



COMMONWEALTH of VIRGINIA
Department of Education

DATE: July 27, 2018
TO: Division Superintendents
FROM: James F. Lane, Superintendent of Public Instruction
SUBJECT: **New Legislation to Protect Identification of Students with Unpaid Meal Charges**

The purpose of this memo is to provide notification of legislation effective July 1, 2018, impacting school nutrition programs. This memo provides additional guidance related to the unpaid meal charges policy requirements that were detailed in Superintendent's Memo No. 070-17 published on March 10, 2017.

The 2018 General Assembly adopted House Bill 50 and Senate Bill 840, codified as Virginia §22.1-79.7, Code of Virginia, which require local school boards to establish policies to protect students from overt identification if they owe any unpaid meal charges or cannot pay for a meal at school.

Code of Virginia §22.1-79.7 reads as follows:

Each local school board shall adopt policies that:

- 1. Prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to do chores or other work to pay for such meals or wear a wristband or hand stamp; and*
- 2. Require school board employees to direct any communication relating to a school meal debt to the student's parent. Such policy may permit such communication to be made by a letter addressed to the parent to be sent home with the student.*

Meal Charge Policies

In 2017, the U.S. Department of Agriculture (USDA) required all School Food Authorities (SFAs) participating in the National School Lunch Program and School Breakfast Program to develop a written, consistent and transparent meal charge policy or standard practice to have been implemented by July 1, 2017. This policy must be communicated to all students and households. Compliance with these policies are reviewed as part of the school nutrition administrative review process. With the passage of the new state legislation, meal charge policies must be updated to reflect the new legislation preventing the overt identification of a child with unpaid meal charges.

1. The meal charge policy must convey that children will not be made to work for their meal or to work to settle any unpaid meal charges. In addition, students will not be labeled with a hand stamp, sticker, wristband, or identified in any other way if they cannot pay for a meal or have an unpaid meal charge.
2. The meal charge policy must also direct any communication of a student's debt be directly to the parent or guardian. Schools may no longer communicate this information directly to the student. A letter addressed to the parent and sent home with the student is an acceptable form of communication.

Additional information on local policies and unpaid meal charges can be found in *Superintendent's Memo No. 070-17 Unpaid Meal Charges, Collection of Bad Debt, and Required Local Policies* distributed on March 10, 2017. The Virginia Department of Education (VDOE) Office of School Nutrition Programs developed a

charge policy template. The template is Attachment A of this memorandum. Use of the template is optional.

If you have questions, please contact the school nutrition program specialist assigned to your school division, or Sandy Curwood, Ph.D., RDN, Director of School Nutrition Programs, at sandra.curwood@doe.virginia.gov or by telephone at (804) 225-2074.

JFL/SCC/lj

Attachments:

- A. [Virginia Department of Education Meal Charge Policy Template](#) (Word)
- B. [USDA Memo SP 57-2016 Unpaid Meal Charges-Guidance and Q&A](#) (Word)

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