

117TH CONGRESS
2D SESSION

S. 4602

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 SENATE OF THE UNITED STATES

JULY 25, 2022

Ms. SMITH introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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 2022”.

6 **SEC. 2. MANDATORY CERTIFICATION.**

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

1 (1) in the paragraph heading, by striking “DIS-
2 CRETIONARY” and inserting “MANDATORY”; and

3 (2) in the matter preceding subparagraph (A),
4 by striking “may” and inserting “shall”.

5 **SEC. 3. RETROACTIVE REIMBURSEMENT.**

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

9 (1) by redesignating clauses (i) and (ii) as sub-
10 clauses (I) and (II), respectively, and indenting ap-
11 propriately;

12 (2) in the matter preceding subclause (I) (as so
13 redesignated), by striking “Except” and inserting
14 the following:

15 “(i) IN GENERAL.—Except”; and

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

17 “(ii) RETROACTIVITY.—

18 “(I) IN GENERAL.—A local edu-
19 cational agency shall revise a pre-
20 viously submitted meal claim to reflect
21 the eligibility approval of a child for
22 free or reduced price meals for the pe-
23 riod that begins on the first day of
24 the current school year.

1 “(II) MEAL CLAIM DEFINED.—In
 2 this clause, the term ‘meal claim’
 3 means any documentation provided by
 4 a school food authority to a State
 5 agency in order to receive reimburse-
 6 ment for the cost of a meal served to
 7 a child by that school food author-
 8 ity.”.

9 **SEC. 4. REDUCING STIGMA ASSOCIATED WITH UNPAID**
 10 **SCHOOL MEAL FEES.**

11 Section 9(b) of the Richard B. Russell National
 12 School Lunch Act (42 U.S.C. 1758(b)) is amended by
 13 striking paragraph (10) and inserting the following:

14 “(10) REDUCING STIGMA ASSOCIATED WITH
 15 UNPAID SCHOOL MEAL FEES.—

16 “(A) DEFINITIONS.—In this paragraph:

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

19 “(I) is enrolled in a school that
 20 participates in the school lunch pro-
 21 gram under this Act or the school
 22 breakfast program under section 4 of
 23 the Child Nutrition Act of 1966 (42
 24 U.S.C. 1773); and

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

3 “(ii) UNPAID SCHOOL MEAL FEES.—
4 The term ‘unpaid school meal fees’ means
5 outstanding fees owed by a household to a
6 local educational agency for lunch provided
7 under this Act or breakfast provided under
8 section 4 of the Child Nutrition Act of
9 1966 (42 U.S.C. 1773).

10 “(B) OVERT IDENTIFICATION PROHIB-
11 ITED.—A local educational agency or school
12 food authority may not, based on the status of
13 a covered child as a covered child—

14 “(i) physically segregate the covered
15 child;

16 “(ii) overtly identify the covered
17 child—

18 “(I) through the use of special
19 tokens or tickets; or

20 “(II) by an announcement or a
21 published list of names; or

22 “(iii) identify or stigmatize the cov-
23 ered child by any other means.

24 “(C) ELIGIBILITY DETERMINATION BY
25 LOCAL EDUCATIONAL AGENCY.—For any cov-

ered child who is a member of a household that has unpaid school meal fees for 1 consecutive week of meals or more, a local educational agency shall—

“(i) attempt to directly certify the covered child for free meals under paragraph (4) or (5); or

“(ii) in a case where the local educational agency is not able to directly certify the covered child under paragraph (4) or (5), provide to the household of the covered child—

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

“(II) written and oral communications to encourage submission of the application.

“(D) COLLECTION OF UNPAID SCHOOL MEAL FEES.—In attempting to collect unpaid school meal fees from a household, a local educational agency or school food authority may not—

“(i) except as described in subparagraph (E), direct any communication regarding unpaid school meal fees to a cov-

ered child who is a member of the household;

“(ii) withhold educational opportunities (including grades and participation in extracurricular activities or local educational agency programs or services) from, or otherwise stigmatize, a covered child due to the status of the covered child as a covered child; or

“(iii) use a debt collector (as defined in section 803 of the Consumer Credit Protection Act (15 U.S.C. 1692a)).

“(E) LETTERS.—A school food authority may require that a covered child deliver a sealed letter addressed to a parent or guardian of the covered child that contains a communication relating to unpaid school meal fees, subject to the condition that the letter shall not be distributed to the covered child in a manner that stigmatizes the covered child.

“(F) ELIMINATING STIGMA IN MEAL SERVICE.—In providing a meal to a covered child, a local educational agency or school food authority may not, based on the status of the covered child as a covered child, dispose of or take away

- 1 from the covered child any food that has al-
- 2 ready been served to the covered child.”.

