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Opposing Viewpoints:
There's No Such Thing as a Free Lunch

By: Anique Aburaad

I. INTRODUCTION

News stories about children being denied a school lunch have become more common in recent years. This may be the aftermath effect of a 2017 United States Department of Agriculture (“USDA”) regulation that requires schools to collect unpaid meal debt. The USDA prohibits schools from using federal funds to pay off meal debt. When there is uncollectible debt, the school district is required to pay it off from general funds. The estimated median amount of unpaid student meal debt for school districts is \$2,500.00, according to a survey conducted by the School Nutrition Association (“SNA”). However, there is significant variance in the amount of debt between school districts depending on the financial status of its students. School districts keep such financial information private, so it is difficult to gauge an individual school’s meal debt. Many students experience food insecurity and are denied food due to their parents’ financial status. This article will explore how school districts in the Northeast region of the United States approach growing school lunch debt and the effects lunch debt collection practices have on students, as well as explaining what best practices for school lunch payment should look like. Further, it will look at the No Shame at School Act of 2019. This proposed Bill seeks to prevent stigmatization of children whose households cannot make meal payments, as well as simply the certification process for children eligible for free or reduced-price lunches.

II. THE SCHOOLS

According to the SNA, more than 75% of school districts reported lunch debt in the previous school year. Forty percent of school districts say their debt is growing. For example, in Pennsylvania, school debt has increased statewide by 300% over the last three years. Food services programs in Bucks County are thousands, or even tens of thousands, of dollars in debt due to “eat now, pay later” school lunch debt policies. Some schools’ administrators have determined that feeding their students for free is not worth the cost. Even with community eligibility programs, which can provide students with free meals at a subsidized cost to the school, some schools find that too great a burden on their budget. Dianne Pratt-Heavner, the director of media relations for SNA, acknowledged the damage to schools’ budgets caused by the persistence of compounded debt. Many districts pay off such lunch debt from their general funds. Pratt-Heavner explained that because districts cover debt costs out of the general fund, such excessive yearly debt payments affect the funding that would otherwise go to core educational activities.

Schools are making a concerted effort to be better at informing parents, and households requiring financial assistance, of the ways they can improve enrollment in free and reduced-fee lunch programs. Students in families receiving benefits through the Supplemental Nutrition Assistance Program (“SNAP”) are automatically eligible to

receive free lunches. However, states and school districts must first certify the students before they can receive free meals. If the state or school district fails to register a child, even if they are eligible to receive free meals, they will still be charged for them. Families and parents may believe they are receiving free meals for their children, while they are actually racking up lunch debt.

The Food Research and Action Center (“FRAC”) is a nonprofit organization dedicated to eradicating undernutrition and hunger caused by poverty in the United States as well as providing nutritional and anti-poverty training and support to food service providers and program administrators. Some schools are trying to make the payment process more transparent in line with the FRAC’s recommendations to prevent or reduce school meal debt. According to the SNA, the most useful tactics a district can employ to minimize debt are: online payment and account monitoring systems, notifying parents directly about low balances or meal charges, assistance offered to families to help them with applications for free or reduced-price meals, automated texts or messages for a low balance, and financial assistance provided through donations

If lunch money payments are still not received, even after proactive measures, it is legally within a school's rights to reach out to families and ask them for the fees. At the end of the day, schools require funding to keep operations running smoothly. Christopher Berdnik, business manager for one school district in Pennsylvania, called into question the extent to which school funds should go towards subsidizing the cost of school meals and food services operations. Instead of putting funding towards educational activities and materials, they are forced instead to cover lunch money debt. Such debt policies cause schools to pull from their general funds to mitigate the debt, which subsequently takes funding away from other programs. Faced with the intimidating cost of running a school, school districts have overall turned to two ways to mitigate lunch debt: debt collection and lunch-shaming. While the USDA does not allow schools to use federal funds to directly pay off meal debt, it does allow such funds to be used to contract a for-profit agency to collect the debt. In a 2014 study, the USDA’s Food and Nutrition Service reported that 6% of schools sent unpaid bills to collection agencies. These numbers may have risen as a result of the USDA’s 2017 requirement for schools to collect unpaid lunch debt.

III. LUNCH SHAMING

On Jefferson Sharpnack’s ninth birthday, he picked out cheesy breadsticks for his school lunch and continued down the lunch line. When he reached the lunch lady to check out, she took away his hot lunch and swapped it for a cold cheese sandwich in front of his classmates. Unbeknownst to Jefferson, his application for free-or-reduced-price lunch had not yet been processed, and his lunch account was in the negative. School policy called for cafeteria workers to substitute a hot meal for an “alternative lunch” for students with negative balances. Jefferson called it his “worst birthday ever”—all because of lunch-shaming.

