

**ACT No. 737**

Regular Session, 2010

HOUSE BILL NO. 1141

BY REPRESENTATIVE LANDRY

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AN ACT

To amend and reenact R.S. 17:195(A) and to enact R.S. 17:192.1, relative to school nutrition programs; to require certain public school governing authorities to implement procedures relative to denying meals to students during school hours; to provide relative to the documentation and reporting of such denials; to prohibit school employees from disclosing certain information relative to a student's inability to pay for meals and to provide for related penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:195(A) is hereby amended and reenacted and R.S. 17:192.1 is hereby enacted to read as follows:

- §192.1. Meals; denial to students; procedures
- A. If the governing authority of a public elementary school, for any reason, adopts a policy of denying a scheduled meal to a child who is an elementary school student, it shall implement the following procedures to provide for safeguards to the child's health and the child's ability to learn:
  - (1) Prior to withholding a meal from the child, the school shall do each of the following:
    - (a) Provide actual notification to the child's parent or legal guardian as to the date and time after which meals may be denied, the reason for such denial, any action that may be taken by the parent or legal guardian to prevent further denial of

1 meals, and the consequences of the failure to take appropriate actions to prevent such  
2 denial, including that the school governing authority shall contact the office of  
3 community services within the Department of Social Services upon the third instance  
4 of such denial during a single school year as provided in Paragraph (3) of this  
5 Subsection.

6 (b) Verify with appropriate school staff that the child does not have an  
7 Individual Education Plan that requires the child to receive meals provided by the  
8 school to ensure that neither the child's health nor learning ability will be negatively  
9 affected by denying the child meals during school hours.

10 (2) If the school denies a scheduled meal to a child, the school shall provide  
11 a sandwich or a substantial and nutritious snack item to the child as a substitute for  
12 the meal denied.

13 (3) Upon the third instance during a single school year of the same  
14 elementary school child being denied a meal during school hours, the school  
15 governing authority shall contact the office of community services within the  
16 Department of Social Services to report the failure of the parent or guardian to pay  
17 for meals which has resulted in repeated denials of meals during school hours.

18 B. If the governing authority of a public elementary school adopts a policy  
19 of denying a scheduled meal to a child for the reason that the child's parent or  
20 guardian has failed to pay for the meal, or owes a debt to the governing authority for  
21 previously furnished meals, it shall implement additional procedures to ensure  
22 compliance with the nondiscrimination provisions of R.S. 17:195(A).

23 C. If the governing authority of a public elementary school adopts a policy  
24 of denying a scheduled meal to a child, the governing authority shall document each  
25 instance that a child is denied a meal in the elementary school under its authority and  
26 shall report annually to the state superintendent of education, to the House  
27 Committee on Education, and to the Senate Committee on Education relative to the  
28 number of instances of denials of meals to children during school hours, the reason  
29 for the denial of meals to the child, the age and grade of each child so denied, and  
30 whether the child qualifies for free or reduced price lunch programs.

1                    D. No governing authority of a public elementary school shall implement a  
2                    policy that bans the use of charitable funds donated by school employees or the use  
3                    of other charitable funds to pay for a child's meal in the event that he is subject to the  
4                    denial of a meal during school hours.

5                    \*       \*       \*

6                    §195. Operation of nutrition program; general powers of governing authorities of  
7                    nutrition program providers; forbidden acts; penalties

8                    A.(1) The governing authority of each nutrition program provider, in order  
9                    to provide for the operation of nutrition programs in schools and other programs  
10                    under its jurisdiction, may enter into contracts with respect to food, services,  
11                    supplies, equipment, and facilities for the operation of such programs and may use  
12                    therefor funds disbursed to such governing authority under the provisions of this  
13                    Subpart any federal funds, commodities, gifts, and any other funds that may be  
14                    received for nutrition programs.

15                    (2) No student shall be requested to pay more than the actual cost of the  
16                    lunch, less the amount of reimbursement paid to the nutrition program provider from  
17                    state and federal funds.

18                    (3)(a) No discrimination against any individual shall be made by the  
19                    nutrition program provider because of his inability to pay, nor shall the nutrition  
20                    program provider publish or permit to be published the names of any individual  
21                    unable to pay for the food. Whoever publishes or permits the publication of the  
22                    name of any individual unable to pay for such food shall be guilty of a misdemeanor  
23                    and upon conviction thereof shall be fined not more than one hundred dollars, or  
24                    imprisoned for not more than ninety days, or both.

25                    (b) Any public school employee who discloses the name of any individual  
26                    unable to pay for such food, either orally or in written form, except as reasonably  
27                    necessary in the conduct of his official duties, shall be subject to the penalties

1 provided in Subparagraph (a) of this Paragraph. No public school employee shall  
2 disclose such information to any student for any reason.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_