

**2023 HOUSE EDUCATION**

**HB 1494**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1494  
1/30/2023

Relating to school meal policies

Chairman Heinert opened the hearing 4:21 PM

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

### Discussion Topics:

- Companion to HB 1491
- Lunch shaming
- Food insecurity
- Social embarrassment
- Nonprofits
- Defrayed costs
- Negative fiscal impact
- Uncollectible funds
- District burden

Representative Zach Ista, Dist 43, presented HB 1949, (#17747)

Dr. Aimee Copas, executive director, NDCEL, (#17554)

Heather Gades, Miss Bonanzaville 2023, Fargo, (#17706)

Patrick Hart, Bismarck parent, business owner, oral testimony

Nick Archuleta, President of ND United, (#17713)

Landis Larson, President of ND AFL-CIO, (#17593)

Deven Mantz, Minot, ND Legislative Brotherhood of Maintenance of Way Employees Division, (#18094)

Kevin Hohertz, NDCEL, oral testimony

Alexis Baxley, Executive Director NDSBA, Testimony (#17574)

Carol Two Eagle, Lakota linguist, oral testimony

Linda Schloer, Director of Child Nutrition and Food Distribution Program, (#17867, #17871)

**Additional written testimony:**

Kia Seidlinger, (#17626)

Jason Ehlert, (#17629)

Karen Ehrens, (#17646)

Faye Seidler, (#17686)

Gordon Greenstein, (#17821)

Jennifer Folliard, (#17869)

Julie St Germaine, (#17880)

Christina Sambor, (#17886)

5:05 PM Chairman Heinert closed the hearing.

*Kathleen Davis, Committee Clerk By: Leah Kuball*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1494  
2/8/2023

Relating to school meal policies

Chairman Heinert opened the meeting at 10:32 AM

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

### Discussion Topics:

- Committee action
- Proposed amendment (23.0879.03001)
- Amendment (23.0879.03002)

Representative Heilman proposed to adopt an amendment to strike that Lines 10 and 11

Seconded by Representative Marschall.

Motion was withdrawn.

Representative Heilman moved to adopt an amendment to insert at Page 1 Line 10 at the beginning, "If a student meal balance doesn't have sufficient funds for less than one consecutive week"

Seconded by Representative Marschall.

Voice vote: Motion carried.

Representative Schreiber Beck moved to further amend and reconsider Representative Ista's amendment (23.0879.03001) (#19968)

Seconded by Representative Hager.

Voice vote: undetermined

### Roll Call Vote:

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	N

Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	N
Representative Kelby Timmons	N

Motion failed. 6-8-0

Representative Heilman moved a Do Pass as Amended (23.0879.03002)

Seconded by Representative Hauck.

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

Motion carried: 11-3-0

Bill carrier: Representative Heilman

11:06 AM Chairman Heinert closed the meeting.

*Kathleen Davis, Committee Clerk By: Leah Kuball*

February 8, 2023

8A  
2-8-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1494

Page 1, line 10, replace "A" with "If a student meal balance has insufficient funds for less than one week, a"

Page 1, line 10, remove "with an"

Page 1, line 11, remove "unpaid student meal balance or without funds to pay for a meal"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1494: Education Committee (Rep. Heinert, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1494 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "A" with "If a student meal balance has insufficient funds for less than one week, a"

Page 1, line 10, remove "with an"

Page 1, line 11, remove "unpaid student meal balance or without funds to pay for a meal"

Renumber accordingly

**2023 SENATE EDUCATION**

**HB 1494**



# 2023 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

HB 1494  
3/14/2023

Relating to school meal policies.

3:37 PM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

### **Discussion Topics:**

- Lunch shaming
- Limiting stigma
- Free lunch program

Rep Ista, Dist 43, bill sponsor, testified in support #24445, #24446, #24447.

Heather Gades, Miss Bonanzaville, Fargo, ND, testified in support #24692.

Bob Marthaller, ND United, testified in support #24755.

Landis Larson, Pres ND AFL-CIO, testified in support #24577.

Kevin Hoherz testified in support #24565.

Alexis Baxley, ND School Boards, testified in support #24316.

Lynelle Johnson, Dept Public Instruction, Nutrition Program, testified neutral #24853, #24852.

### **Additional written testimony:**

Jennifer Folliard, Community HealthCare in support #23689.

Karen Ehrens, Bismarck, ND in support #23890.

Jason Ehlert, Mandan, ND in support #24423.

Kimberly Jacobson, Hillsboro, ND in support #24607.

Alexis Bylander, Food/Research Center, Washington, DC, in support #24887.

4:02 PM Chair Elkin closed the hearing.

*Pam Dever, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

HB 1494  
3/21/2023

Relating to school meal policies.

11:20 AM Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

### Discussion Topics:

- Committee action

Dr. Aimee Copas explained Rep Ista amendment. #24446

Sen Lemm moved amendment LC 23.0879.04001.

Sen Conley seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Conley moved a DO PASS as Amended.

Sen Wobbema seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Lemm will carry the bill.

11:30 AM Chair Elkin adjourned the meeting.

*Pam Dever, Committee Clerk*

DR  
171  
3-21-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1494

Page 1, line 10, replace "If a student meal balance has insufficient funds for less than one week, a" with "A"

Page 1, line 11, after the first "a" insert "United States department of agriculture reimbursable"

Page 1, line 11, replace ", or" with "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"

Page 1, line 11, after "student" insert "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"

Page 2, line 1, remove "not use a collections agency to collect unpaid school meals debt. A"

Page 2, remove line 2

Page 2, line 3, replace "debt" with "contact a student's parent or guardian directly regarding unpaid meals debt or a school meals account without funds to pay for additional meals"

Page 2, after line 6, insert:

"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."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1494, as engrossed: Education Committee (Sen. Elkin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1494 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 10, replace "If a student meal balance has insufficient funds for less than one week, a" with "A"

Page 1, line 11, after the first "a" insert "United States department of agriculture reimbursable"

Page 1, line 11, replace ", or" with "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"

Page 1, line 11, after "student" insert "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"

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Page 2, line 3, replace "debt" with "contact a student's parent or guardian directly regarding unpaid meals debt or a school meals account without funds to pay for additional meals"

Page 2, after line 6, insert:

"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."

Renumber accordingly

**TESTIMONY**

**HB 1494**



1 Testimony in support with needed amendments

2 HB 1394 – School Lunch Meal Policies

3 Chairman Heinert and members of the House Education committee. We come to you  
4 with general support with the concept of this bill but are seeking your assistance with  
5 amendments to help schools make this workable or to consider a \$84M fiscal note to  
6 cover the ramifications. In HB 1491 you just heard, you understand the cost of paying  
7 for lunches for all students through the biennium. The reality is there are ramifications  
8 to this bill unless we amend or decide to accept 1491 and fund lunches or find a way to  
9 do so.

10 Unpaid lunch debt is a very real issue in schools – this is a hard reality as we come out  
11 of COVID with families who have become accustomed to or who have never had to  
12 before pay for school lunch. With this bill there will be absolutely no reason for any  
13 parent to pay for meals moving forward. It is like posting a speed limit sign and there  
14 being no ramifications for ignoring it. Do you think everyone will follow the rule? As  
15 you could see from the prior fiscal note, this is a very large fiscal issue. We conceptually  
16 agree with kids all getting the same meals. But we also must have a means to pay for  
17 the service, so we’ve come up with some potential solutions for you to consider.

- 18 1) The state funds lunches and we add the \$84M fiscal note and ensure it is attached
- 19 to the prior bill and this one (Fiscal. Noter from 1491).
- 20 2) The state approves additional mill levy authority in the MISC mills section
- 21 allowing for an additional 3-5 mills of levying authority to pay for meals.



1       3) Section 6 is stricken from this bill so that there is ability to work with parents to  
2           collect. Frankly it is still a struggle to get payment even with collections, but that  
3           is our only means to getting to a payment.

4       We know how incredibly important it is for kids to have a nutritious meal to learn well.  
5       We want them to have food to do so. We must be able to be fiscally responsible about  
6       how we approach this issue. Thank you for the time to testify on this bill,



**NDSBA**  
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**HB 1494**  
**House Education**  
**January 30, 2023**  
**Testimony of Alexis Baxley**

Good afternoon, Chairman Heinert, and members of the House Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 170 public school districts and several special education units in North Dakota.

