

May 15, 2018

The Honorable Sonia Chang-Diaz, Senate Chair
The Honorable Alice Peisch, House Chair
Joint Committee on Education
State House, Boston MA 02133

RE: An Act to Promote Student Nutrition, Senate 2390/House 4422

Dear Chairwomen Chang-Diaz and Peisch and Members:

My name is Victoria Negus. I am a policy analyst at the Massachusetts Law Reform Institute and work on food security and nutrition matters. The Massachusetts Law Reform Institute (MLRI) is a statewide nonprofit poverty law and policy center. Its mission is to advance economic, racial and social justice through legal action, policy advocacy, coalition building, and community outreach. MLRI specializes in large-scale legal initiatives and systemic reforms that address the root causes of poverty, remove barriers to opportunity, and create a path to economic stability and mobility for low-income individuals, families and communities.

I testify before you today to share two specific cases which highlight the importance of this bill. In late August 2016, MLRI received a call from the Department of Transitional Assistance office seeking advice on how to help a severely disabled, legally-blind Spanish speaking mother (a U.S. citizen) whose 13 year old son was worried he would not be able to start the 8th grade in September due an outstanding school meal debt of \$212.75. Despite the child's receipt of TAFDC cash assistance (Transitional Aid to Families with Dependent Children) and MassHealth it appears that the Woburn School District had erroneously failed to "directly certify" this child for free school meals. Under the National School Lunch Program, children who receive certain means-tested benefits (TANF, SNAP or Medicaid under 133% FPL) qualify for automatic free school meal status. School districts are supposed to verify this by checking a database with the eligibility information maintained by Department of Elementary and Secondary Education (DESE), DTA, and the Office of MassHealth.

In our investigation of this case, we determined that this Woburn child should have at all times received free meal status but the Woburn Food Services Department had, for whatever reason, failed to properly “directly certify” the child and instead billed the family for unpaid meal debt. When informing the parent of the \$212.75 meal debt, the school advised her that the 13 year old could not participate in extracurricular activities. This legally-blind, limited-English speaking parent did not understand how to navigate this process and could not afford to pay for his daily lunches. Her 13 year old son was understandably concerned and confused and shared with us that he believed he could not even start school in September 2016 as a result of the debt. He and his Mom repeatedly called the school worried about whether he could go to school after Labor Day.

Despite MLRI and DTA’s involvement, the Woburn Public School system refused to settle the debt and insisted that “someone must pay” for the outstanding debt because “too much time had elapsed” for the Food Services Department to submit a reimbursement request to USDA for the meals served. Notwithstanding calls from DTA, DESE and MLRI, the Woburn Public Schools decided to hold this incredibly low income family financially responsible for what appeared to be an administrative error on the part of either the state and/or the local school system. The Woburn Schools told MLRI that the child would not be able to participate in extracurricular activities unless the debt was resolved. This was cruel and unduly harsh. Due to the sheer panic and stress facing the 13 year old boy and his disabled mother on the cusp of the Labor Day weekend and the start of school, MLRI arranged for a private donor to pay the debt. This was not the proper solution.

Last week, MLRI received a call from an Early Intervention Social Worker assisting a homeless family in shelter in Waltham. The mother and young child also receive SNAP (Food Stamp) benefits. The Social Worker called us aware of our work on school meal debt as a result of MLRI’s recent report. According to the Social Worker, the family was being billed by the Waltham Public Schools for school meals provided at the Pre-K program -- despite the fact that they are homeless and on SNAP. MLRI immediately called the Waltham public schools and pointed out that this child qualified for free school meals on two counts (being homeless and in

receipt of SNAP). The case was immediately resolved and the outstanding bill was dropped. But this should not have happened and our intervention should not have been required.

This legislation would take a major step toward resolving these situations. Senate 2390/House 4422 would ensure that school districts regularly and proactively screen children for direct certification for free meal status and prevent school districts from punishing children because of meals charges over which they have no control.

We urge the Joint Committee on Education to favorably report out this bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria Negus', with a long horizontal flourish extending to the right.

Victoria Negus

10-11-2011