

2020 Regular Session

HOUSE BILL NO. 107

BY REPRESENTATIVE HUGHES

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)(59) 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)(59) 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 school that provides meals to students at school sites under
4 the United States Department of Agriculture National School Lunch Program or
5 School Breakfast Program and are applicable to students in grades kindergarten
6 through eight.

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

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

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

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

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

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

1 student owes money for ten or more meals during a single school year as provided
2 in 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 beyond what is
16 required of other students 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, or 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 exempt from all statutory mandates or other statutory requirements that are
2 applicable to public schools and to public school officers and employees except for
3 the following laws otherwise applicable to public schools with the same grades:

4 * * *

5 (59) School meal procedures, R.S. 17:192.2.

6 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 107 Original

2020 Regular Session

Hughes

Abstract: Revises procedures relative to students who are unable to pay for school meals and a student's meal debt, applicable to all public elementary 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 relative to opting into this provision. The Community Eligibility 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 students who are unable to pay for school meals and a student's meal debt. Proposed law is applicable to all public elementary 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 an elementary school 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 procedures applicable if a student owes money for three or more meals:

- (1) The governing authority shall determine if the student has been identified as eligible for free school meals; if not, the governing authority shall make at least two attempts to contact the parent to have the parent apply; if not eligible or the parent does not apply, 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 the following 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 or the House or Senate education committee.
- (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)(59); Repeals R.S. 17:192.1)