I am here today with conditional support for HB 1494. As you are likely aware, especially after hearing the previous bill, school lunch debt can be a very significant issue in many of our schools. While many, if not most, districts have moved away from the “shaming” type policies referenced in the first five subsections of HB 1494, they still wish to retain the ability to send bills to collections *only when absolutely necessary*. While many districts have been lucky to have local businesses and supporters contribute towards unpaid debt, others have used general fund monies to cover the deficit. Districts do not send every negative balance to collections – they are often aware of the likelihood of payment or other situations and take these factors into consideration when deciding whether or not to use a collection agency. Unfortunately, if districts are prohibited from using a collections agency or using any other form of incentive to encourage payment, I am not sure why any parent would ever have reason to pay for school lunches. I realize disincentivizing payment is not the intent of this bill, but it could very well have that effect. Unpaid balances will likely surpass public appetite and the ability of district funds to cover them.

School districts are very aware of the very real effect proper nutrition has on a student’s ability to learn; hungry children are not ready to learn. However, this bill could negatively impact a district’s financial stability. NDSBA believes that the suggestions provided by Dr. Copas and NDCEL could counter this impact and make this bill better. State funding, the ability to levy mills to cover the debt, and/or retaining the ability to send these debts to collections would allow districts to feed students without increasing the odds of negative fiscal impact.

I respectfully ask that you consider the amendments submitted by Dr. Copas and with them would encourage you to give HB 1494 a do-pass recommendation. Thank you.



**Testimony of Landis Larson, ND AFL-CIO President  
In Support of HB 1494  
January 30, 2023**

Chairperson Heinert and members of House Education:

My name is Landis Larson, President of the North Dakota AFL-CIO. The North Dakota AFL-CIO is the federation of labor unions in North Dakota, representing the interests of all working people in our state.

I am testifying on behalf of the North Dakota AFL-CIO in support of House Bill 1494.

Thank you to the bill sponsors for bringing the legislature into such an important discussion facing our working families in North Dakota.

While most schools in North Dakota have good policies that avoid meal shaming practices, some policies allow or even require some of these practices in their school meals policies. Any practices that single out kids, provide a less-nutritious and cheaper “alternative meal”, or send families to debt collections should rightly be ended in all school districts in North Dakota. We know these practices result in kids not getting the nutrition they need while at school and are harmful to kids and their families physical and mental wellbeing.

At its heart, this bill is about using common sense best practices for treating our students and families with dignity and respect when it comes to feeding our kids at school. It’s also the right thing to do. The North Dakota AFL-CIO fully supports House Bill 1494.

Hi, my name is Kia Seidlinger. I am a parent of a child currently in Forks Public schools as well as I am an educator for Head Start.

Food is one of the basic needs of any human being. In Maslow's hierarchy of needs, physiology needs is at the base of the pyramid. Physiology needs includes FOOD, water, sleep, and shelter. Why should children or any human be denied food? Many children who do not have money in their lunch accounts to eat do not eat at all that day. In some of public schools the child may be given a sandwich and a milk if they do not have money in their lunch account. What child wants to be singled out that they do not have money for lunch? If a child does not have money in their account they are not provided breakfast if any kind. For many children, the school meals may be the only nutritional meals they receive in a day.

A child being singled out for not having money to eat only hurts their self esteem and causes more issues and feeling of being different than they were already feeling. Our children have enough stress and anxiety, why add to it? Children's academic performance, social regulation, and overall behavior is improved when provided nutritional food. As adults, it is our job to help the children not cause more stress and anxiety.

Children are bullied for not having the "cool" or name brand shoes, clothes, backpacks, etc. By providing funding for all children the ability to receive free meals we are helping to prevent bullying in one aspect of the child's life.

Where a family falls in terms of social class should not be something a child needs to be concerned with. Children should not have to be worrying about money they have enough to worry about in their school day. All children should have access to the same lunches, sports, and extracurricular activities regardless of how much or how little their parents bring home in their paycheck.

Children shaming other children for having reduced or free lunches is a real thing in our schools. For a while my daughter was on free lunches and then reduced lunches. Many children were aware that my daughter had free or reduced lunches, not by her own account, but the account of the lunch room attendants and other children. She wanted to bring cold lunch everyday, instead of eat the free meals as she was being teased. I had to try to explain to her that bringing cold lunch costs more money than the school lunches and it wasn't feasible. At the time, she didn't understand the concept as we had lots of food at home. As she got older she understood it, but also became too cool to bring her own lunch. Instead of eating she sat in the library to read during lunch hour and was always running "too late" to eat at school so she ate something at the house for breakfast.

Thank you for considering to vote in favor of HB 1491 and HB 1494



## NORTH DAKOTA STATE BUILDING AND CONSTRUCTION TRADES COUNCIL

2901 Twin City Dr. Suite 201  
Mandan, North Dakota 58554  
(701) 663-8821

© SCRU 280-C

January 30, 2023

To the Honorable Pat Heinert and Representatives of House Education Committee:

Representing workers in the commercial, industrial, and residential construction industries, foundation to finish, we are committed to promoting, recruiting, developing, and advocating for careers in the skilled trades. We support House Bill 1494 that unifies the policy for school districts regarding school lunch debt for students.

Students in our public schools need to have proper nutrition in order to perform at their best to reach their full potential. This is one of the best ways that determines the success for a child's education. Any school district policies that seek to identify, demean, prevent, or collect a debt from a child does harm in this educational journey, and as such needs to be eliminated.

By having a unified policy set forth by the state will address the issue of school lunch debt with the family of the student and not the student, which is not the fault of the child. Therefore, the North Dakota State Building and Construction Trades Council urges a Do Pass on House Bill 1494 from the House Education Committee.

Sincerely, I am

Jason Ehlert  
President

**Testimony In Support of HB 1494**

Karen K. Ehrens, RD, LRD

Bismarck

January 30, 2023

Chair Heinert and Members of the Education Committee:

**Please help North Dakota School districts put children first with a “Do pass” recommendation for HB1494. Passing this can help make the meals part of the school day more free from stress, worry, and feelings of shame for North Dakota students.**

Passage of this law will help remove children from a situation that is between parents and school districts. You can help support school district staff and administrators and school board members with these guidelines that make paths for action clear. With this guidance in writing and in law, administrators will have direction in their actions to obtain payment for services provided. Enacting this law will result in more equal treatment of students in all schools across this state.

When pairing this bill 1494 with 1491 to provide for Healthy School Meals for All, we will be making progress toward ensuring that all the children in our care in the state of North Dakota have enough to eat. Food for school children is an worthy investment with dividends of healthier children with improved learning. Please give this bill a “Do pass” recommendation and vote for it on the floor of the House. North Dakota families now and in the future will thank you for it.

Dear Chair Heinert and members of the House Education Committee,

My testimony is in favor of House Bill 1494. I ask that you give this bill a Do Pass.

I have submitted testimony for HB 1491, which relates to funding for school lunches. Within that testimony I describe the importance of feeding our youth and the wish to make school lunch less complicated and more accessible to each student. That in the perfect world these kids wouldn't have to think about if they're going to get fed or not.

I made that case to support allocating funding for this cause. HB 1494 creates policies we want to make sure we are not failing youth. I'm a suicide prevention advocate and we know access to food is a key component of a youth's mental health and wellbeing. On the hierarchy of needs it is absolutely fundamental.

Our kids are struggling in North Dakota, according to the [Youth Risk Behavior Survey](#).

- 26% of middle school students seriously consider suicide (65% for LGB Youth)
- 38% of middle school students experience bullying
- 75% of middle school students did not speak to parents when they felt sad, empty, hopeless or angry

When we look at these numbers and a kid has a lunch taken away or is shamed for not paying or denied other school functions because of this—what happens to these numbers? Do they go down or up?

How might family dynamics be impacted by the additional stress put on parents who are already probably struggling? If a parent is violent or prone to violence, what may the home look like when they get a collection agency after them or their kid giving them a letter? And does the kid deserve that?

The more we can do to ease the stress of these situations the better. The less kids ever have to worry or think about where their next meal comes from the better we're doing as a society. I don't know what is possible in our state, but I do know the very real consequences of when kids can't eat at school, experience shame over it, or are in unsafe homes.

It is for these reasons I urge you to consider voting Do Pass. Thank you for your time, consideration, and service to our state.

