

By: Rodriguez, Dutton, Keffer

H.B. No. 454

Substitute the following for H.B. No. 454:

By: Dutton

C.S.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 cost-benefit analysis required under Subsection (b)  
4 must:

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

8 (2) assess:

9 (A) administrative costs to a school district;

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

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

13 (D) participation of students in the breakfast  
14 program.

15 (d) Not later than October 31, 2008, the commissioner shall  
16 prepare and deliver a report describing the results of the study to  
17 the governor, lieutenant governor, and speaker of the house of  
18 representatives. The report must:

19 (1) include the cost-benefit analysis required under  
20 Subsection (b);

21 (2) outline effective programs and practices  
22 identified under Subsection (b); and

23 (3) recommend to the legislature methods for  
24 increasing participation in the breakfast program.

25 (e) This subsection expires January 1, 2009.

26 Sec. 33.9012. BREAKFAST AND LUNCH PROGRAMS RESTRICTIONS.

27 (a) In this section:

1           (1) "Breakfast and lunch program" means the national  
2 free or reduced-price breakfast and lunch program established under  
3 42 U.S.C. Section 1751 et seq.

4           (2) "Special assistance provision of the breakfast or  
5 lunch program" means the special assistance certification and  
6 reimbursement alternative of the breakfast or lunch program that  
7 allows a school district or a campus in a school district to offer  
8 free breakfast or lunch to all students enrolled in that district or  
9 campus.

10          (b) The agency may not impose a standard or requirement on a  
11 school district's application to act under the special assistance  
12 provision of the breakfast or lunch program that is more  
13 restrictive than a federal standard or requirement applicable to  
14 the provision.

15          SECTION 2. This Act applies beginning with the 2007-2008  
16 school year.

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