

2018 Regular Session

HOUSE BILL NO. 284

BY REPRESENTATIVES SMITH, BAGNERIS, BILLIOT, BOUIE, BRASS, GARY CARTER, ROBBY CARTER, COX, FRANKLIN, GISCLAIR, GLOVER, HALL, HILFERTY, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JOHNSON, JORDAN, NANCY LANDRY, TERRY LANDRY, LEGER, LYONS, MARCELLE, DUSTIN MILLER, MORENO, NORTON, PIERRE, STAGNI, AND STOKES

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 notification to a parent relative  
5 to the amount of debt; to require the state Department of Education to provide  
6 notification to certain schools and districts and assistance upon request relative to  
7 certain federal nutrition options; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

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

12 \* \* \*

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

15 The department shall notify such schools and districts of their eligibility and, upon  
16 request by a school or district, shall provide technical assistance and guidance  
17 regarding the logistical and financial details of opting into the Community Eligibility  
18 Provision.

1        §192.2. Meals; students' inability to pay and meal debt; procedures

2                A.(1) The provisions of this Section are applicable to the governing authority  
3        of any public elementary or secondary school that makes meals accessible to students  
4        at school sites under the United States Department of Agriculture National School  
5        Lunch Program or School Breakfast Program.

6                (2)(a) A public school governing authority shall provide a United States  
7        Department of Agriculture reimbursable meal or an alternative reimbursable meal  
8        to a student who requests the meal regardless of whether the student has money to  
9        pay for the meal or owes money for meals.

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

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

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

24               (2) If a public school governing authority has completed all of the actions  
25        provided in Paragraph (1) of this Subsection and a parent is not responsive:

26               (a) The school governing authority shall notify the parent of the consequence  
27        of inaction, which is that the school governing authority may contact the Department  
28        of Children and Family Services under certain circumstances if a student owes

1 money for ten or more meals during a single school year as provided in  
2 Subparagraph (b) of this Paragraph.

3 (b) If a student owes money for ten or more meals during a single school  
4 year and there is cause to believe that the child is the victim of abuse or neglect as  
5 defined in Louisiana Children's Code Article 603, the school governing authority  
6 shall contact the office of children and family services within the Department of  
7 Children and Family Services to report the failure of the parent to pay for meals  
8 which has resulted in the student accruing an unpaid meal balance for ten or more  
9 meals.

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

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

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

17 (3) Withhold any school privileges.

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

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

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

1           E. A public school governing authority shall direct communications about  
2           amounts owed by a student for meals to the student's parent and not to the student.  
3           The governing authority may send a letter home with a student that is addressed to  
4           his parent.

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

7           G. Each public school governing authority shall develop written policies to  
8           implement the provisions of this Section. Policies shall be published on its website,  
9           on the website of each school under its jurisdiction, and in each school's policy and  
10           procedure manual or student handbook, as applicable.

11           H. For purposes of this Section, "parent" shall mean a student's parent or  
12           legal guardian.

13           I.(1) Any school board or public charter school may collect a debt owed by  
14           a parent of a student who is or was enrolled in a school under its authority by  
15           submitting the debt to the secretary of the Department of Revenue, once per year,  
16           and the secretary shall make an offset of such debt against any refund or  
17           overpayment of Louisiana individual income tax in which the individual owing the  
18           debt has an interest, and remit such offset to the school board or public charter  
19           school.

20           (2) Not less than fifteen days prior to submitting such debt to the secretary,  
21           the school board or public charter school shall notify the parent of the amount of the  
22           debt, in writing, by certified mail to the address on record for the parent, in order to  
23           give the parent opportunity to pay such debt.

\* \* \*

§3996. Charter schools; exemptions; requirements

\* \* \*

27           B. Notwithstanding any state law, rule, or regulation to the contrary and  
28           except as may be otherwise specifically provided for in an approved charter, a  
29           charter school established and operated in accordance with the provisions of this

1 Chapter and its approved charter and the school's officers and employees shall be  
2 exempt from all statutory mandates or other statutory requirements that are  
3 applicable to public schools and to public school officers and employees except for  
4 the following laws otherwise applicable to public schools with the same grades:

5 \* \* \*

6 (45) School meal procedures, R.S. 17:192.2.

7 Section 2. R.S. 17:192.1 is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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.