Best regards,  
Faye Seidler

Chairman Heinert and Members of the Committee,

My name is Heather Gades, and I am a titleholder at the local level within the Miss America Organization and a contestant for Miss North Dakota this coming June – however, my testimony does not necessarily reflect the views of either the Miss America Organization or the Miss North Dakota Organization. My current title is Miss Bonanzaville, and as a titleholder, we each select a service initiative that we want to support and work on during our year of service. Mine is Combatting Food Insecurity – One Box at a Time, a project that is the culmination of my six years of working on this issue. I have met with food pantries in the Fargo-Moorhead area, volunteered at a few, helped create the first food pantry at North Dakota State University (NDSU) called Goods for the Herd and currently am on the advisory board in a volunteer capacity, attended meetings, and read books to school children that talk about food insecurity, how it can happen to anyone, and who we can go to for help. I want to talk about my experience with low and negative lunch balance at school, and why this bill matters so much to me.

When I was 16, my mom got a promotion at work, and we no longer qualified for reduced price meals at school. The cost of school lunches basically doubled for my family only two months into the school year. There were three of us in school at that time: myself and two younger sisters. By the end of the year, we had a negative meal balance of around \$1,000. We were fortunate to go to a school that did not take away our hot lunches and throw them out, only to give us a cold cheese sandwich and water like some schools in the US have been doing, including in West Fargo. But this does not mean that we faced no negative consequences. Our lunch number monitor, who was there to help each child remember their

lunch number and ensure that high schoolers actually typed it in, would remind us each day that we had a low balance, or that we owed money. This was never said softly enough to me that my classmates next to me could not hear it, so I was always aware that my classmates knew about my family's money troubles. Regardless, my mom and stepdad worked hard to pay that debt off over the summer so we could start my senior year with a fresh slate.

Unfortunately, my senior year was another financially rough year for my family, and actually was worse than the year before. My mother and I are both chronically ill, my sisters were in sports, and my mom had to get a different vehicle after I rolled mine so I could have hers. On top of our usual living expenses, the full price cost of 15 lunches each week was adding up quickly. But despite this, free and reduced lunch is based on gross income compared to number of people in the household. Since we had enough to go around by their standards, there was nothing our family could do to catch up. Groceries in a small town are just as expensive as paying for school lunch, so we weren't going to be able to just take bagged lunch to make up for it, and we drove 15 minutes to school each day so gas costs added up too. Four days before I was to walk across the stage and graduate with high honors, a 3.98 GPA, a 30 on my ACT, and 15 college credits on my transcript, my principal stopped me in the hallway at school. If I didn't bring a \$700 check to school the next day at graduation rehearsal, I simply wouldn't be walking that Sunday. Never mind that I had no disciplinary problems, worked hard, did speech and theatre for five years, and was an exemplary student. Because my family was in a hard spot financially, I would be publicly humiliated for it. In a class of 16, in a small town of about 1,000, word spreads, people talk, and it would have been obvious that I was missing.

I say all of this to say that it is never okay, right, fair, or justified to publicly identify or humiliate a child, adolescent, or teen because of their family's financial situation. Children in school are not responsible for their family's finances and are equally not responsible for paying for their school lunch accounts, especially if they aren't even old enough to have a job. Adding to that, food waste is an epidemic in this country, and by throwing away a perfectly good meal because a child's parent or guardian owes a couple dollars to the school, we contribute to that problem in a horrific way. Considering the aspect of requiring children to work around the school to pay off lunch debt, that could be considered indentured servitude, and child slave labor isn't something any school should be participating in. Finally, the part about preventing children from participating in any extracurriculars and ceremonies with lunch debt. Participating in speech and theatre is what helped me find my friends, find a sense of belonging, and figure out who I wanted to be. If I had been blocked from that because of my family's financial difficulties, who knows how different my school experience would have been or how different I would be.

HB 1494 is incredibly important because it protects students from having to bear the social brunt of their caregiver's finances. It bars schools from enacting policies that embarrass, humiliate, and demean students from ages 5 to 19, and gives students from all backgrounds the chance to eat a nice warm meal at school free of worry or fear. I fully support HB 1494 and urge this committee to give a Do Pass recommendation.

Thank you Chairman Heinert and Members of the Committee,

Heather Gades, Miss Bonanzaville 2023





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Great Public Schools

Great Public Service

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## Testimony before the House Education Committee

### HB 1494

### January 30, 2023

Chairman Heinert and members of the Committee, I am Nick Archuleta and I serve as president of North Dakota United. I appear before you today to urge a *do pass* recommendation for HB 1494.

Mr. Chairman, a few years ago, Dr. Jason Boynton, a ND United member and associate professor of Mathematics at NDSU, founded Lunch Aid after reading a story about lunch debt in the Fargo Public schools. Lunch Aid brought local musicians and fans together raise money to retire lunch debts of children whose lunch accounts had negative balances. As Jason and other food insecurity advocates delved deeper into the issue, they discovered that some schools substituted a cheese or peanut butter sandwich for the regular lunch when a student's lunch account was in arrears. Some children were directed to a table with lunch bags to retrieve their alternative meal.

Mr. Chairman and members of the Committee, lunch debt is not the child's fault. It is not their responsibility to put money in their lunch accounts. Yet, some kids in North Dakota are made to feel the shame associated with not being able to afford lunch. Lunch shaming causes some kids to simply skip lunch and we all know that kids who are hungry are not focused on learning.

Chairman Heinert, we would not need HB 1494 if HB 1491 were already the law and all lunches were provided, as they should be. Unfortunately, it is not. HB 1494, in the meantime, provides us an avenue to eliminate lunch shaming and for that reason, I urge a *do pass* recommendation for HB 1494.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Zachary Ista

District 43  
3850 15th Avenue South  
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C: 701-361-6671  
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**COMMITTEES:**  
Finance and Taxation  
Energy and Natural Resources

January 30, 2023

Mr. Chairman and Members of the Education Committee.

For the record, Zac Ista from District 43 in Grand Forks.

As the Committee just heard in testimony for HB 1491, 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 students. 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 harmful 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 or 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 have avoided many of 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, most 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;
- 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.

I have also requested an amendment making clear that 1) the provisions only apply to standard reimbursable school meals and not a la carte or second meal options, 2) a school may directly contact parents/guardians at any time to discuss unpaid meal debts or dwindling accounts balances, and 3) schools should encourage every family to apply for free and reduced-price lunches. These amendments would better protect local schools from potential abuse under these new policies and maximize their ability to receive federal reimbursement for qualifying students.

Each of the policies proposed in HB 1494 would protect students across North Dakota 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 question the need for the bill or have concerns about its 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. We heard ample testimony during the hearing on HB 1491 about why meal debt is increasing, and the impact that debt has both on families and schools. This is one reason why I so strongly support providing no-cost meals to all North Dakota schoolchildren. But even if we don't advance that bill, nothing in my bill prevents schools from trying to collect payment from parents if they do it in a manner that does not stigmatize students or utilizes private debt collection agencies. That's why the bill, for example, specifically permits schools to send home a sealed letter to parents alerting them to meal debt, and the proposed amendment would add additional clarity to the efforts a school can make to collect meal payment from parents. Schools also can roll over debt from year-to-year and engage in any other methods not prohibited by HB 1494 to try to recover meal costs, including continuing to solicit and accept donations from the community or civic groups and maximizing participation in the federal free and reduced-price meals program.

Others may have concerns about whether families will take advantage of this bill by simply not paying for school meals if schools have 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 for those who cannot, this bill will take one small element of shame off the table. Parents won'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.

I urge this Committee to recommend a DO PASS on HB 1494, and I look forward to your questions.

HB 1491

Gordon Greenstein

Bismarck, ND District 35

Parent and Grandparent

I Urge a Do Not Pass of HB 1491

Favoring parental responsibility over government bureaucracy may be the most effective way to nourish children. Encouraging more parents to opt out of the school lunch program and prepare their own child's food and lead to greater health and well-being. Being responsible for their child's meals may also help more parents to make better food choices for themselves, thereby halting the CLIMBING adult obesity rate, as well.

This shift in food control could ignite local efforts to feed hungry families by mobilizing restaurants, grocery stores, farms and community gardens, farms and community gardens, non-profits, and private businesses to help gather and distribute food to those most in need.

Despite the shutdown, the National School Lunch Program was solvent through last March. But perhaps this is a good opportunity for parents to pause and ask whether the government should be feeding their children at all.

