

By: Rodriguez, Dutton, Keffer, Leibowitz,  
et al.

H.B. No. 454

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a study of methods to increase public school student  
3 participation in the national school breakfast program and school  
4 district participation in a special assistance provision of the  
5 national free or reduced-price breakfast or lunch program.

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

7 SECTION 1. Subchapter Z, Chapter 33, Education Code, is  
8 amended by adding Sections 33.9011 and 33.9012 to read as follows:

9 Sec. 33.9011. STUDY REGARDING PARTICIPATION IN BREAKFAST  
10 PROGRAM. (a) In this section, "breakfast program" means the  
11 national school breakfast program provided for by the Child  
12 Nutrition Act of 1966 (42 U.S.C. Section 1773).

13 (b) The agency shall conduct a study to identify methods for  
14 increasing the number of students who participate in the breakfast  
15 program, including:

16 (1) conducting a cost-benefit analysis in school  
17 districts in which 60 percent or more of the students qualify for  
18 free or reduced-priced breakfast to determine the impact of  
19 providing a free breakfast to:

20 (A) students who would otherwise pay a reduced  
21 price for breakfast; and

22 (B) all students in the district regardless of  
23 family income; and

24 (2) identifying programs and practices in school

1 districts in this state and other states that are effective in  
2 increasing participation in the breakfast program.

3 (c) The agency shall conduct a study regarding methods to  
4 increase community awareness of nutrition programs, including  
5 community awareness of other programs that provide public nutrition  
6 assistance to students eligible for services under Section 29.153.

7 (d) The cost-benefit analysis required under Subsection (b)  
8 must:

9 (1) include an analysis of school districts that  
10 provide free breakfast to all students in the district regardless  
11 of family income; and

12 (2) assess:

13 (A) administrative costs to a school district;

14 (B) federal reimbursement made to a school  
15 district for free or reduced-price breakfast;

16 (C) cost per breakfast to a school district; and

17 (D) participation of students in the breakfast  
18 program.

19 (e) Not later than October 31, 2008, the commissioner shall  
20 prepare and deliver a report describing the results of the study to  
21 the governor, lieutenant governor, and speaker of the house of  
22 representatives. The report must:

23 (1) include the cost-benefit analysis required under  
24 Subsection (b);

25 (2) outline effective programs and practices  
26 identified under Subsection (b); and

27 (3) recommend to the legislature methods for

1 increasing participation in the breakfast program.

2 (f) The agency shall make recommendations to school  
3 districts regarding methods to increase communication with the  
4 community, including effective methods to communicate with the  
5 parent of current students regarding the availability of the  
6 national school breakfast program provided by the Child Nutrition  
7 Act of 1966 (42 U.S.C. Section 1773) and other programs that provide  
8 public nutrition assistance to students eligible for services under  
9 Section 29.153.

10 (g) This subsection expires January 1, 2009.

11 Sec. 33.9012. BREAKFAST AND LUNCH PROGRAMS RESTRICTIONS.

12 (a) In this section:

13 (1) "Breakfast and lunch program" means the national  
14 free or reduced-price breakfast and lunch program established under  
15 42 U.S.C. Section 1751 et seq.

16 (2) "Special assistance provision of the breakfast or  
17 lunch program" means the special assistance certification and  
18 reimbursement alternative of the breakfast or lunch program that  
19 allows a school district or a campus in a school district to offer  
20 free breakfast or lunch to all students enrolled in that district or  
21 campus.

22 (b) The agency may not impose a standard or requirement on a  
23 school district's application to act under the special assistance  
24 provision of the breakfast or lunch program that is more  
25 restrictive than a federal standard or requirement applicable to  
26 the provision.

27 SECTION 2. This Act applies beginning with the 2007-2008

1 school year.

2 SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2007.