

MAINE STATE LEGISLATURE

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3/23/18

Corrected
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L.D. 1684

2

Date: 3/23/2018

Majority

(Filing No. S- 413)

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EDUCATION AND CULTURAL AFFAIRS

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Reproduced and distributed under the direction of the Secretary of the Senate.

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STATE OF MAINE

6

SENATE

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128TH LEGISLATURE

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SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 620, L.D. 1684, Bill, "An Act Forbidding Food Shaming, Food Denial and the Use of Food as Discipline Involving Any Child in Maine's Public Schools"

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Amend the bill by striking out the title and substituting the following:

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'An Act Regarding Meals in Public Schools'

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Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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'Sec. 1. 20-A MRSA c. 223, sub-c. 11 is enacted to read:

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SUBCHAPTER 11

18

FOOD RIGHTS

19

§6681. Access to food and use of food discipline

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1. Serving of reimbursable meals. A public school that provides meals under the National School Lunch Program to students pursuant to subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture shall provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's ability to pay for the school meal or failure in the past to pay for school meals.

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2. Student privacy required. A public school may not openly identify or otherwise stigmatize a student who cannot pay for a meal or who has payments due for previous meals.

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3. Required communications. A public school's communications about a student's meal debts must be made directly to the parent or guardian of the student with no involvement of the student.

COMMITTEE AMENDMENT

1 4. Required collection policy. A school board of a public school that provides
2 meals under the National School Lunch Program pursuant to subchapter 7 shall establish
3 a policy for collection of debts owed to the school lunch program.'

4 **SUMMARY**

5 This amendment is the majority report of the committee. The amendment changes
6 the title and strikes the bill. The amendment:

7 1. Requires a public school that provides National School Lunch Program meals to
8 students pursuant to the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 or
9 otherwise provides to students meals eligible for reimbursement under a program
10 administered by the United States Department of Agriculture to provide such a meal to a
11 student who requests the meal and is otherwise eligible for the meal regardless of the
12 student's ability to pay for the meal or failure in the past to pay for meals;

13 2. Prohibits a public school from openly identifying or stigmatizing a student who
14 cannot pay for a meal or who has payments due for previous meals;

15 3. Requires a public school to communicate about a student's meal debts directly to
16 the parent or guardian of the student rather than to the student; and

17 4. Requires the school board of a public school to establish a policy for collection of
18 debts owed to the school lunch program.

19 The fiscal note on the amendment identifies a requirement in this amendment as a
20 potential significant state mandate. In order to be a mandate pursuant to the Constitution
21 of Maine, a provision must require a local unit of government to expand or modify its
22 activities so as to necessitate additional expenditures from local revenue. The committee
23 finds that the provisions identified as a potential mandate do not require a local school
24 administrative unit to expand or modify its activities so as to necessitate additional
25 expenditures from local revenue.

26 The committee has determined that the potential state mandate provision prepared by
27 the Office of Fiscal and Program Review is not in fact a mandate for public schools. The
28 amendment does not require the public school to pay for the school meal debts, since the
29 amendment requires the public school to directly communicate with a parent or guardian
30 about the student's meal debts and requires the school board of the public school to
31 establish a policy for the collection of debts owed to the school lunch program.

32 **FISCAL NOTE REQUIRED**

33 (See attached)



128th MAINE LEGISLATURE

LD 1684

LR 2542(02)

An Act Forbidding Food Shaming, Food Denial and the Use of Food as Discipline Involving Any Child in Maine's Public Schools

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-413)
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Local Cost
Requires public schools that provide meals to students under the National School Lunch Program or under a program administered by the United States Department of Agriculture to provide such a meal to students that request the meal regardless of the student's ability to pay or failure to pay for school meals in the past.	School	Significant statewide
Requires a school board of a public school that provides meals under the National School Lunch Program to establish a collection policy for debts owed to the school lunch program.	School	Moderate statewide

Fiscal Detail and Notes

While the cost to local school administrative units to provide meals to certain students may be significant, the required collection policy for debts owed to the school lunch program may help mitigate some of the costs over the long-term, depending on what policies are put in place.