“Lunch-shaming” is a tactic used to mitigate school lunch debt, which takes many forms. The school uses the child as a means to inform parents about the school lunch debt they have. When a child does not have money for school lunch, or has a negative balance, the school may have the child wear a sticker, wristband, or a stamp, indicating they could not pay for lunch. A lunch worker may print out the student’s negative lunch balance on a sheet of paper to hand to the student. Beyond relaying their lunch balance to their parents, students with a negative balance are also publicly stigmatized by alternative lunches. Instead of receiving a hot lunch, students typically receive a cold cheese sandwich, or a sunflower-seed-butter-and-jelly sandwich. Some school cafeteria workers have also been trained to throw away a student’s plate of hot food if they cannot pay.

In a 2014 study, the USDA’s Food and Nutrition Service reported that 60% of public schools across the country use lunch-shaming as a tactic to collect on lunch debt. The USDA’s Food and Nutrition service also found in the same study that 35% of schools resort to actions like prohibiting a child from attending school functions because of their school lunch debt. In October 2019, a school district outside of New Jersey approved a policy that would prohibit high schoolers with a school lunch debt of more than \$75.00 from attending prom, as well as any other school dance. It also allows prohibition of middle schoolers and high schoolers from attending extracurricular activities and field trips when students cannot afford to pay for their lunches. The prohibition is lifted if the debt is fully repaid.

IV. CRITICISM OF SCHOOLS’ TACTICS

Parents and nutrition experts alike balk at schools’ seemingly cold methods of debt collection. Even when a child is qualified to receive free lunches through SNAP, they still need to be certified by the state or school district. Because of such misunderstanding, families may go into debt while still believing their child is receiving free lunches. A child may miss out on certification for free lunch through something as simple as a misspelling of their name or an administrative error on behalf of the school debt collectors often add additional fees onto the pre-existing debt of a person. A small debt can snowball into a much-larger one once a debt collection agency is added into the mix.

Singling out students through lunch-shaming has also been openly criticized. Bridget Murphy, a registered dietitian at New York University’s (NYU) Hassenfeld Children’s Hospital, named the negative effects lunch-shaming practices have on students from a physical-growth perspective. In terms of students’ health, some students may rather skip lunch than risk the chance of being “lunch-shamed,” while others may develop related disordered eating patterns or undernutrition. Andrea Vazzana, a clinical psychologist at NYU’s Hassenfeld Children’s Hospital also spoke to the effects of starvation on a child by explaining that it is harder for hungry students to concentrate or focus on long or demanding tasks. Missing meals can hinder a child’s mental development. Of course, beyond the effects of starvation, students singled out by the school as not being able to afford lunch feel shame and stigma. Beyond being hungry, it hurts children’s self-esteem.

V. THE BILL: THE NO SHAME AT SCHOOL ACT

In June 2019, Ilhan Omar proposed the No Shame at School Act of 2019. The Bill would amend the Richard B. Russell National School Lunch Act, 42 U.S.C. § 1758(b)(5) (“ACT”), in order to prevent shaming or stigma surrounding children whose households are unable to pay for school meals. This amendment would work to make the certification process easier for those children who qualify for free or reduced-price lunches; prevent schools from separating or segregating those students who cannot pay for lunches; prevent schools from sending debt collectors after families; and overall reducing a sense of shame in children when receiving lunch. The Act would also allow districts to retroactively seek federal reimbursement for meals given to children who qualified for free or reduced-price lunches, but that had not yet been federally certified at the time the lunches were provided. Finally, the Act seeks to protect families while still providing schools with some school nutrition financial assistance.

The No Shame at School Act was drafted with intent to prevent children from experiencing shame and hunger at school. It was endorsed by FRAC, which also speaks out in support of the Community Eligibility Provision (CEP) of the National School Lunch Program. Under the CEP, schools with a large enough population of low-income students who qualify for meal assistance serve free meals to all of their students. This provision allows for students and their families to bypass the unwieldy application process. Not only that, but the provision also provides for free meals for all students in attendance at the school, regardless of their income level. However, schools are not reimbursed entirely for each meal. Districts receive reimbursements based off of the percentage of their student body that does qualify for free or discounted meals, multiplied by a corresponding variable. Schools would thus still have some operational costs, but on a much more manageable scale.

