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May 25, 2021

Sen. Jason M. Lewis  
State Senator, Fifth Middlesex District  
Office of Senator Jason Lewis  
State House, Room 511B  
Boston, MA 02133

Rep. Alice H. Peisch  
State Representative, Fourteenth Norfolk District  
Office of Representative Alice Peisch  
State House, Room 473G  
Boston, MA, 02133

**RE: EDUCATION COMMITTEE TESTIMONY, S. 296 AND H. 715;  
NLG-Mass. Support for Proposals to Reduce the Burden of School  
Lunch Debt on Massachusetts Students and Families**

Dear Joint Committee on Education,

Each year in Massachusetts more than 120,000 children face food insecurity and malnutrition.<sup>1</sup> School lunches have the potential to provide hundreds of thousands of children across Massachusetts with at least one secure, nutritious meal each day and reduce the societal costs of food insecurity. Currently, the United States Department of Agriculture's National School Lunch Program ("NLSP") is the primary public program in Massachusetts that ensures low-income students are guaranteed a stable meal while at school. However, the NLSP is not a panacea, and many food insecure students and families in Massachusetts are unable to rely upon the program for a variety of political, socio-economic and individual reasons. Importantly, state regulations and practices regarding school lunch debt allow these students and their families who fall outside the

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<sup>1</sup> Feeding America, *Map the Meal Gap 2020, Massachusetts*.

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*- Preamble to the Constitution of the National Lawyers Guild, 1937*

social safety net to be further penalized, shamed and forced to go hungry.<sup>2</sup> School lunch debt is the cumulative of unpaid meal charges that accrue on a student's school account designated for lunch meals.<sup>3</sup>

Last Thursday, May 20, 2021, the Joint Committee on Education heard a proposal – S. 298 – that would prevent many school lunch debt policies that compound food insecurity and stigmatize poverty.<sup>4</sup> Specifically, S. 298 would prevent Massachusetts schools from implementing harmful school lunch debt practices such as:

- “No charge” policies where students without pre-paid or cash in hand receive no meal.
- “Account caps” where the cafeteria serves students an “alternate meal” – usually a cold cheese sandwich.
- Barring students with meal debt from all extra-curricular school activities, denial of grades or graduation activities, and/or referrals to DCF for unpaid meals.
- Throwing away already-serving hot meals.
- Serving a substitute meal, like a plain cheese sandwich, which is not available to all students to indebted students.
- Publicly identifying students when payments have not been received for a meal.

Unfortunately, before the COVID-19 pandemic many of these policies and practices were commonplace in schools across Massachusetts. The bill also reduces unpaid meal debt and boosts state revenue through four key provisions:

1. **Community Eligibility (CEP):** The bill requires schools and school districts with a high number of low-income, “directly certified” students to implement the universal free school meal options unless the district can justify to the state that doing so would impact costs. Given the 25 percent increase in SNAP participation since March 2020 due to COVID, even more schools and school districts may qualify for this important federal option.
2. **Eliminate reduced-price school meal co-pays:** The bill allows school districts to offer families with income under 185 percent of the federal poverty line free meals and seek the \$0.40 reimbursement from the state for the “reduced-price” lunch co-pay. Other states eliminated

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<sup>2</sup> Massachusetts Law Reform Institute, Denying Food and Shaming Children: Unpaid School Meal Policies in Massachusetts. <https://www.mlri.org/wp-content/uploads/2018/04/MLRI-School-Meal-Debt-Report-March-2018.pdf>

<sup>3</sup> See *id.*

<sup>4</sup> The Joint Committee on Education also heard S.298’s counterpart in the Massachusetts House of Representatives, H. 715.

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the reduced-price co-pay for students for breakfast and/or lunch – including CO, ME, MN, ND, OH, OR, VT and WA. Research shows that eliminating co-pays boosts overall meal participation and reduces meal debt.

3. **Maximize federal NSLP reimbursement & not involve students in meal debt:** This bill requires school districts to reduce meal debt by robustly checking data-bases for free meal eligibility; promoting the SNAP benefits that trigger automatic free meal status for a family; directly communicating with responsible adults about meal debt; and limiting the steps a district might take against students who may have debt. While a district may bar a student with meal debt from a fee-based activity – such as paid sports or plays – districts could not deny student participation in regular ("non-fee") activities such as field trips, receipt of grades, or deny a student food as behavioral punishment.
4. **Kinship care free meal status:** This bill would authorize districts to seek state reimbursement to provide free meal to kinship families, including grandchildren living with grandparents. On December 30, 2021, USDA approved free school meal status for disabled children receiving Supplemental Security Income ("SSI"). However, this leaves out kinship children who receive their Medicaid through the Guardian Assistance Program. Many of these children don't currently qualify for free-meal status despite caregivers taking on significant care obligations. This bill would address this gap.<sup>5</sup>

The National Lawyers Guild-Massachusetts Chapter, Inc. ("NLG-Mass") is a nonprofit bar association dedicated to protecting civil rights and liberties and advocating for progressive change in our political and economic system. In line with this mission, we urge the Joint Committee on Education to approve S. 298 and H. 715 to the full Senate and House of Representatives, respectively. School lunch debt is a practical and a moral issue too. Research has shown there are clear academic and societal benefits of increased access to reduced-price and free lunch.<sup>6</sup> Finally, as one of the country's top-ranked public education systems, it is not acceptable that Massachusetts students are allowed to be punished, forced to go hungry, and sometimes barred from academic opportunities because they are unable to afford a school meal.

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<sup>5</sup> Patricia Baker, MLRI; Kate S. Worrall, Charles Group Consulting, *FACT SHEET: An Act to Promote School Nutrition S. 298 filed by Senator Cynthia Creem; H. 715 filed by Rep. Andres Vargas*

<sup>6</sup> Food Research and Action Center, *Benefits of School Lunch*. <https://frac.org/programs/national-school-lunch-program/benefits-school>

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Sincerely,

A handwritten signature in black ink, appearing to read 'MIP', written in a cursive style.

Micah Iberosi-Parnell, Esq.  
NLG-Mass Litigation Committee Member

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