This is information that I found and believe is the correct way to feed our children. Kerry McDonald is an adjunct scholar at the Cato Institute. She has a B.A. in economics from Bowdoin College and an M.ED. education policy from Harvard University. She is married with four children.

This is not the role of government. What happens when we cannot afford this welfare program? I urge a Do Not Pass on HB 1491

Thank You Gordon Greenstein

US Navy (Veteran)

US Army (NDNG Retired)

**TESTIMONY ON HB 1494**  
**HOUSE EDUCATION COMMITTEE**  
**January 30, 2023**

**By: Linda Schloer, Director of Child Nutrition and Food Distribution Programs**  
**701-328-4565**  
**North Dakota Department of Public Instruction**

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Chairman Heinert and Members of the Committee:

My name is Linda Schloer, 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 1494 regarding school district school meals policy.

As part of administering the United States Department of Agriculture (USDA) Child Nutrition and Food Distribution Programs, our office is responsible for ensuring program operators comply with federal laws and regulations. In 2017 established the requirement for schools participating in the National School Lunch and/or School Breakfast program to develop and communicate a policy for handling unpaid meal charges. USDA does not define the policy content.

The North Dakota School Board Association, in consultation with the North Dakota Department of Public Instruction has developed an Unpaid Meal Charge policy template that districts can use to define and communicate their own policy. A copy of this template is included with this testimony.

The Child Nutrition and Food Distribution Programs office of DPI reviews the district Unpaid Meal Charge policy as part of School Nutrition Programs compliance monitoring process. The review establishes that the policy content meets federal requirements and that it has been communicated as required.

Unpaid meal charge policies provide clarity on the processes districts will take when meals are not paid for, but they don't prevent the charges from occurring. Districts put considerable effort into collecting these charges, but much of it becomes unrecoverable. Once the charges are determined by the district to be uncollectable, the district must use nonfederal funding sources such as donations or the district general fund to repay the school foodservice account for the total amount.

Chairman Heinert and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.

**House Education Committee**  
**HB 1494**  
**January 30, 2023**

Chairman Heinert, Vice Chair Schreiber-Beck, and Committee Members, the Community HealthCare Association of the Dakotas (CHAD) is pleased to present written testimony for HB 1494. CHAD is a non-profit membership organization serving as the primary care association for North Dakota and South Dakota.

First, I would like to share a little background on the health care organizations CHAD represents. Community health centers are non-profit, community-driven primary care clinics. Each clinic provides high-quality primary and preventive care to all individuals, with or without insurance and regardless of their ability to pay. Health centers are essential medical homes where patients find services that promote health, diagnose and treat disease, manage chronic conditions and disabilities, and overcome barriers that prevent them from getting healthy and staying healthy. Health centers in North Dakota serve approximately 26,000 primary and behavioral health care patients and nearly 13,000 dental patients.

Health centers understand that many factors contribute to a person's health status. Access to health care is certainly important, but socioeconomic factors such as access to nutritious food play a significant role. Food insecurity places individuals at increased risk for chronic diseases such as diabetes, hypertension, and kidney disease. This can lead to more significant health complications, emergency room usage, hospital stays, and readmissions.<sup>1</sup>

Community health centers see firsthand the food and nutrition security needs across our state. In fact, preliminary screening data from North Dakota health centers show that food insecurity is the 2<sup>nd</sup> highest need across the fourteen social determinants of health. Through a partnership with the food bank, community health centers in North Dakota have distributed more than 6,700 pounds of food to patients in need over the past year. Still, the need for greater food security in communities remains.

We support efforts to create more sustainable access to healthy food and remove cost barriers for families and individuals. We know there are many policy levers to address food insecurity, and we support this critical discussion.

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<sup>1</sup> <https://hungerandhealth.feedingamerica.org/explore-our-work/community-health-care-partnerships/>



## MEAL CHARGING PROCEDURE

This board regulation outlines procedures for a student to charge meals. Adults are prohibited from charging meals.

### Definition

- *Alternate meal* means any meal that is different from the day's advertised reimbursable meal, e.g., a peanut butter or cheese sandwich, plus milk. The cost of this meal may not come from the food service account. The charge for an alternate meal shall be **[\$X.XX.]**

### Dissemination

The Superintendent must ensure that uniform meal account procedures are provided in writing, to all parents of students at the start of each school year and to the parents of students transferring to the school mid-year. The Superintendent shall also provide procedures to all school and district-level staff members responsible for the enforcement of this regulation.

The District may use additional methods to disseminate the procedure on an ongoing basis throughout the school year.

### Payment Options

Parents are responsible to ensure that students have sufficient funds to purchase school meals each day or pre-pay for meals, to avoid accruing meal charges. District payment options for student meal accounts include **[in person, online payment, automatic payment, etc.]**.

### Charging Procedure

In the event a student does not have sufficient funds, the District shall allow the student to charge up to **[# - DPI recommends a charge limit of five meals]** reimbursable meals, the cost of which must be deducted from the student's meal account. **[Option 1: After the student has exceeded the number of allowable reimbursable meal charges, the District shall discreetly provide the student with an alternate meal, the cost of which shall also be deducted from the student's meal account.]** **[Option 2: After the student has exceeded the number of allowable reimbursable meal charges, the District shall discreetly provide the student with [# - DPI recommends not exceeding ten meals] alternate meals, the cost of which must also be deducted from the student's meal account, after which a student would not be served.]**

**[A student with a negative meal balance is prohibited from charging a la carte or extra items (e.g., a second milk or additional entrée.)]**

**[Administration may prohibit participation by the student in any future fee-based programs until the negative meal account is paid in full.]**

**Payment Reminders**

Whenever a student incurs a charge or the District serves the student an alternate meal, district personnel shall notify the parents of the student by letter, phone, text, etc. If a pattern of charging continues, administration shall attempt to contact the student's parent and encourage the parent to complete a free or reduced meal application. Nothing in this procedure prohibits school district personnel from reporting suspected abuse or neglect of a student as required by law.

**Unpaid Meal Charges**

Parents are expected to pay all charges within [#] days. If they fail to do so, the District may rollover debt or refer the debt to collections. The District may use an alternative funding source (e.g., nonfederal funding or charitable funding source) to offset costs incurred from unpaid meal charges and collection fees.

**Balance**

Funds in the student's meal account may be carried over to the next school year.

A written request must be submitted to the district office for a refund of monies remaining in a student's meal account. A student who is graduating shall be given the option to transfer meal funds to a sibling's account.

[04/17]

Testimony Prepared for the  
**House Education Committee**

January 30, 2023

By: Julie St Germaine, Director of Central Prairie Human Service Zone  
serving the counties of Eddy, Foster, and Wells.

**RE: HB 1494: A bill for an Act to provide payment for school meals.**

Chairman Heinert, and Members of the Committee. My name is Julie St Germaine, I am providing testimony in favor of HB 1494, in its current form. I am a member of the Human Service Zone Director's Association of North Dakota. The ND Human Service Zone Director Association supports this bill ending practices that harm children due to their parents' inability to pay for their school lunches. We support funding of school lunch for all students, regardless of their ability to pay. Hunger is a real issue, plaguing our school children. Without healthy meals, children tend to show diminished capabilities in the classroom. Human Service Zones support healthy meals for healthy families and children. I am strongly urging a due pass on this HB 1494.

Please note the following definition of "Identified Relative" in North Dakota's child welfare policy:

*"Identified Relative" means the child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece or first cousin. An individual with a relationship to the children, derived through a current or former spouse of the child's parent, similar to a relationship described in the first sentence. **An individual recognized in the child's community as having a relationship with the child similar to a relationship described in the first sentence;** A child's stepparent. (NDCC 50-11).*

Because foster families have already been in a caregiving role for a child, they already have some elevated standing when considering adoptive options. However, this caregiving role, should not blindly supersede biological familial connections to the child.

*The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that states "consider giving **preference to adult relative caregivers over non-relative caregivers when considering placement of a child.** This is consistent with the philosophy of placing a child in the "least restrictive environment."*

The language in this proposed bill does allow exception for cases in which the Indian Child Welfare Act applies. This federal law seeks to keep Indian children with their Indian families after evidence indicated a large number of Indian children were being removed from their families and placed with non-Indian families. We want to have similar protections of family, culture and community for all children.

Thank you for considering of my testimony relating to this bill. I stand for any questions the committee may have.