VI. CONCLUSION

The No Shame at School Act goes beyond resolving the social stigmatization of children in the lunchroom. The Bill, if passed into law by legislature, will not only serve families and children well, but also schools and their administration. Instead of suggesting schools ignore the debt incurred from serving free lunches, it calls for schools to push for certification of students for free or reduced-price meals. Many of the children who qualify to apply for free or reduced-price meals come from some of the most vulnerable or marginalized groups in society, such as those living below the poverty line, lacking in education, unable to access the forms in their language, or the like. The school itself will directly call for certification of the child so that the onus is not put onto families.

Additionally, the Bill's prohibition on schools' use of debt collectors would be a prudent decision. Debt collection may resolve a school's immediate need for funding. However, if the policy behind school meal debt is not changed, that debt is likely to re-accrue. Ellwood City Area School District used a donation to pay off more than \$22,000.00 in school lunch debt. Two days later, after serving breakfasts and lunches to students, the

meal debt had re-risen to over \$500.00. Without lasting systemic change, schools' use of debt collectors would not resolve their issues in the long run.

It is hard to imagine a downside to forbidding schools from taking hot meals from children. However, as many positives as there would be for students under this bill, there are as many positives for school administrations, too. Schools would be able to petition to certify students for free lunches; receive retroactive reimbursement for debts of students who qualified for certification; and they would be able to afford to provide meals to students without dipping into their general funding. As obvious the benefits are for students, schools also walk away from the proposed Bill with a full plate.

SOURCES

Bettina Elias Siegel, *Will a New Federal Law Finally Put an End to School Lunch Shaming?*, CIVIL EATS (July 26, 2019), <https://civileats.com/2019/07/26/will-a-new-federal-law-finally-put-an-end-to-school-lunch-shaming/>.

Doug Criss, *After a school district said it'll serve jelly sandwiches to students with lunch debt, Chobani stepped in*, CNN (May 12, 2019), <https://www.cnn.com/2019/05/10/us/rhode-island-lunch-debts-warwick-chobani-trnd/index.html>.

Emily Moon, *Why Are More Schools Going After Families for Lunch Debt?*, PACIFIC STANDARD (July 26, 2019), <https://psmag.com/social-justice/why-are-more-schools-going-after-families-for-lunch-debt>.

FOOD RESEARCH & ACTION CENTER, *BEST PRACTICES FOR PREVENTING OR REDUCING SCHOOL MEAL DEBT* (Oct. 2018), <https://www.frac.org/wp-content/uploads/best-practices-preventing-reducing-school-meal-debt.pdf>.

Heather Long, *'No one believes we do this to kids': Will Congress end school lunch shaming?*, CNN (May 15, 2017), <https://money.cnn.com/2017/05/15/news/economy/school-lunch-shaming-congress-bill/index.html>.

Jameelah Naseed, *When You Can't Afford School Lunch, the Toll Is More Than Just Physical*, TEEN VOGUE (Aug. 21, 2019), <https://www.teenvogue.com/story/physical-emotional-academic-effects-lunch-shaming>.

Jeremy Layton, *Ohio boy has school lunch taken away over \$9 debt*, NEW YORK POST (Sept. 11, 2019), <https://nypost.com/2019/09/11/ohio-boy-has-school-lunch-taken-away-over-9-debt/>.

Jessica Fu, *Countless American families are saddled with student lunch debt. Many won't be able to pay it off*, THE NEW FOOD ECON. (April 22, 2019), <https://newfoodeconomy.org/school-lunch-debt-usda/>.

Jo Ciavaglia, *No free lunch: Schools grapple with outstanding student meal tabs*, THE INTELLIGENCER (Sept. 29, 2019), <https://www.theintell.com/news/20190928/no-free-lunch-schools-grapple-with-outstanding-student-meal-tabs>.

Marty Johnson, *New Jersey school district proposes banning students with lunch debt from field trips, prom*, THE HILL (Oct. 18, 2019), <https://thehill.com/homenews/state-watch/466463-new-jersey-school-district-proposes-banning-students-with-lunch-debt>.

Michelle Lou, *75% of US school districts report student meal debt. Here's what they're doing to combat the problem*, CNN (May 17, 2019), <https://www.cnn.com/2019/05/17/us/unpaid-school-lunch-debt-trnd/index.html>.

Monica Humphries, *Schools Are Shaming Kids Who Can't Afford Lunch, But There Are Ways To Stop It*, NATION SWELL (Aug. 14, 2019), <https://nationswell.com/stopping-school-lunch-shaming/>.

No Shame at School Act of 2019, H.R. 3396, 116th Cong. (1st Sess. 2019-2020).