

Regular Session, 2003

HOUSE BILL NO. 1212

BY REPRESENTATIVE K. CARTER

SCHOOLS/FOOD PROGRAMS: Permits school lunch departments in certain school systems to be operated for profit and removes limitation on use of state funds for such purpose

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AN ACT

To amend and reenact R.S. 17:82 and 194, relative to public school lunch programs; to provide for the powers of the State Board of Elementary and Secondary Education and city, parish, and other local public school boards; to provide relative to limitations on the disbursement of state funds for the support of school lunch programs, including exceptions; to permit certain school boards to operate or provide for the operation of lunch departments on a profit basis if deemed to be in the best interest of the school system and its students; to provide relative to tenure rights of lunch department employees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:82 and 194 are hereby amended and reenacted to read as follows:

1 §82. Lunch departments, authority to operate

2 A. The city, parish, and other local public school boards
3 throughout the state may maintain and operate lunch departments on a
4 nonprofit basis to provide meals for school children attending the
5 public schools within their respective jurisdictions. Additionally, any
6 such school board in a parish having a population of at least four
7 hundred seventy-five thousand persons according to the latest federal
8 decennial census may operate or provide for the operation of its lunch
9 department on a profit basis if deemed to be in the best interest of the
10 school system and its students.

11 B. The employees in these departments shall not be entitled to
12 tenure rights under any of the tenure laws of applicable to the public
13 school system unless specifically provided for in such laws.

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15 §194. Administration of lunch program; general powers of boards;
16 funds for privately supplied program for profit prohibited;
17 exceptions

18 A. The State Board of Elementary and Secondary Education
19 may enter into agreements relative to school lunch programs with any
20 agency of the federal government, with any city, parish, or other local
21 public school board, ~~or with any other agency of the federal~~
22 ~~government, with any school board,~~ or with any other agency or person.

23 B. The state board may prescribe regulations, employ personnel,
24 and take other action it may deem necessary to provide for the
25 establishment, maintenance, and expansion of any school lunch
26 program and to direct the disbursement of federal and state funds in

1 accordance with any applicable provisions of federal or state law.
2 However, no state funds shall be disbursed for the support of any
3 school lunch program which shall be used by any private person,
4 enterprise, concern or other entity for profit, regardless of any authority
5 in federal or state law for contracting with such a private supplier or
6 provider of school lunch programs. This limitation shall not be
7 applicable to any city, parish, or other local public school board in a
8 parish having a population of at least four hundred seventy-five
9 thousand persons according to the latest federal decennial census.

10 C. The ~~State Board of Education~~ state board may give technical
11 advice and assistance to any city, parish, or other local public school
12 board in connection with the establishment and operation of any school
13 lunch program and may assist in training personnel engaged in the
14 operation of such program. The ~~State Board of Education~~ state board
15 and any city, parish, or other local public school board may accept any
16 gift for use in connection with any school lunch program.

17 Section 2. This Act shall become effective upon signature by the
18 governor or, if not signed by the governor, upon expiration of the time for bills
19 to become law without signature by the governor, as provided in Article III,
20 Section 18 of the Constitution of Louisiana. If vetoed by the governor and
21 subsequently approved by the legislature, this Act shall become effective on
22 the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

K. Carter

HB No. 1212

Abstract: Permits certain local school boards to operate or provide for the operation of lunch departments on a profit basis when in the best interest of the school system and its students. Provides also that limitations on the disbursement of state funds for the support of any privately provided school lunch program operated for profit do not apply to these school boards.

Present law (R.S. 17:82) permits parish school boards to operate lunch departments on a nonprofit basis to provide meals for school children attending the public schools within their respective jurisdictions. Specifies that employees in these department shall not be entitled to tenure rights under any of the tenure laws of the public school system.

Proposed law additionally provides that a school board in a parish having a population of at least 475,000 persons according to the latest federal decennial census may operate or provide for the operation of its lunch department on a profit basis if deemed to be in the best interest of the school system and its students.

Proposed law otherwise retains present law except refers to city, parish, and other local public school boards rather than parish school boards and, relative to tenure rights, provides that employees in lunch department shall not be entitled to tenure rights under any tenure laws applicable to the public school system unless specifically provided for in such laws.

Present law (R.S. 17:194) specifies that no state funds shall be disbursed for the support of any school lunch program "which shall be used by any private person, enterprise, concern or other entity for profit" regardless of any authority in federal or state law for contracting with such a private supplier or provider of school lunch programs.

Proposed law adds provision specifying that this limitation in present law shall not be applicable to any city, parish, or other local public school board in a parish having a population of at least 475,000 persons according to the latest federal decennial census.

Present law authorizes the state education board to enter into agreements with any agency of the federal government, with any school board, or with any other agency or person. Proposed law retains present law except adds provision that the authority to enter into agreements is relative to school lunch programs.

Present law authorizes the state board to prescribe regulations, employ personnel, and take other action it deems necessary to provide for the establishment, maintenance, and expansion of any school lunch program and to direct the disbursement of federal and state funds in accordance with any applicable provisions of federal or state law. Present law permits the state board to give technical advice and assistance to any school board in connection with the establishment and operation of any school lunch program and assist in training program personnel. Provides that the state board and any school board may accept any gift for use in connection with any school lunch program.

Proposed law retains present law except changes references from the State Board of Education to the State Board of Elementary and Secondary Education (BESE) and refers to city, parish, and other local public school boards rather than school boards.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:82 and 194)