

2018 Regular Session

HOUSE BILL NO. 284

BY REPRESENTATIVE SMITH

SCHOOLS/FOOD PROGRAMS: Revises procedures relative to a student's inability to pay for school meals and a student's meal debt

1 AN ACT

2 To enact R.S. 17:192(C), 192.2, and 3996(B)(45) and to repeal R.S. 17:192.1, relative to  
3 school nutrition programs; to revise procedures relative to a student's inability to pay  
4 for school meals and a student's meal debt; to require the state Department of  
5 Education to provide assistance relative to certain federal nutrition options; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:192(C), 192.2, and 3996(B)(45) are hereby enacted to read as  
9 follows:

10 §192. Lunches and breakfasts; duty to furnish; Community Eligibility Provision

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12 C. The state Department of Education shall identify schools and school  
13 districts eligible to participate in the federal Community Eligibility Provision option.

14 The department shall provide technical assistance and guidance to such schools and  
15 districts regarding the logistical and financial details of opting into the Community  
16 Eligibility Provision.

17 §192.2. Meals; students' inability to pay and meal debt; procedures

18 A.(1) The provisions of this Section are applicable to the governing authority  
19 of any public elementary or secondary school that makes meals accessible to students

1 at school sites under the United States Department of Agriculture National School  
2 Lunch Program or School Breakfast Program.

3 (2) A public school governing authority:

4 (a) Shall provide a United States Department of Agriculture reimbursable  
5 meal to a student who requests the meal regardless of whether the student has money  
6 to pay for the meal or owes money for meals.

7 (b) The provisions of Subparagraph (a) of this Paragraph shall not be  
8 applicable to a student whose parent has provided written permission for withholding  
9 a meal from the student.

10 B.(1)(a) If a student owes money for three or more meals, the public school  
11 governing authority shall determine if he has been identified as being categorically  
12 eligible for free school meals and can be directly certified without application.

13 (b) If the student has not been identified as provided in Subparagraph (a) of  
14 this Paragraph, the public school governing authority shall make at least two  
15 attempts to contact his parent to have the parent fill out an application to determine  
16 if the student is eligible for free or reduced price lunches under the United States  
17 Department of Agriculture's Income Eligibility Guidelines. If the student is not  
18 categorically eligible or the parent does not fill out an application, the public school  
19 governing authority shall make reasonable efforts to contact the parent and to offer  
20 assistance filling out an application.

21 (2) If a public school governing authority has completed all of the actions  
22 provided in Paragraph (1) of this Subsection and a parent is not responsive, it shall  
23 do each of the following:

24 (a) Notify the parent of the consequence of inaction, which is that the school  
25 governing authority shall contact the Department of Children and Family Services  
26 if a student owes money for ten or more meals during a single school year as  
27 provided in Subparagraph (b) of this Paragraph.

28 (b) If a student owes money for ten or more meals during a single school  
29 year, the school governing authority shall contact the office of children and family

1 services within the Department of Children and Family Services to report the failure  
2 of the parent to pay for meals which has resulted in the student accruing an unpaid  
3 meal balance for ten or more meals.

4 C. A public school governing authority shall not take any of the following  
5 actions relative to a student because he cannot pay for a meal or owes money for a  
6 meal:

7 (1) Publicly identify or stigmatize him by requiring that he wear a wristband,  
8 hand stamp, or other identifying marker.

9 (2) Require him to do chores or other work to pay for meals, unless all other  
10 students do similar chores or work regardless of whether money is owed for meals.

11 (3) Withhold any school privileges.

12 (4) Scold him either orally or in written form.

13 (5) Require him to throw away a meal after the meal has been served.

14 D. A public school governing authority shall document each instance that a  
15 child is served an alternative United States Department of Agriculture reimbursable  
16 meal because of his inability to pay for a meal or because he owes money for meals.  
17 Such documentation shall be provided at the end of each school year to the state  
18 superintendent of education, the secretary of the Department of Children and Family  
19 Services, the House Committee on Education, and the Senate Committee on  
20 Education. Such documentation shall include the school name, the student's grade  
21 level, and the amount of meal debt the student had incurred at the time the alternative  
22 meal was served.

23 E. A public school governing authority shall direct communications about  
24 amounts owed by a student for meals to the student's parent and not to the student.

25 The governing authority may send a letter home with a student that is addressed to  
26 his parent.

27 F. A public school governing authority shall not require a parent to pay fees  
28 or costs of collection agencies hired to collect money owed for meals.



Present law (R.S. 17:192.1) requires a public elementary school governing authority that denies meals to students to implement certain procedures, including the following: notifying parents prior to withholding a meal; verifying that the child does not have an Individualized Education Plan requiring receipt of school meals; providing a sandwich or snack; and contacting DCFS upon third denial in a school year.

Proposed law deletes present law (R.S. 17:192.1) in its entirety and provides procedures relative to a student's inability to pay for school meals and a student's meal debt. Proposed law is applicable to all public elementary and secondary school governing authorities that make meals accessible to students at school sites under the U.S. Dept. of Agriculture (USDA) National School Lunch Program or School Breakfast Program, including charter schools. Provides that such a school governing authority shall provide a USDA reimbursable meal to a student who requests the meal regardless of whether he has money to pay or owes money for meals; does not apply if his parent has provided written permission for withholding a meal.

Proposed law provides for procedures if a student owes money for three or more meals:

- (1) The governing authority shall determine if he has been identified eligible for free school meals; if not, the governing authority shall make at least two attempts to contact the parent to have the parent fill out an application to determine eligibility; if not eligible or the parent does not fill out an application, the governing authority shall make reasonable efforts to contact the parent and to offer application assistance.
- (2) If the governing authority has completed all of the actions in (1) above and a parent is not responsive, it shall notify the parent that if a student owes money for 10 or more meals during a single school year, the governing authority shall contact DCFS to report the failure of the parent to pay for meals which has resulted in the student accruing an unpaid meal balance for 10 or more meals.

Proposed law prohibits a governing authority from taking these actions because a student cannot pay for or owes money for a meal: publicly identifying or stigmatizing him by requiring that he wear a wristband, hand stamp, or other identifying marker; requiring him to do chores to pay for meals, unless all other students do similar chores regardless of whether money is owed for meals; withholding school privileges; scolding him orally or in writing; or requiring him to throw away a meal after it has been served. Proposed law also prohibits a governing authority from requiring a parent to pay fees or costs of collection agencies hired to collect money owed for meals.

Proposed law requires a school governing authority to:

- (1) Document each instance that a child is served an alternative USDA reimbursable meal at a school because he cannot pay or owes money for meals and provide documentation at the end of each school year to the state superintendent of education, the secretary of the Dept. of Children and Family Services, and the House and Senate education committees.
- (2) Direct communications about amounts owed for meals to the parent and not the student. (Authorizes sending a letter addressed to the parent home with the student.)
- (3) Develop written policies to implement the provisions of proposed law, which shall be published on its website, on the website of each school under its jurisdiction, and in each school's policy and procedure manual or student handbook, as applicable.

(Adds R.S. 17:192(C), 192.2, and 3996(B)(45); Repeals R.S. 17:192.1)