**Testimony in Support of HB 1494/1491**

**Christina Sambor**, Lobbyist No. 312 – Legislative Coordinator, North Dakota Coalition for Homeless People, Youthworks

**North Dakota House Education Committee**

**January 30, 2023**

Chairman Heinert and members of the committee:

On behalf of the North Dakota Coalition for Homeless People and Youthworks, I submit this testimony in favor of HB 1491, and if necessary, 1494. As advocates for families struggling with homelessness, the NDCHP and Youthworks frequently see the adverse impacts that hunger has on North Dakota children's ability to learn and thrive. Hunger is a massive problem, hidden in plain sight. 1 in 12 North Dakotan children face hunger and 1 in 6 families sought hunger assistance. The Great Plains Food Bank has, in recent years, had near the highest numbers of people served in its 40 year history, showing that 140,000 North Dakotan were struggling with hunger in 2022. This is a clear problem that merits a direct response from the North Dakota legislature. Access to food is a fundamental need, and children don't have the ability to acquire it for themselves. Therefore, we request a "do pass" on HB 1491 and if necessary, HB 1494.

## HB 1494

My name is Deven Mantz. I live in district 5 in Minot. I am also the North Dakota State Legislative Director for the Brotherhood of Maintenance of Way – International Brotherhood of Teamsters (BMWED-IBT). We represent track maintenance workers on the railroads. My union has officially endorsed HB 1494. I come as a parent of 4 children in North Dakota.

A couple years ago this started to become an issue in schools across the country. While it may remain an issue in other states, you have the opportunity to be on the forefront of helping the next generation, at every school in every district of this great state.

North Dakota is a great state, because we take care of our own. Unfortunately, there are school meal policies in some school districts across the state that don't say that. While I do believe our school board members and school staff, have done, and continue to do a great job; some have lacked fixing this issue. It is time that we do that, across the board, to let families know across the state, and across the nation, that we, in North Dakota, take care of our children. We will not treat them differently, with an alternative lunch, where every kid in that cafeteria knows you are the poor kid. You are different. You cannot afford your own lunch so you don't belong in any extracurricular activities.

These children are already at an extreme disadvantage within our society. There are plenty of stats that prove this. While we cannot make everyone's situation better in this world, we can do our part in the very least by not making life harder; and setting them up for failure. While we do believe in individual responsibility, we do not believe that our children deserve the burden that comes from being poor.

A couple weeks ago my daughter told me she was out of lunch money, I am fortunate enough to go on my phone and transfer money to her account in seconds. What I didn't know was that the transfer was not instant. The following day she told me she needed money again, and that her friend punched in her number to pay for her lunch that day. She has some great friends. I have told her to do the same, if she sees someone turned away, to just pay for it and I will take care of it. It's just the right thing to do.

23.0879.03001

Sixty-eighth  
Legislative Assembly  
of North Dakota

HOUSE BILL NO. 1494

Introduced by

Representatives Ista, Beltz, Hager, Heinert, Jonas, Mock, Murphy, O'Brien, Richter  
Senators Barta, Braunberger, Hogan

1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota  
2 Century Code, relating to school meal policies.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **School districts - Policy - School meals.**

7 A school district participating in the Richard B. Russell National School Lunch Act  
8 [42 U.S.C. 1751 et seq.] shall adopt a school meals policy and publish the policy on the school  
9 district's website. A school meals policy must ensure:

- 10 1. A school may not deny a United States department of agriculture reimbursable meal  
11 to ~~of~~ a student who requests one, unless the student's parent or guardian has  
12 provided written permission to the school to withhold a meal. A school may not serve  
13 an alternative meal to a student with an unpaid student meal balance or without funds  
14 to pay for a meal. This provision does not apply to an a la carte food item or second  
15 meal requested by a student during the same meal period.
- 16 2. A school may not dispose of or take away from a child any food that already has been  
17 served to the child on account of the child having an unpaid student meal balance or  
18 lacking the funds to pay for a meal.
- 19 3. A school may not identify or stigmatize a student as receiving a free, reduced-price, or  
20 full-price meal, or a meal for which the child lacks funds to pay, including the use of  
21 tokens, stickers, stamps, or by placing the child's name on a published list of persons  
22 with student meal debt.
- 23 4. A school may not limit a student's participation in any school activities, graduation  
24 ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or

Sixty-eighth  
Legislative Assembly

- 1           access to materials, technology, or other items provided to students due to an unpaid  
2           student meal balance.
- 3        5. A school may not require a student to provide services or perform work, including  
4           cleaning duties or chores, to pay for school meals debt.
- 5        6. A school may not use a collections agency to collect unpaid school meals debt. A  
6           school may not charge or collect fees or additional costs associated with school meals  
7           debt.
- 8        7. A school may contact a student's parent or guardian directly regarding unpaid meals  
9           debt or a school meals account without funds to pay for additional meals. A school  
10           may require a child deliver a sealed letter addressed to the child's parent or guardian  
11           containing a written communication regarding the unpaid school meal debt. The letter  
12           may not be distributed to the child in a manner that stigmatizes the child.
- 13       8. A school shall adopt policies to encourage or provide an incentive for a parent or  
14           guardian of a student to apply for free or reduced meals through the Richard B.  
15           Russell National School Lunch Act [42 U.S.C. 1751 et seq.], including when a student  
16           has unpaid school meals debt.



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1494

Page 1, line 10, after the first "a" insert "United States department of agriculture reimbursable"

Page 1, line 10, replace ". or" with "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"

Page 1, line 11, after the underscored period insert "This provision does not apply to an a la carte food item or second meal requested by a student during the same meal period."

Page 2, line 3, after the underscored period insert:

"7. 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."

Page 2, after line 6, insert:

"8. 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."

Renumber accordingly

**Senate Education Committee**  
**HB 1494**  
**March 14, 2023**

Dear Chairman Elkin and Committee Members,

The Community HealthCare Association of the Dakotas (CHAD) is pleased to provide written testimony for HB 1494. CHAD is a non-profit membership organization serving as the primary care association for North Dakota and South Dakota.

First, I would like to share a little background on the health care organizations CHAD represents. Community health centers are non-profit, community-driven primary care clinics. Each clinic provides high-quality primary and preventive care to all individuals, with or without insurance and regardless of their ability to pay. Health centers are essential medical homes where patients find services that promote health, diagnose and treat disease, manage chronic conditions and disabilities, and overcome barriers that prevent them from getting healthy and staying healthy. Health centers in North Dakota serve approximately 26,000 primary and behavioral health care patients and nearly 13,000 dental patients.

Health centers understand that many factors contribute to a person's health status. Access to health care is certainly important, but socioeconomic factors such as access to nutritious food play a significant role. Food insecurity places individuals at increased risk for chronic diseases such as diabetes, hypertension, and kidney disease. This can lead to more significant health complications, emergency room usage, hospital stays, and readmissions.<sup>1</sup>

Community health centers see firsthand the food and nutrition security needs across our state. In fact, preliminary screening data from North Dakota health centers show that food insecurity is the 2<sup>nd</sup> highest need across the fourteen social determinants of health. Through a partnership with the food bank, community health centers in North Dakota have distributed more than 6,700 pounds of food to patients in need over the past year. Still, the need for greater food security in communities remains.

We support efforts to create more sustainable access to healthy food and remove cost barriers for families and individuals. We know there are many policy levers to address food insecurity, and we support this critical discussion.

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<sup>1</sup> <https://hungerandhealth.feedingamerica.org/explore-our-work/community-health-care-partnerships/>

**Testimony In Support of HB 1494**

Karen K. Ehrens, RD, LRD

Bismarck

March 12, 2023

Chair Elkin and Members of the Education Committee:

**Please give a “Do pass” recommendation to HB1494.  
Ensure that North Dakota school districts put children first.  
Passing this can help make meals free from worry, stress, and feelings of shame  
for North Dakota students.**

Passage of this law will help remove children from a situation that is between parents and school districts. You can help support school district staff and administrators and school board members with these guidelines that make paths for action clear. With this guidance in writing and in law, administrators will have direction in their actions to obtain payment for services provided. Enacting this law will result in more equal treatment of students in all schools across this state.

When pairing this bill 1494 with 1491 to provide for Healthy School Meals for more students, we will be making progress toward ensuring that all the children in our care in the state of North Dakota have enough to eat. Food for school children is a worthy investment with dividends of healthier children with improved learning. Please give this bill a “Do pass” recommendation and vote for it on the floor of the Senate. North Dakota families now and in the future will thank you for it.



