

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

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 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.

Scope:

Sponsors participating in the National School Lunch Program (NSLP), School Breakfast Program (SBP), and/or Special Milk Program (SMP).

Definitions:

Direct disciplinary action which results in the loss of meals or milk is inconsistent with the law and is not allowable (e.g., a student is suspended from school during the meal or milk period only). It is also not allowable to alter the meal options or meal components as a form of disciplinary action (e.g., requiring the student be given only a milk and peanut butter sandwich).

Indirect disciplinary action is where the loss of meals or milk is allowable (e.g., a student is suspended from school). It is also allowable to delay the meal or change the location of where the meal is served as long as the meal options and meal components remain the same as offered to other students (e.g., the student chooses his/her own meal but is required to eat the meal in a detention room).

Description:

State Agencies or Regional Offices shall:

1. Notify all School Food Authorities that denying a meal or milk to an eligible child as a disciplinary measure are 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 disciplinary action instances which directly results in denial of a paid, free, or reduced price meal or free or paid milk.

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.

SOURCE: FNS INSTRUCTION 791-1, REV. 1, DATED JULY 12, 1988, UNITED STATES DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE.