

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1684

S.P. 620

In Senate, December 22, 2017

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

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2017. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator MAKER of Washington.
Cosponsored by Representative TUELL of East Machias and
Senators: BELLOWS of Kennebec, CARSON of Cumberland, DESCHAMBAULT of York,
LIBBY of Androscoggin, MILLETT of Cumberland, Representatives: PERRY of Calais,
POULIOT of Augusta, VACHON of Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **SUBCHAPTER 11**

4 **FOOD RIGHTS**

5 **§6681. Access to food and use of food discipline**

6 This section governs student access to and school use of food, including as a
7 disciplinary tool, in public schools.

8 **1. Serving of reimbursable meals.** A public school that provides free and reduced-
9 price meals or other meals to students pursuant to subchapter 7 or otherwise provides to
10 students meals eligible for reimbursement under a program administered by the United
11 States Department of Agriculture shall provide such a meal to a student who requests the
12 meal and is otherwise eligible for the meal regardless of the student's inability to pay for
13 the school meal or failure in the past to pay for school meals. The principal, assistant
14 principal or guidance counselor of the public school shall contact the parent or guardian
15 of a student who requests a meal in accordance with this subsection to offer the parent or
16 guardian assistance with any necessary applications. The principal, assistant principal or
17 guidance counselor may also inquire of the parent or guardian if there are other issues
18 within the student's household that have caused the student to have insufficient funds to
19 purchase school meals and may offer other assistance.

20 **2. Punishment related to meals.** A public school may not:

21 A. Because of a student's inability to pay for a meal or because of any payments due
22 for meals served previously to the student, require the student:

23 (1) To throw away a meal after it has been served to the student; or

24 (2) To undertake chores or work as a means of paying for one or more meals or
25 as punishment for not paying for one or more meals; or

26 B. Refuse a meal to a student as a form of or as part of a disciplinary action.

27 **3. Stigmatization.** A public school may not openly identify or otherwise stigmatize
28 a student who cannot pay for a meal or who has payments due for previous meals by
29 requiring the student to wear a wristband, hand stamp or other identifying mark or sign
30 noticeable by others.

31 **4. Required communications.** A public school's communications about a student's
32 meal debts must be made to the parent or guardian of the student rather than to the
33 student directly. A public school may ask a student to carry to the student's parent or
34 guardian a letter regarding the student's meal debt.

1

SUMMARY

2 This bill does the following.

3 1. It requires a public school that provides free and reduced-price meals or other
4 meals to students pursuant to the Maine Revised Statutes, Title 20-A, chapter 223,
5 subchapter 7 or otherwise provides to students meals eligible for reimbursement under a
6 program administered by the United States Department of Agriculture to provide such a
7 meal to a student who requests the meal and is otherwise eligible for the meal regardless
8 of the student's inability to pay for the school meal or failure in the past to pay for school
9 meals. It also requires the school to take certain actions to assist the parent or guardian of
10 a student who requests such a meal.

11 2. It prohibits a public school from punishing a student in certain ways solely
12 because of the student's inability to pay for a meal or because of any payments due for
13 previous meals. It also prohibits a public school from refusing a meal to a student as a
14 form of or as part of a disciplinary action.

15 3. It prohibits a public school from openly identifying or stigmatizing a student who
16 cannot pay for a meal or who has payments due for previous meals by requiring the
17 student to wear a wristband, hand stamp or other identifying mark or sign noticeable by
18 others.

19 4. It requires a public school to communicate about a student's meal debts directly to
20 the parent or guardian of the student rather than to the student. A public school may ask a
21 student to carry to the student's parent or guardian a letter regarding a student's meal debt.