum extent practicable,
15 that a school food authority that participates in the school
16 lunch program under the Richard B. Russell National
17 School Lunch Act (42 U.S.C. 1751 et seq.) or the school
18 breakfast program under section 4 of the Child Nutrition
19 Act of 1966 (42 U.S.C. 1773) shall provide to a child who
20 requests a lunch or breakfast the same lunch or breakfast
21 provided to students not certified to receive free or re-
22 duced price school lunch or breakfast under those Acts,
23 regardless of the ability of the child to pay for the lunch
24 or breakfast requested.

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