

**TESTIMONY ON HB 1100
HOUSE EDUCATION COMMITTEE**

January 14, 2025

**By: Lynelle Johnson, Director of Child Nutrition and Food Distribution
Programs**

701-328-4565

North Dakota Department of Public Instruction

Chairman Heinert and Members of the Committee:

My name is Lynelle Johnson and I am the Director of Child Nutrition and Food Distribution Programs with the Department of Public Instruction. I am here to provide information regarding HB 1100

The National School Lunch and Breakfast Programs are federally administered by the United States Department of Agriculture (USDA) and implemented at the state level through NDDPI. In North Dakota, 168 public school districts and 25 non-public schools, encompassing approximately 117,000 students, participate in the National School Lunch Program. A majority of these districts also participate in the School Breakfast Program.

As part of our role in administering USDA Child Nutrition and Food Distribution Programs, our office ensures program operators comply with federal laws and regulations. One such requirement, established by USDA in 2017, mandates that schools participating in the National School Lunch and/or School Breakfast Programs develop and communicate a written policy for handling unpaid meal charges. Districts

are required to communicate these policies in writing annually to households, school personnel, and the public. Following the passage of North Dakota House Bill 1494 during the 2023 biennium, the North Dakota School Board Association developed a policy template to assist districts in creating and communicating their meal charge policy to comply with HB 1494. A copy of HB 1494 is included with my testimony.

The NDDPI Child Nutrition and Food Distribution Programs office reviews the meal charge policy during compliance monitoring as part of our School Nutrition Programs Administrative Review process. Our review ensures that the meal charge policy content meets federal requirements, meets House Bill 1494's requirements, and is communicated as required.

All schools received technical assistance on meal charge policy procedures during the 2023-24 school year, and if they haven't updated their policy, they will receive Corrective Action during the 24-25 school year during Administrative Reviews.

Since the passing of House Bill 1494, many school districts across the state have expressed significant concern over rising lunch debt, with some reporting record-high negative balances. While the current policies allow students to receive a meal regardless of their financial status, they do not prevent unpaid charges from accruing. NDDPI does not collect lunch debt information from individual schools; however, we provide guidance on managing and collecting meal debt. Schools may carry forward

negative balances year to year and still consider the debt collectible. Despite districts' efforts to collect unpaid meal charges, a portion of the debt inevitably becomes unrecoverable. Once deemed uncollectable, districts must use nonfederal funding sources—such as donations or the district's general fund—to repay the school food service account.

Business practices for managing and addressing unpaid meal debt vary across districts. When schools receive donations to offset meal debt, they must determine how to distribute the funds equitably among students with outstanding balances.

Chairman Heinert and Members of the Committee, this concludes my prepared testimony. I am happy to answer any questions you may have.

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1494
(Representatives Ista, Beltz, Hager, Heinert, Jonas, Mock, Murphy, O'Brien, Richter)
(Senators Barta, Braunberger, Hogan)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school meal policies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - School meals.

A school district participating in the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] shall adopt a school meals policy and publish the policy on the school district's website. A school meals policy must ensure:

1. A school may not deny a United States department of agriculture reimbursable meal to a student who requests one, unless the student's parent or guardian has provided written permission to the school to withhold a meal. A school may not serve an alternative meal to a student with an unpaid student meal balance or without funds to pay for a meal. This provision does not apply to an a la carte food item or second meal requested by a student during the same meal period.
2. A school may not dispose of or take away from a child any food that already has been served to the child on account of the child having an unpaid student meal balance or lacking the funds to pay for a meal.
3. A school may not identify or stigmatize a student as receiving a free, reduced-price, or full-price meal, or a meal for which the child lacks funds to pay, including the use of tokens, stickers, stamps, or by placing the child's name on a published list of persons with student meal debt.
4. A school may not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.
5. A school may not require a student to provide services or perform work, including cleaning duties or chores, to pay for school meals debt.
6. A school may contact a student's parent or guardian directly regarding unpaid meals debt or a school meals account without funds to pay for additional meals. A school may require a child deliver a sealed letter addressed to the child's parent or guardian containing a written communication regarding the unpaid school meal debt. The letter may not be distributed to the child in a manner that stigmatizes the child.
7. A school shall adopt policies to encourage or provide an incentive for a parent or guardian of a student to apply for free or reduced meals through the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.], including when a student has unpaid school meals debt.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1494.

House Vote: Yeas 90 Nays 1 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State