HLS 18RS-752 ORIGINAL

2018 Regular Session

1

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

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
11	* * *
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.

1	G. Each public school governing authority shall develop written policies to
2	implement the provisions of this Section. Policies shall be published on its website,
3	on the website of each school under its jurisdiction, and in each school's policy and
4	procedure manual or student handbook, as applicable.
5	H. For purposes of this Section, "parent" shall mean a student's parent or
6	legal guardian.
7	* * *
8	§3996. Charter schools; exemptions; requirements
9	* * *
10	B. Notwithstanding any state law, rule, or regulation to the contrary and
11	except as may be otherwise specifically provided for in an approved charter, a
12	charter school established and operated in accordance with the provisions of this
13	Chapter and its approved charter and the school's officers and employees shall be
14	exempt from all statutory mandates or other statutory requirements that are
15	applicable to public schools and to public school officers and employees except for
16	the following laws otherwise applicable to public schools with the same grades:
17	* * *
18	(45) School meal procedures, R.S. 17:192.2.
19	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 Original

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 and to provide assistance and guidance to them 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.)

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

<u>Present law</u> (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.

<u>Proposed law</u> deletes <u>present law</u> (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. <u>Proposed law</u> 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.

<u>Proposed law</u> 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. <u>Proposed law</u> 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 <u>proposed law</u>, 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)