

BILL ANALYSIS

C.S.H.B. 454
By: Rodriguez
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Research shows that children who eat breakfast concentrate better, have fewer behavioral problems, have higher test scores, and generally do better academically than students who skip breakfast.

The School Breakfast Program is 100% federally funded. The federal government uses a three-tiered system of reimbursement based on family income to reimburse school districts for the meals they serve. School districts receive a higher reimbursement for low-income children than they do for higher income children. Many school districts in Texas and other states are exploring ways to increase school breakfast participation as a means to improve the academic performance of their students.

To help accomplish this objective, this bill would require the Texas Education Agency conduct a study to identify methods for increasing the number of students who participate in the national school breakfast program provided for by the Child Nutrition Act of 1966, and would also prohibit the Texas Education Agency from imposing stricter standards on a school district's application under a specific federal program than are required by federal law.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill would require the Texas Education Agency (agency) to conduct a study to identify methods for increasing the number of students who participate in the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773).

The bill provides that the study shall include conducting a cost-benefit analysis in school districts in which 60 percent or more of students qualify for free or reduced-price breakfast to determine the impact of providing free breakfasts to students who would otherwise pay a reduced price for breakfast and all students in the district regardless of family income, and to identify programs and practices in school districts in this state and other states that are effective in increasing participation in the breakfast program. The bill specifies the required components of the cost-benefit analysis, and provides that the Commissioner of Education shall prepare and deliver a report on the results of the study by a specific date to named elected officials. The bill further describes the required elements of the report, and the provision setting forth the reporting requirement has an expiration date.

The bill also adds a new provision to the Education Code relating to breakfast and lunch program restrictions which defines "breakfast and lunch program" as the national free or reduced price breakfast and lunch program established under 42 U.S.C. Section 1751 et seq., and defines "special assistance provision of the breakfast or lunch program" as the special assistance certification and reimbursement alternative of the breakfast or lunch program that allows a school district to offer free breakfast or lunch to all students enrolled in that district or campus.

The bill provides that the agency may not impose a standard or requirement on a school district's application to act under the special assistance provision of the breakfast or lunch program that is more restrictive than a federal standard or requirement applicable to the provision.

The bill provides that the Act applies beginning with 2007-2008 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The caption of the bill differs in the original and the substitute: The caption in the bill, as filed, reads "relating to the provision of free lunch and breakfast to all students enrolled in certain school districts and campuses". The caption in the committee substitute reads "relating to a study of methods to increase public school student participation in the national school breakfast program and school district participation in a special assistance provision of the national free or reduced-price breakfast or lunch program"

The original bill included a provision relating to the operation of breakfast and lunch programs in certain districts, and provided that if at least 60 percent of the students enrolled in a school district are eligible to participate in the breakfast and lunch program, the school district may seek approval to act under the appropriate special assistance provision of the program that allows the school district to offer free breakfast and lunch to all students enrolled in the district, and reduce administrative costs and requirements associated with the program.

The original bill further provided that if less than 60 percent of the students enrolled in a school district are eligible to participate in the breakfast and lunch program but at least 60 percent of the students enrolled at a particular district campus are eligible to participate in the program, the school district may seek approval to act under the appropriate special assistance provision of the program on behalf of the campus for breakfast only, lunch only, or breakfast and lunch.

The original bill further provided that a school district that does not have sufficient funds to provide free breakfast or lunch to all students enrolled in the district or to all students enrolled at a district campus may apply to a nonprofit organization, governmental entity, or other source for a grant for that purpose.

The above provisions are not included in the substitute.

The provisions of the substitute that are set forth above in the ANALYSIS section are not included in the original bill, with the exception that both bills provide that the Act applies beginning with 2007-2008 school year..