

By: Rodriguez, Thompson, et al.

H.B. No. 2578

Substitute the following for H.B. No. 2578:

By: Delisi

C.S.H.B. No. 2578

A BILL TO BE ENTITLED

AN ACT

relating to providing the national free or reduced-price breakfast and lunch program to a greater number of public school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 12, Agriculture Code, is amended by adding Section 12.039 to read as follows:

Sec. 12.039. SCHOOL BREAKFAST AND LUNCH PROGRAM. (a) The department shall:

(1) support making free breakfast and lunch available to all schoolchildren whenever it is economically feasible to do so;

(2) assist school districts in determining whether it is economically feasible for a district to provide free breakfast and lunch in accordance with the national free or reduced-price breakfast and lunch program established under 42 U.S.C. Section 1751 et seq. to all students enrolled at each campus in the district; and

(3) encourage school districts to make free breakfast and lunch available to all students enrolled at each campus in the district whenever it is economically feasible to do so.

(b) The department, the Texas Education Agency, and the Health and Human Services Commission shall ensure that applicable information maintained by each entity is used on at least a quarterly basis to identify children who are categorically eligible

1 for free meals under the national free or reduced-price breakfast
2 and lunch program. In complying with this subsection, the
3 department, agency, and commission shall use information that
4 corresponds to the months of the year in which enrollment in the
5 food stamp program is customarily higher than average.

6 (c) The department shall determine the feasibility of
7 establishing a process under which school districts verify student
8 eligibility for the national free or reduced-price breakfast and
9 lunch program through a direct verification process that uses
10 information maintained under the food stamp and Medicaid programs,
11 as authorized by 42 U.S.C. Section 1758(b)(3), as amended by
12 Section 105(a) of the Child Nutrition and WIC Reauthorization Act
13 of 2004 (Pub. L. No. 108-265), and 7 C.F.R. Sections 245.6a(a)(1)
14 and (3) and 245.6a(b)(3). If the department determines the process
15 described by this subsection is feasible, the department may
16 implement the process.

17 (d) To enable the department to make the determination
18 required by Subsection (c), the department, the Texas Education
19 Agency, and the Health and Human Services Commission shall conduct
20 a joint study. Not later than September 1, 2006, the department,
21 the Texas Education Agency, and the Health and Human Services
22 Commission shall submit a joint report to the legislature regarding
23 the results of the study required by this subsection. This
24 subsection expires January 1, 2007.

25 SECTION 2. Section 12.039(b), Agriculture Code, as added by
26 this Act, applies beginning with the 2005-2006 school year.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2005.