

BILL ANALYSIS

C.S.H.B. 296
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that a relatively low percentage of students eligible for free or reduced school meals eat breakfast in Texas schools. The parties contend that increasing participation in school breakfast programs will have a positive financial impact on schools that are trying to meet the needs of low-income students by leveraging additional federal funds and will reduce hunger among low-income children, thus increasing academic achievement, improving health and nutrition, and building lifelong healthy eating habits. C.S.H.B. 296 seeks to encourage greater participation in the national school breakfast program and improve outcomes for students enrolled in high poverty schools by requiring schools with a high percentage of students who qualify under the program to offer a free breakfast to each student.

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

C.S.H.B. 296 amends the Education Code to require a school district campus or an open-enrollment charter school participating in the national school breakfast program provided by the federal Child Nutrition Act of 1966 and in which 80 percent or more of the students qualify for a free or reduced-price breakfast to offer a free breakfast to each student. The bill requires the commissioner of education to grant a waiver of this requirement, not to exceed one year, to a school district campus or charter school if the district board of trustees or the governing body of the charter school votes to request the waiver at certain annual meetings. The bill requires the board or the governing body, before voting to request a waiver, to list the waiver as a separate item for consideration on the meeting's agenda and to provide an opportunity for public comment regarding the waiver at the meeting. The bill's provisions apply beginning with the 2014-2015 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 296 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 33.901, Education Code, is amended to read as follows:

Sec. 33.901. BREAKFAST PROGRAMS.

(a) If at least 10 percent of the students enrolled in one or more schools in a school district or enrolled in an open-enrollment charter school are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773), the governing body of the district or the open-enrollment charter school shall participate in the program and make the benefits of the program available to all eligible students in the schools or school.

(b) A school district campus or an open-enrollment charter school participating in the national school breakfast program provided by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773) in which 80 percent or more of the students qualify for a free or reduced-price breakfast shall provide a free breakfast to each student during school hours.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 33.901, Education Code, is amended to read as follows:

Sec. 33.901. BREAKFAST PROGRAMS.

(a) If at least 10 percent of the students enrolled in one or more schools in a school district or enrolled in an open-enrollment charter school are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773), the board of trustees of the school district or the governing body of [the district—~~or~~] the open-enrollment charter school shall participate in the program and make the benefits of the program available to all eligible students in the schools or school.

(b) A school district campus or an open-enrollment charter school participating in the national school breakfast program provided by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773) in which 80 percent or more of the students qualify for a free or reduced-price breakfast shall offer a free breakfast to each student.

(c) The commissioner shall grant a waiver of the free breakfast requirements under Subsection (b), not to exceed one year, to a school district campus or an open-enrollment charter school if the board of trustees of the school district or the governing body of the open-enrollment charter school votes to request the waiver at the annual meeting of the board of trustees required under Section 44.004 or an annual meeting of the governing body called to adopt a budget for the open-enrollment charter school for the succeeding fiscal year. Before voting to request a waiver under this subsection, the board of trustees or the governing body shall list the waiver as a separate item for consideration on the meeting's agenda and provide an opportunity for public comment regarding the waiver at the meeting.

SECTION 4. This Act applies beginning with the 2014-2015 school year.

SECTION 2. It is the intent of the legislature that the change in law made by Section 33.901, Education Code, as

amended by this Act, does not change or expand the eligibility requirements under the Child Nutrition Act of 1966 (42 U.S.C. Section 1773). A student who qualifies for a free or reduced-price breakfast under federal law continues to qualify and a student who does not qualify for a free or reduced-price breakfast does not qualify as a result of this Act.

No equivalent provision.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 3. This Act does not make an appropriation or require a specific appropriation. Any new duty imposed on a state agency as a result of this Act can be performed through the appropriations provided by the legislature and any federal funding.

SECTION 5. Same as introduced version.