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## DIGEST

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HB 284 Reengrossed

2018 Regular Session

Smith

**Abstract:** Revises procedures relative to a student's inability to pay for school meals and a student's meal debt, applicable to all public elementary and secondary schools.

Present law (R.S. 17:192) provides that lunches shall be furnished to students and that the governing authority of each public elementary and secondary school shall participate in the national school breakfast program. Proposed law retains present law and requires the Dept. of Education to identify schools and school districts eligible to participate in the federal Community Eligibility Provision option, notify them of their eligibility, and to provide assistance and guidance to them upon their request, relative to opting into this provision. (This provision allows certain schools and districts to serve breakfast and lunch at no cost to all enrolled students without collecting household applications.)

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 the Dept. of Children and Family Services (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 or alternative 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:

- (a) It shall notify the parent that if a student owes money for 10 or more meals during a single school year, the governing authority may contact DCFS under certain circumstances.
- (b) If a parent owes money for 10 or more meals during a single school year and there is cause to believe the child is the victim of abuse or neglect, the governing authority shall contact DCFS.

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 and upon request to the DCFS secretary 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.

Proposed law authorizes school governing authorities to collect debt by submitting it to the secretary of the Dept. of Revenue, once per year; requires the secretary to make an offset of such debt against any refund or overpayment of La. individual income tax in which the individual owing the debt has an interest and remit such offset to the school governing authority. Provides that not less than 15 days prior to submitting such debt to the secretary, the school governing authority shall notify the parent of the debt amount, in writing, by certified mail in order to give the parent opportunity to pay such debt.

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

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add requirement that state Dept. of Education (DOE) notify schools and districts relative to eligibility to participate in federal Community Eligibility Provision; require DOE to assist them relative to this provision only if school or district requests assistance.
2. Authorize rather than require a school governing authority to contact the Dept. of Children and Family Services (DCFS) if a student owes money for at least 10 meals in a single school year; however, maintain the requirement for such notification if there is cause to believe the child is a victim of abuse or neglect.
3. Change requirement that school governing authorities provide certain annual documentation to DCFS and the House and Senate education committees to require that documentation be provided only when DCFS or the committees request it.

The House Floor Amendments to the engrossed bill:

1. Add that school governing authorities may collect debt by submitting the debt to the secretary of the Dept. of Revenue; require parental notification prior to such submission.