

AN ACT

relating to breakfast for certain public school students.

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

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

1 school if the board of trustees of the school district or the
2 governing body of the open-enrollment charter school votes to
3 request the waiver at the annual meeting of the board of trustees
4 required under Section 44.004 or an annual meeting of the governing
5 body called to adopt a budget for the open-enrollment charter
6 school for the succeeding fiscal year. Before voting to request a
7 waiver under this subsection, the board of trustees or the
8 governing body shall list the waiver as a separate item for
9 consideration on the meeting's agenda and provide an opportunity
10 for public comment regarding the waiver at the meeting.

11 SECTION 2. It is the intent of the legislature that the
12 change in law made by Section 33.901, Education Code, as amended by
13 this Act, does not change or expand the eligibility requirements
14 under the Child Nutrition Act of 1966 (42 U.S.C. Section 1773). A
15 student who qualifies for a free or reduced-price breakfast under
16 federal law continues to qualify and a student who does not qualify
17 for a free or reduced-price breakfast does not qualify as a result
18 of this Act.

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

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

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 376

1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 376 passed the Senate on
April 23, 2013, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 376 passed the House on
May 9, 2013, by the following vote: Yeas 73, Nays 58, two present
not voting.

Chief Clerk of the House

Approved:

Date

Governor