



North Dakota House of Representatives

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Mr. Chairman and Members of the Senate Education Committee:

For the record, I am Rep. Zac Ista from District 43 in Grand Forks. Today I come before you with HB 1494, a bill to ban “lunch shaming” in North Dakota.

Many families across North Dakota struggle to afford the cost of school meals. While some families qualify for free or reduced cost meals, many other families earn incomes that put them just above the thresholds for qualifying for these programs. For those families, being able to afford meals for their children at school can be a real financial burden. Sometimes this means a child may go to school without any money left in his or her meal account or may carry an unpaid debt for meals previously received. That’s why I believe we should find a way for the State of North Dakota to provide no-cost meals to all (or at least more) students—something you’ll be asked to consider when you hear HB 1491 tomorrow. If we did that, HB 1494 would become largely unnecessary. But unless and until we provide no-cost meals to all students, HB 1494 remains necessary, as it would ban the harmful practice known as “lunch shaming” in North Dakota. In doing so, we would be protecting children against stigmatization if they cannot afford a school meal. No child should have to suffer such an embarrassment at school, especially on account of something they cannot control like their family’s income.

Students who find themselves in these situations risk being subjected to a host of practices that stigmatize them for not having funds to pay for a school meal. As recently as 2014, according to a USDA report, nearly half of all schools nationwide had school meal policies that allowed students lacking meal funds or unpaid balances to be singled out, *i.e.* lunch shaming. This can take the form of throwing a child’s meal in the trash when it is discovered he or she lacks money to pay for it, providing him or her an alternative meal like a cold cheese or PB&J sandwich instead of the hot meal other students receive, branding him or her with some sort of insignia (like a sticker or stamp on the hand) indicating an unpaid meal debt, or limiting his or her participation in extracurricular activities. In more extreme examples, schools in some districts across the country have even

threatened parents with placing their children into foster care for unpaid meal debt or submitted unpaid meal balances to private debt collectors who harass parents only to recover pennies on the dollar for local schools.

While we largely have avoided the most egregious lunch shaming stories here, North Dakota has not been completely immune to the problem, either. For example, local backlash to policies that allowed serving students alternative meals in some larger cities led those districts to revise formal policies (even though schools operating under earlier policies had continued to work with families and not harshly enforce them to the detriment of students). Now, thankfully, many of our schools have policies that largely or completely prohibit most lunch-shaming practices. In my hometown, for instance, existing policy in the Grand Forks Public School District already conforms with the proposals in HB 1494. This bill would make sure all students across the state receive equal treatment when it comes to their dignity in the school cafeteria no matter where they live.

To do so, the bill includes the following provisions:

- No alternative meals and no denying meals for students with insufficient funds (the engrossed measure before you limits the prohibition against alternative meals to just one week);
- No throwing away of a student's meal on account of an unpaid balance;
- No identifying a student having meal debt with any sort of sticker or stamp;
- No limiting a student's ability to participate in school activities and extracurriculars, educational opportunities, or other school functions because of unpaid meal debt;
- No forcing a student to work off their debt through chores or other labor; and
- No sending of an unpaid meal balance to a private collection agency.

Each of these policies would protect students from the shame and stigma that could come from practices that publicly reveal a child as lacking money to pay for breakfast or lunch at school. They likewise would promote good childhood nutrition by ensuring every child has access to high-quality food regardless of whether they presently have money in their meal accounts. In doing so, we would set up all our students for better success in the classroom. North Dakota also would join at least 16 other states that have tackled the problem through legislation, including Minnesota, Iowa, South Carolina, Texas, Kentucky, West Virginia, Virginia, New Mexico, Maine, Pennsylvania, Oregon, Washington, California, Illinois, New Jersey, and New York. In recent years, bipartisan leaders in Congress have introduced federal legislation to prohibit lunch shaming, too. With HB 1494, North Dakota has a chance to step in where the federal government has failed to act thus far.

I understand, though, that some may have concerns about the bill's potential impact on local school districts. While we always strive to promote local control, I believe feeding all students nutritious meals without risking shame or embarrassment for those unable to afford them ought to be a statewide priority, especially when we already invest substantial state funds into our local schools across North Dakota. I also am not unsympathetic

to the difficulties unpaid meal debts can cause for our schools, especially smaller ones. Many districts are left to foot the bill for unpaid meals, often relying on the generosity of community donors to wipe this debt off the books. Others may have concerns about whether families will take advantage of this bill by simply not paying for school meals if schools must provide food to their children upon request. While there always may be bad actors inclined to abuse the system in this way, that won't be true for the vast majority of our families. I am very confident that honest, hard-working North Dakota families will do everything they can to pay for school meals to the maximum extent possible and pay off any unpaid debt as quickly as they can. I have complete faith that families who can afford to pay will continue to do so.

But because I take seriously the concerns expressed by some during the House's consideration of this bill, I come before you with a proposed amendment that addresses the concerns in a better way than they are in the engrossed version presently before you. In the House, the bill was amended to include a one-week limitation on the prohibition against alternative meals despite there being no testimony urging such a change to the bill, but the Committee declined to adopt my own proposed amendment that would have better addressed the concerns underlying that change. That is why I am asking this Committee to consider the attached amendment (23.0879.04001). I am grateful to NDCEL and the ND School Boards Association for their collaboration on, and support of, this proposed amendment (and for the amended bill).

The proposed amendment does several things: 1) removes the one-week limitation on alternative meals, 2) makes clear that the bill's provisions only apply to standard reimbursable school meals and not a la carte or second meal options, 3) expressly permits a school to directly contact parents/guardians at any time to discuss unpaid meal debts or dwindling account balances, 4) removes a proposed prohibition against schools using private debt collection agencies to collect unpaid meal debt, and 5) requires schools to encourage every family to apply for free and reduced-price lunches. These amendments, which represent a compromise proposal that addresses specific concerns of local districts without undoing the overall intent of the bill, would better protect local schools from potential abuse under these new policies and maximize their ability to receive federal reimbursement for qualifying students. That's why I encourage this Committee to adopt the proposed amendment in full and then recommend a **do pass** of the bill as amended.

This would take one small element of shame off the table for our schoolchildren. Parents wouldn't have to struggle knowing their children could be embarrassed in the lunchroom just because mom and dad fell on hard times. I think we owe that to our parents and our children. No child should ever go hungry during the school day, and this bill will help make sure that is always the case in North Dakota schools. Thank you for your time and consideration of the proposed amendment, and I look forward to your questions.