

2018 Regular Session

SENATE BILL NO. 245

BY SENATOR MORRISH

NUTRITION. Revises procedures relative to a student's inability to pay for school meals and a student's debt. (gov sig)

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 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**  
14 **option. The department shall provide technical assistance and guidance to such**  
15 **schools and districts regarding the logistical and financial details of opting into**  
16 **the Community Eligibility Provision.**

17 **§192.2. Meals; students' inability to pay and meal debt; procedures**

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

5           (2) A public school governing authority:

6           (a) Shall provide a United States Department of Agriculture  
7           reimbursable meal to a student who requests the meal regardless of whether the  
8           student has money to pay for the meal or owes money for meals.

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

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

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

27          (a) Notify the parent of the consequence of inaction, which is that the  
28          school governing authority shall contact the Department of Children and  
29          Family Services if a student owes money for ten or more meals during a single

1 school year as provided in Subparagraph (b) of this Paragraph.

2 (b) If a student owes money for ten or more meals during a single school  
3 year, the school governing authority shall contact the office of children and  
4 family services within the Department of Children and Family Services to  
5 report the failure of the parent to pay for meals which has resulted in the  
6 student accruing an unpaid meal balance for ten or more meals.

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

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

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

15 (3) Withhold any school privileges.

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

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

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

27 E. A public school governing authority shall direct communications  
28 about amounts owed by a student for meals to the student's parent and not to  
29 the student. The governing authority may send a letter home with a student that

1 **is addressed to his parent.**

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

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

8 **H. For purposes of this Section, "parent" shall mean a student's parent**  
9 **or legal guardian.**

10 \* \* \*

11 §3996. Charter schools; exemptions; requirements

12 \* \* \*

13 B. Notwithstanding any state law, rule, or regulation to the contrary and  
14 except as may be otherwise specifically provided for in an approved charter, a  
15 charter school established and operated in accordance with the provisions of this  
16 Chapter and its approved charter and the school's officers and employees shall be  
17 exempt from all statutory mandates or other statutory requirements that are  
18 applicable to public schools and to public school officers and employees except for  
19 the following laws otherwise applicable to public schools with the same grades:

20 \* \* \*

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

22 \* \* \*

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

24 Section 3. This Act shall become effective upon signature by the governor or, if not  
25 signed by the governor, upon expiration of the time for bills to become law without signature  
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
28 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

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## DIGEST

SB 245 Original

2018 Regular Session

Morrish

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.)

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 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 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.

Proposed law prohibits a governing authority from taking certain 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, 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 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.

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

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