Department of Education and Cultural Affairs

SUBJECT: DENYING MEALS TO CHILDREN
NSLP – 62

TO: Authorized Representatives
National School Lunch Programs

FROM: Sandra M. Kangas, Director
Child and Adult Nutrition Services

Can a child be denied a meal?

The answer is not a simple "yes" or "no".

Can a child be denied a meal as disciplinary action? No. FNS Instruction 791-1 (attached) speaks to the issue. The school is not required to allow a child being disciplined to eat at the table with classmates. Some acceptable actions taken by schools includes

→ children being disciplined eat at a separate table in the dining room facing away from other children,

→ children being disciplined are served their meal under supervision in the classroom, separate room, or principal's office,

The meal served to children being disciplined can be claimed for reimbursement as long as it contains the required components. It may be the regular meal or it may be a sack lunch/breakfast.

Can a child be denied a meal because their meal account is overdue? Yes - if the account is paying for meals. If the account is for "extra items", the issue is more complicated. A student eligible for free meals cannot be denied a meal if there is an account for extra items that is overdue. The school is not required to allow the child to charge any extra sale items. Refer to NSLP-57 for further information on establishing charging policies.

Can a child be denied a meal because he/she has lost their meal ticket? Yes - if policies referred to in the attached FNS Instruction 765-7 are established and followed. Automated systems (such as those using a student-entered identification number or finger prints) eliminate the need for tickets and thus avoid this problem. Some schools ask children who do not have their meal ticket with them to wait until the end of the line due to the time it takes to look up meal ticket numbers for processing.

The issue becomes more complicated because the school may not deny a meal to needy students. The process of identifying needy students may result in overt identification. Thus, it is likely easier to implement a policy which is consistent for all students.

Attachment: FNS Instruction 791-1
FNS Instruction 765-7

UNITED STATES DEPARTMENT OF AGRICULTURE
Food and Nutrition Service
3101 Park Center Drive
Alexandria, VA 22302

ACTION BY: Regional Directors
State Educational Agencies

Prohibition Against Denying Meals And Milk to Children as a Disciplinary Action

I PURPOSE

This Instruction prohibits the denial of meals and milk as a disciplinary action against any child who is enrolled in a school participating in the Child Nutrition Programs. Such denial of meals or milk is inconsistent with Sections 2 and 9 of the National School Lunch Act and Sections 2, 3, and 4 of the child Nutrition Act of 1966.

II POLICY

Disciplinary action which indirectly results in the loss of meals or milk is allowable (e.g., a student is suspended from school). However, when the withholding of meals or milk is the disciplinary action or if the disciplinary action directly results in the loss of meals or milk, it is inconsistent with the law and is not allowable (e.g., a student is suspended from school during the meal or milk period only).

III RESPONSIBILITIES

A State agencies or Regional Offices, where applicable, shall:

1 Notify all school food authorities that denying a meal or milk to any eligible child as a disciplinary measure is contrary to the National School Lunch Act and the Child Nutrition Act of 1966.

2 Follow through as necessary with the appropriate school food authority to correct and prevent recurrence of any reported instances of disciplinary action which directly results in denial of a paid, free or reduced price meal, or free or paid milk.

UNITED STATES DEPARTMENT OF AGRICULTURE
Food and Nutrition Service
3101 Park Center Drive
Alexandria, VA 22302

ACTION BY: Regional Directors
Special Nutrition Programs

SOURCE CITATION: *Section 245.8*

Handling Lost, Stolen and Misused Meal Tickets

This Instruction sets forth the policy with respect to needy students who report lost or stolen meal tickets in schools and institutions that participate in the National School Lunch, School Breakfast, Commodity School or Special Milk Programs must receive same meal as other children. In this Instruction the term "ticket" refers to any and all forms of exchange used in the schools' or institutions' food service collection systems, including daily, weekly or monthly paper tickets, cards, coins or tokens. It should be noted that, when handling instances of missing tickets, schools need not actually issue a replacement ticket if appropriate meal arrangements, such as accompanying the student through the cafeteria line, are made.

The State agency may establish a Statewide system for ticket replacements for needy students or may allow school food authorities to establish their own procedures, except that any system which limits the number of tickets reissued must conform to the following standards:

1. Parents and students must be advised in writing of the school's policy regarding missing meal tickets and of the students' corresponding responsibility for their tickets. Such notice shall be provided at the time applications are distributed to households or upon approval for free or reduced price benefits.

2. A minimum of three ticket replacements, or special meal arrangements resulting form three lost or stolen tickets, must be allowed each student within each school year.

3. The school must maintain a list of students who have reported missing original ticket(s) in the current school year and the number of occurrences for each student. Prior to denying a meal to any student without a ticket, the list should always be reviewed to determine if the student has already had at least three ticket replacements or special meal arrangements for lost or stolen tickets within that school year.

(III)

B School food authorities shall:

1 When considering a disciplinary action against any child, ensure that such action is consistent with the policy contained herein.

2 Make a reimbursable meal or milk available to any child attending school who, for disciplinary reasons, is not allowed to eat in the cafeteria.

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For Special Nutrition Programs