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

P.O. Box 7128  
Bismarck ND 58507-7128  
1-800-932-8791 • (701)255-4127  
[www.ndsba.org](http://www.ndsba.org)

**HB 1494**  
**Senate Education | March 13, 2023**  
**Testimony of Alexis Baxley**

Good afternoon, Chairman Elkin, and members of the Senate Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 170 public school districts and several special education units in North Dakota.

I am here today with conditional support of HB 1494. As you are likely aware, school lunch debt can be a very significant issue in many of our schools. School districts are very aware of the very real effect proper nutrition has on a student's ability to learn; hungry children are not ready to learn.

While many, if not most, districts have moved away from the "shaming" type policies referenced in HB 1494, they still wish to retain the ability to send bills to collections *only when absolutely necessary*. While many districts have been lucky to have local businesses and supporters contribute towards unpaid debt, others have used general fund monies to cover the deficit. Districts do not send every negative balance to collections – they are often aware of the likelihood of payment or other situations and take these factors into consideration when deciding whether or not to use a collection agency. Unfortunately, if districts are prohibited from using a collections agency or using any other form of incentive to encourage payment, I am not sure why any parent would ever have reason to pay for school lunches. I realize disincentivizing payment is not the intent of this bill, but it could very well have that effect. Unpaid balances will likely surpass public appetite and the ability of district funds to cover them. For this reason, we are supportive of the amendments presented by Representative Ista. Retaining the ability to send these debts to collections would allow districts to feed students without increasing the odds of negative fiscal impact. With their adoption, we could throw our full support behind the bill.

I respectfully ask that you consider the amendments submitted by Representative Ista, and with them would encourage you to give HB 1494 a do-pass recommendation. Thank you.



## NORTH DAKOTA STATE BUILDING AND CONSTRUCTION TRADES COUNCIL

2901 Twin City Dr. Suite 201  
Mandan, North Dakota 58554  
(701) 663-8821

© SCRU 280-C

March 14, 2023

To the Honorable Jay Elkin and Senators of Senate Education Committee:

Representing workers in the commercial, industrial, and residential construction industries, foundation to finish, we are committed to promoting, recruiting, developing, and advocating for careers in the skilled trades. We support House Bill 1494 that unifies the policy for school districts regarding school lunch debt for students.

Students in our public schools need to have proper nutrition in order to perform at their best to reach their full potential. This is one of the best ways that determines the success for a child's education. Any school district policies that seek to identify, demean, prevent, or collect a debt from a child does harm in this educational journey, and as such needs to be eliminated.

By having a unified policy set forth by the state will address the issue of school lunch debt with the family of the student and not the student, which is not the fault of the child. Therefore, the North Dakota State Building and Construction Trades Council urges a Do Pass on House Bill 1494 from the House Education Committee.

Sincerely, I am

Jason Ehlert  
President



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Zachary Ista

District 43  
3850 15th Avenue South  
Grand Forks, ND 58201-3727  
C: 701-361-6671  
[zmista@ndlegis.gov](mailto:zmista@ndlegis.gov)

**COMMITTEES:**  
Finance and Taxation  
Energy and Natural Resources

March 14, 2023

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.



23.0879.04001  
Title.

Prepared by the Legislative Council staff for  
Representative Ista  
March 2, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1494

Page 1, line 10, replace "If a student meal balance has insufficient funds for less than one week, a" with "A"

Page 1, line 11, after the first "a" insert "United States department of agriculture reimbursable"

Page 1, line 11, replace ", or" with "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"

Page 1, line 11, after "student" insert "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"

Page 2, line 1, remove "not use a collections agency to collect unpaid school meals debt. A"

Page 2, remove line 2

Page 2, line 3, replace "debt" with "contact a student's parent or guardian directly regarding unpaid meals debt or a school meals account without funds to pay for additional meals"

Page 2, after line 6, insert:

"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."

Renumber accordingly

23.0879.04001

FIRST ENGROSSMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1494

Introduced by

Representatives Ista, Beltz, Hager, Heinert, Jonas, Mock, Murphy, O'Brien, Richter  
Senators Barta, Braunberger, Hogan

1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota  
2 Century Code, relating to school meal policies.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **School districts - Policy - School meals.**

7 A school district participating in the Richard B. Russell National School Lunch Act  
8 [42 U.S.C. 1751 et seq.] shall adopt a school meals policy and publish the policy on the school  
9 district's website. A school meals policy must ensure:

- 10 1. ~~If a student meal balance has insufficient funds for less than one week, a~~ school may  
11 not deny a United States department of agriculture reimbursable meal to, or a student  
12 who requests one, unless the student's parent or guardian has provided written  
13 permission to the school to withhold a meal. A school may not serve an alternative  
14 meal to a student with an unpaid student meal balance or without funds to pay for a  
15 meal. This provision does not apply to an a la carte food item or second meal  
16 requested by a student during the same meal period.
- 17 2. A school may not dispose of or take away from a child any food that already has been  
18 served to the child on account of the child having an unpaid student meal balance or  
19 lacking the funds to pay for a meal.
- 20 3. A school may not identify or stigmatize a student as receiving a free, reduced-price, or  
21 full-price meal, or a meal for which the child lacks funds to pay, including the use of  
22 tokens, stickers, stamps, or by placing the child's name on a published list of persons  
23 with student meal debt.

- 1       4. A school may not limit a student's participation in any school activities, graduation  
2       ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or  
3       access to materials, technology, or other items provided to students due to an unpaid  
4       student meal balance.
- 5       5. A school may not require a student to provide services or perform work, including  
6       cleaning duties or chores, to pay for school meals debt.
- 7       6. ~~A school may not use a collections agency to collect unpaid school meals debt. A~~  
8       ~~school may not charge or collect fees or additional costs associated with school meals~~  
9       ~~debt~~ contact a student's parent or guardian directly regarding unpaid meals debt or a  
10      school meals account without funds to pay for additional meals. A school may require  
11      a child deliver a sealed letter addressed to the child's parent or guardian containing a  
12      written communication regarding the unpaid school meal debt. The letter may not be  
13      distributed to the child in a manner that stigmatizes the child.
- 14      7. A school shall adopt policies to encourage or provide an incentive for a parent or  
15      guardian of a student to apply for free or reduced meals through the Richard B.  
16      Russell National School Lunch Act [42 U.S.C. 1751 et seq.], including when a student  
17      has unpaid school meals debt.



1 Testimony in support

2 HB 1494 – School Lunch Meal Policies

3 Chairman Elkin and members of the Senate Education committee. We come to you with  
4 support of this bill based on the amendments made by the House Education Committee.

5 Unpaid lunch debt is a very real issue in schools – this is a hard reality as we come out of  
6 COVID with families who have become accustomed to or who have never had to before  
7 pay for school lunch. With this bill and the amendments made in the House, it clarifies  
8 the steps a school can take with students with insufficient funds. The options for schools  
9 to provide with students with school meals without embarrassing them. We agree with  
10 kids all getting the same meals. The bill also provides options for communicating with  
11 parent and encouraging parents to apply for free or reduced meals.

12 We know how incredibly important it is for kids to have a nutritious meal to learn well.  
13 We want them to have food to do so. We must be able to be fiscally responsible about how  
14 we approach this issue. You will also be hearing HB 1491 tomorrow. HB 1491 will provide  
15 grants for school meals for students that meet the criteria for free meals.

16 Thank you for the time to testify on this bill.

**Testimony of Landis Larson, ND AFL-CIO President  
In Support of HB 1494  
March 14, 2023**

Chairperson Elkin and members of Senate Education:

My name is Landis Larson, President of the North Dakota AFL-CIO. The North Dakota AFL-CIO is the federation of labor unions in North Dakota, representing the interests of all working people in our state.

I am testifying on behalf of the North Dakota AFL-CIO in support of House Bill 1494.

While most schools in North Dakota have good policies that avoid meal shaming practices, some policies allow or even require some adverse practices in their school meals policies.

We support ending any practice that differentiates between students based on the balance of their lunch account. We know these practices result in kids not getting the nutrition they need while at school and are harmful to their physical and mental wellbeing.

At its heart, this bill is about using common sense best practices for treating our students and families with dignity and respect when it comes to feeding our students while they are in our care at school. It's also the right thing to do.

The North Dakota AFL-CIO fully supports House Bill 1494.

