

116TH CONGRESS
1ST SESSION

H. R. 3366

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 HOUSE OF REPRESENTATIVES

JUNE 19, 2019

Ms. OMAR (for herself, Ms. HAALAND, Ms. LEE of California, Ms. SCHAKOWSKY, Mr. TAKANO, Mr. KILMER, Ms. NORTON, Ms. JACKSON LEE, Mr. ESPAILLAT, Mr. SMITH of Washington, Mr. POCAN, Ms. WILD, Mr. SEAN PATRICK MALONEY of New York, Mr. KHANNA, Mr. HASTINGS, Mr. COHEN, Ms. TLAIB, Ms. PRESSLEY, Ms. OCASIO-CORTEZ, Mr. LUJÁN, and Ms. JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Education and Labor

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”.

1 **SEC. 2. MANDATORY CERTIFICATION.**

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

5 (1) striking “Discretionary” and inserting
6 “Mandatory”; and

7 (2) striking “may” and inserting “shall”.

8 **SEC. 3. RETROACTIVE REIMBURSEMENT.**

9 Section 9(b)(9)(C) of the Richard B. Russell National
10 School Lunch Act (42 U.S.C. 1758(b)(9)(C)) is amend-
11 ed—

12 (1) by striking “Except” and inserting the fol-
13 lowing:

14 “(i) IN GENERAL.—Except”;

15 (2) by redesignating clauses (i) and (ii) as sub-
16 clauses (I) and (II); and

17 (3) by adding at the end the following:

18 “(ii) RETROACTIVITY.—A local edu-
19 cational agency shall revise a previously
20 submitted meal claim to reflect the eligi-
21 bility approval of a child for free or re-
22 duced price meals for the period that be-
23 gins on the earlier of the following:

24 “(I) The first day of the current
25 school year.

1 “(II) The date that is 90 days
 2 prior to the date of such eligibility ap-
 3 proval.

4 “(iii) MEAL CLAIM DEFINED.—In this
 5 subsection, the term ‘meal claim’ means
 6 any documentation provided by a school
 7 food authority to a State agency in order
 8 to receive reimbursement for the cost of a
 9 meal served to a child by such school food
 10 authority.”.

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

13 Section 9(b)(10) of the Richard B. Russell National
 14 School Lunch Act (42 U.S.C. 1758(b)(10)) is amended to
 15 read as follows:

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

18 “(A) OVERT IDENTIFICATION PROHIB-
 19 ITED.—A local educational agency or school
 20 food authority may not, based on the status of
 21 a covered child as a covered child—

22 “(i) physically segregate such covered
 23 child;

24 “(ii) overtly identify such covered
 25 child—

1 “(I) through the use of special
2 tokens or tickets; or

3 “(II) by an announcement or a
4 published list of names; or

5 “(iii) identify or stigmatize such cov-
6 ered child by any other means.

7 “(B) ELIGIBILITY DETERMINATION BY
8 LOCAL EDUCATIONAL AGENCY.—For any cov-
9 ered child who is a member of a household that
10 owes a week or more of unpaid school meal
11 fees, a local educational agency shall—

12 “(i) attempt to directly certify such
13 covered child for free meals under para-
14 graph (4) or (5); or

15 “(ii) in a case where the local edu-
16 cational agency is not able to directly cer-
17 tify such covered child under paragraph
18 (4) or (5), provide to the household of such
19 covered child—

20 “(I) a household application and
21 applicable descriptive material; and

22 “(II) written and oral commu-
23 nications to encourage submission of
24 the application.

1 “(C) 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 (D), direct any communication re-
8 garding unpaid school meal fees to a cov-
9 ered child who is a member of such 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 such
16 term is defined in section 803 of the Con-
17 sumer Credit Protection Act (15 U.S.C.
18 1692a)).

19 “(D) LETTERS.—A school food authority
20 may permit a requirement that a covered child
21 deliver a letter addressed to a parent or guard-
22 ian of the covered child that contains a commu-
23 nication relating to unpaid school meal fees,
24 subject to the condition that the letter shall not

1 be distributed to the covered child in a manner
2 that stigmatizes the covered child.

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

10 “(F) DEFINITIONS.—In this paragraph:

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

13 “(I) is enrolled in a school that
14 participates in the school lunch pro-
15 gram under this Act or the school
16 breakfast program under section 4 of
17 the Child Nutrition Act of 1966 (42
18 U.S.C. 1773); and

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

21 “(ii) UNPAID SCHOOL MEAL FEES.—
22 The term ‘unpaid school meal fees’ means
23 outstanding fees owed by a household to a
24 local educational agency for lunches under
25 this Act or breakfasts under section 4 of

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

3 **SEC. 5. SENSE OF CONGRESS.**

4 It is the sense of Congress that the Secretary of Agri-
5 culture should ensure that to the maximum extent prac-
6 ticable, a school food authority that participates in the
7 school lunch program under the Richard B. Russell Na-
8 tional School Lunch Act (42 U.S.C. 1751 et seq.) or the
9 school breakfast program under section 4 of the Child Nu-
10 trition Act of 1966 (42 U.S.C. 1773), shall provide to a
11 child who requests a lunch or breakfast the same reim-
12 bursable lunch or breakfast provided to all students not
13 certified to receive free school lunch or breakfast, regard-
14 less of ability to pay for the lunch or breakfast.

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