Testimony Prepared for the  
**Senate Education Committee**

March 14, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

**RE: House Bill 1494 – related to school meals**

Chairman Elkin and members of the Senate Education Committee, my name is Kim Jacobson. I serve as the Agassiz Valley Human Service Zone Director, which includes the service area of Traill and Steele Counties. In addition, I serve as the President of the North Dakota Human Service Zone Director Association. Please consider my testimony in support of HB 1494.

Human Service Zones work and engage with thousands of children and families across the state of North Dakota in delivering our critical safety net services such as child welfare services and economic assistance programs. Today, I urge support of SB 1494 which would end practices that invertedly harm children due to their parents' inability to pay for their school meals. The practices mentioned in this bill do occur in our schools on a regular basis. As child welfare professionals, we are concerned about the negative emotional and physical impact these practices have on growing and learning children.

All children need nutritious food, each day, in order to learn and grow. Child hunger is a real issue in North Dakota. Research shows that children who are hungry, do not learn as much as their peers and also have increased likelihood of distracting/disruptive behaviors. Children attend school to learn. The simple task of allowing all children to eat so they can focus on learning, while not be overtly identified if their lunch fund balance is negative, is something that our children deserve.

Thank you for considering my testimony relating to this bill.

Chairman Elkin and Members of the Committee,

My name is Heather Gades, and I am a titleholder at the local level within the Miss America Organization and a candidate for Miss North Dakota this coming June – however, my testimony does not necessarily reflect the views of either the Miss America Organization or the Miss North Dakota Organization. My current title is Miss Bonanzaville, and as a titleholder, we each select a service initiative that we want to support and work on during our year of service. Mine is Combatting Food Insecurity – One Box at a Time, a project that is the culmination of my six years of working on this issue. I have met with food pantries in the Fargo-Moorhead area, volunteered at a few, helped create the first food pantry at North Dakota State University (NDSU) called Goods for the Herd and currently am on the advisory board in a volunteer capacity, attended meetings, and read books to school children that talk about food insecurity, how it can happen to anyone, and who we can go to for help. I want to talk about my experience with lunch shaming and why this bill matters so much to me.

When I was 16, my mom got a promotion at work, and we no longer qualified for reduced price meals at school. The cost of school lunches basically doubled for my family only two months into the school year. There were three of us in school at that time: myself and two younger sisters. By the end of the year, we had a negative meal balance of around \$1,000. We were fortunate to go to a school that did not take away our hot lunches and throw them out, only to give us a cold cheese sandwich and water like some schools in the US have been doing. But this does not mean that we faced no negative consequences. Our lunch number monitor, who was there to help each child remember their lunch number and ensure

that high schoolers actually typed it in, would remind us each day that we had a low balance, or that we owed money. This was never said softly enough to me that my classmates next to me could not hear it, so I was always aware that my classmates knew about my family's money troubles. Regardless, my mom and stepdad worked hard to pay that debt off over the summer so we could start my senior year with a fresh slate.

Unfortunately, my senior year was another financially rough year for my family, and actually was worse than the year before. My mother and I are both chronically ill, my sisters were in sports, and my mom had to get a different vehicle after I rolled mine so I could have hers. On top of our usual living expenses, the full price cost of 15 lunches each week was adding up quickly. But despite this, free and reduced lunch is based on gross income compared to number of people in the household. Since we had enough to go around by their standards, there was nothing our family could do to catch up. Groceries in a small town are just as expensive as paying for school lunch, so we weren't going to be able to just take bagged lunch to make up for it, and we drove 15 minutes to school each day so gas costs added up too. Four days before I was to walk across the stage and graduate with high honors, a 3.98 GPA, a 30 on my ACT, and 15 college credits on my transcript, my principal stopped me in the hallway at school. If I didn't bring a \$700 check to school the next day at graduation rehearsal, I simply wouldn't be walking that Sunday. Never mind that I had no disciplinary problems, worked hard, did speech and theatre for five years, and was an exemplary student. Because my family was in a hard spot financially, I would be publicly humiliated for it. In a class of 16, in a small town of about 1,000, word spreads, people talk, and it would have been obvious that I was missing.



I say all of this to say that it is never okay, right, fair, or justified to publicly identify or humiliate a child, adolescent, or teen because of their family's financial situation. Children in school are not responsible for their family's finances and are equally not responsible for paying for their school lunch accounts, especially if they aren't even old enough to have a job. Adding to that, food waste is an epidemic in this country, and by throwing away a perfectly good meal because a child's parent or guardian owes a couple dollars to the school, we contribute to that problem in a horrific way. Considering the aspect of requiring children to work around the school to pay off lunch debt, that could be considered indentured servitude, and child slave labor isn't something any school should be participating in. Finally, the part about preventing children from participating in any extracurriculars and ceremonies with lunch debt. Participating in speech and theatre is what helped me find my friends, find a sense of belonging, and figure out who I wanted to be. If I had been blocked from that because of my family's financial difficulties, who knows how different my school experience would have been or how different I would be.

HB 1494 is incredibly important because it protects students from having to bear the social brunt of their caregiver's finances. It bars schools from enacting policies that embarrass, humiliate, and demean students from ages 5 to 19, and gives students from all backgrounds the chance to eat a nice warm meal at school free of worry or fear. I fully support HB 1494 and urge this committee to give a Do Pass recommendation.

Thank you Chairman Elkin and Members of the Committee,

Heather Gades, Miss Bonanzaville 2023

**Testimony in Support of HB 1494 - Senate Education Committee  
North Dakota United  
68<sup>th</sup> Legislative Session  
March 14, 2023**

**Chairman Elkin and members of the Senate Education Committee, for the record my name is Bob Marthaller, representing North Dakota United.**

**Chairman Elkin, North Dakota United is pleased to provide testimony in support of HB 1494. Children should never be shamed because they are unable to pay for their school lunch. We have learned that some children, to avoid being shamed have skipped lunch and other meals and we know that research tells us that a hungry child is a child not ready to learn.**

**Lunch debt is not the fault of the child and children do not have the responsibility to ensure they have enough funds in their lunch account to pay for meals. That responsibility lies with the parents or the child's guardians. Parents or guardians are sometimes unable to pay for school lunch for a variety of reasons, some legitimate and some perhaps not. Again, not the fault of the child.**

**Chairman Elkin and members of the committee a child should never be denied a meal or served an alternative meal because the child's lunch account is unpaid.**

**A child receiving a free or reduced cost meal should never, in any way, be singled out for receiving a free meal because of an unpaid lunch account balance.**

**A child should never be limited or prevented from participating in school activities, graduation, clubs, athletics, or other extracurricular or educational activities because of an unpaid student lunch account balance.**

**A child should never be required to perform work to pay off a school lunch debt.**

**Passage of HB 1494 will help to prevent these actions from happening and will protect children from unnecessary shaming and ridicule.**

**North Dakota United realizes that school debt related to unpaid lunch accounts could become a significant challenge and expense to a school district. Parents or guardians should certainly be discreetly contacted by school officials to arrange to pay for meals . . . but never at the cost of a child's dignity or self-esteem. My best guess is that most school districts have related policy. Those that don't should be required to develop policy and those districts that have policy should evaluate and revise their policy requirements to meet the intent of HB 1494.**

**Chairman Elkin, North Dakota United also supports a companion bill, HB 1491, which you will be hearing tomorrow, that provides a \$6,000,000 appropriation to the ND Department of Public Instruction for the purpose of providing grants to school districts to defray the expenses of providing free lunch for students.**

**Chairman Elkin, North Dakota United fully supports the amendments to HB 1494 offered by Rep. Ista and we encourage adoption of the amendments.**

**Chairman Elkin, and members of the committee, it is for these reasons that North Dakota United supports the passage of HB 1494, as amended (23.0879.04001) and urges the Senate Education Committee to give a unanimous Do Pass recommendation.**

**Thank you and that concludes my testimony.**

## MEAL CHARGING PROCEDURE

This board regulation outlines procedures for a student to charge meals. Adults are prohibited from charging meals.

### Definition

- *Alternate meal* means any meal that is different from the day's advertised reimbursable meal, e.g., a peanut butter or cheese sandwich, plus milk. The cost of this meal may not come from the food service account. The charge for an alternate meal shall be **[\$X.XX.]**

### Dissemination

The Superintendent must ensure that uniform meal account procedures are provided in writing, to all parents of students at the start of each school year and to the parents of students transferring to the school mid-year. The Superintendent shall also provide procedures to all school and district-level staff members responsible for the enforcement of this regulation.

The District may use additional methods to disseminate the procedure on an ongoing basis throughout the school year.

### Payment Options

Parents are responsible to ensure that students have sufficient funds to purchase school meals each day or pre-pay for meals, to avoid accruing meal charges. District payment options for student meal accounts include **[in person, online payment, automatic payment, etc.]**.

### Charging Procedure

In the event a student does not have sufficient funds, the District shall allow the student to charge up to **[# - DPI recommends a charge limit of five meals]** reimbursable meals, the cost of which must be deducted from the student's meal account. **[Option 1: After the student has exceeded the number of allowable reimbursable meal charges, the District shall discreetly provide the student with an alternate meal, the cost of which shall also be deducted from the student's meal account.]** **[Option 2: After the student has exceeded the number of allowable reimbursable meal charges, the District shall discreetly provide the student with [# - DPI recommends not exceeding ten meals] alternate meals, the cost of which must also be deducted from the student's meal account, after which a student would not be served.]**

**[A student with a negative meal balance is prohibited from charging a la carte or extra items (e.g., a second milk or additional entrée.)]**

**[Administration may prohibit participation by the student in any future fee-based programs until the negative meal account is paid in full.]**

**Payment Reminders**

Whenever a student incurs a charge or the District serves the student an alternate meal, district personnel shall notify the parents of the student by letter, phone, text, etc. If a pattern of charging continues, administration shall attempt to contact the student's parent and encourage the parent to complete a free or reduced meal application. Nothing in this procedure prohibits school district personnel from reporting suspected abuse or neglect of a student as required by law.

**Unpaid Meal Charges**

Parents are expected to pay all charges within [#] days. If they fail to do so, the District may rollover debt or refer the debt to collections. The District may use an alternative funding source (e.g., nonfederal funding or charitable funding source) to offset costs incurred from unpaid meal charges and collection fees.

**Balance**

Funds in the student's meal account may be carried over to the next school year.

A written request must be submitted to the district office for a refund of monies remaining in a student's meal account. A student who is graduating shall be given the option to transfer meal funds to a sibling's account.

[04/17]

**TESTIMONY ON HB 1494**  
**SENATE EDUCATION COMMITTEE**  
**March 14, 2023**  
**By: Lynelle Johnson, Assistant Director of Child Nutrition Programs**  
**701-328-3718**  
**North Dakota Department of Public Instruction**

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Chairman Elkin and Members of the Committee:

My name is Lynelle Johnson, and I am the Assistant Director of Child Nutrition Programs with the Department of Public Instruction. I am here to provide information about HB 1494 regarding school district school meals policy.

As part of administering the United States Department of Agriculture (USDA) Child Nutrition and Food Distribution Programs, our office is responsible for ensuring program operators comply with federal laws and regulations. In 2017, USDA established the requirement for schools participating in the National School Lunch and/or School Breakfast program to develop and communicate a policy for handling unpaid meal charges. The policy must define the district's policy on the number of meals that may be charged and actions that may be taken when students exceed the meal charge limit. The policies must also include actions that will be taken to ensure households are able to apply for free or reduced-price meals at any time of the year. These policies must be communicated with households, school personnel, and the public through student and employee handbooks, and the district website.

The North Dakota School Board Association, in consultation with the North Dakota Department of Public Instruction, has developed an Unpaid Meal Charge policy template that districts can use to define and communicate their own policy. A copy of this template is included with this testimony.

DPI's Child Nutrition and Food Distribution Programs office reviews the district Unpaid Meal Charge policy as part of the School Nutrition Programs compliance monitoring process. The review establishes that the policy content meets federal requirements and that it has been communicated as required.

Unpaid meal charge policies clarify the processes districts will take when meals are not paid for, but they don't prevent the charges from occurring. The National School Nutrition Association recently surveyed districts nationwide regarding unpaid meal debt. Among the 847 districts that reported, the accumulated unpaid meal debt exceeded \$19 million.

North Dakota districts are not immune. Information collected from the largest districts shows unpaid meal debts anywhere from \$5,000 to over \$40,000, even after receiving sizable donations in several situations. Overall, school districts around the state have expressed concern about rising debt this year. Many are seeing record high negative lunch balances accrue. Once schools have received donations, they must decide how those funds will be dispersed equitably amongst students with lunch debt. Districts also put considerable effort into collecting charges, but much of it becomes

unrecoverable. Once the district determines the charges to be uncollectable, the district must use nonfederal funding sources such as donations or the district general fund to repay the school foodservice account for the total amount.

Chairman Elkin and Members of the Committee that concludes my prepared testimony. I will stand for any questions that you may have.





1200 18th Street, NW | Suite 400  
Washington, DC 20036  
202-986-2200  
[frac.org](http://frac.org)

**Testimony to Senate Education Committee in Support of HB 1494**  
**Alexis Bylander, Senior Manager at the Food Research & Action Center**  
**March 14, 2023**

Thank you for the opportunity for the Food Research & Action Center to submit testimony in support of HB 1494, which would ensure that no child is shamed in the lunch room if their family has unpaid school meal debt.

The Food Research and Action Center (FRAC) is the leading national nonprofit organization working to improve public policies and public-private partnerships to eradicate hunger and undernutrition in the United States. FRAC has worked for decades to improve and strengthen the federal School Breakfast and National School Lunch Programs through federal and state legislation. We work extensively with federal, state, and local government agencies, schools, private nonprofit organizations and other stakeholders to ensure that the programs reach the children who need them.

**No child should be subjected to lunch shaming practices.** When students who are not certified to receive free school meals arrive in the cafeteria without cash in hand or in their school meals account, the district must determine how to handle the situation. How school districts deal with unpaid school meals debt has a big impact on students and the quality of the culture inside and outside of the school cafeteria. It also affects whether or not students have the healthy nutrition they need to focus and concentrate throughout the school day. The provisions in HB 1494 protect students with unpaid school meal debt from being publicly identified; ensure food is not wasted and that children are not sent the message that their school would rather throw food in the trash than let them eat it; prohibits students and their siblings from being punished and prevented from participating in important school activities and events; and prohibits the use of a collection agency to collect unpaid school meal debt.

**The School Nutrition Programs support academic achievement.** School meals serve as both a nutritional support and an educational support because hungry children do not have the focus and energy to learn or get the most out of their school day. There is a strong body of research that links participation in school meals to positive educational and health outcomes for our nation's children. Studies have shown participation in school meals improves students' attendance, behavior, and academic achievement, and reduces tardiness. Students who eat breakfast at school [perform better on standardized tests](#) than those who skip breakfast or eat breakfast at home, and have improved scores in spelling, reading, and math. Additionally, school breakfast reduces the number of visits to the school nurse in the morning, [improves students' mental health](#), and reduces behavioral problems, anxiety, and depression. The positive impacts of participating in school meals are long lasting, supporting long-term overall educational

attainment among students participating in school meals. Our research brief, [School Meals are Essential for Student Health and Learning](#) outlines the additional benefits of school meals.

**The National School Lunch Program and the School Breakfast Program are the two largest child nutrition programs in the United States.** Students are in school approximately 180 days a year and many students participate in school-based before and after school care and summer programming. Providing healthy meals to students through the School Nutrition Programs can significantly increase food-security for students. In fact, a [recent study](#) found that U.S. children are getting their healthiest meals at school, demonstrating that school meals are one of the federal government's most powerful tools for delivering good nutrition to children.

**States across the country are recognizing the importance of free school meals for all students and passing legislation.** California, Maine and Colorado have passed permanent School Meals for All policies. Vermont, Massachusetts and Connecticut have established free school meals for all students for the 2022-2023 school year and Nevada has created free school meals for all students for the 2022-2023 and 2023-2024 school years. Many additional states are currently considering similar legislation.

**The Food Research & Action Center also supports a companion bill, HB 1491, which you will hear tomorrow. It provides a \$6,000,000 appropriation to the North Dakota Department of Public Instruction for the purpose of providing grants to school districts to defray the expenses of providing free lunch for students.** This bill would be an important step towards making free school meals a permanent part of the school day, ensuring that all students, regardless of their household circumstances, have the nutrition they need to get the most out of their school day.

**HB 1494 and HB 1491 are investments in North Dakota's future. We urge you to support this important legislation.**