

1-1 By: Lucio S.B. No. 376  
 1-2 (In the Senate - Filed February 4, 2013; February 11, 2013,  
 1-3 read first time and referred to Committee on Education;  
 1-4 April 18, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 18, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8  |     |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 | X   |     |        |     |
| 1-15 | X   |     |        |     |
| 1-16 | X   |     |        |     |
| 1-17 | X   |     |        |     |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 376 By: Lucio

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to breakfast for certain public school students.  
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-23 SECTION 1. Section 33.901, Education Code, is amended to  
 1-24 read as follows:  
 1-25 Sec. 33.901. BREAKFAST PROGRAMS. (a) If at least 10  
 1-26 percent of the students enrolled in one or more schools in a school  
 1-27 district or enrolled in an open-enrollment charter school are  
 1-28 eligible for free or reduced-price breakfasts under the national  
 1-29 school breakfast program provided for by the Child Nutrition Act of  
 1-30 1966 (42 U.S.C. Section 1773), the board of trustees of the school  
 1-31 district or the governing body of [the district or] the  
 1-32 open-enrollment charter school shall participate in the program and  
 1-33 make the benefits of the program available to all eligible students  
 1-34 in the schools or school.  
 1-35 (b) A school district campus or an open-enrollment charter  
 1-36 school participating in the national school breakfast program  
 1-37 provided by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773)  
 1-38 in which 80 percent or more of the students qualify for a free or  
 1-39 reduced-price breakfast shall offer a free breakfast to each  
 1-40 student.  
 1-41 (c) The commissioner shall grant a waiver of the free  
 1-42 breakfast requirements under Subsection (b), not to exceed one  
 1-43 year, to a school district campus or an open-enrollment charter  
 1-44 school if the board of trustees of the school district or the  
 1-45 governing body of the open-enrollment charter school votes to  
 1-46 request the waiver at the annual meeting of the board of trustees  
 1-47 required under Section 44.004 or an annual meeting of the governing  
 1-48 body called to adopt a budget for the open-enrollment charter  
 1-49 school for the succeeding fiscal year. Before voting to request a  
 1-50 waiver under this subsection, the board of trustees or the  
 1-51 governing body shall list the waiver as a separate item for  
 1-52 consideration on the meeting's agenda and provide an opportunity  
 1-53 for public comment regarding the waiver at the meeting.  
 1-54 SECTION 2. It is the intent of the legislature that the  
 1-55 change in law made by Section 33.901, Education Code, as amended by  
 1-56 this Act, does not change or expand the eligibility requirements  
 1-57 under the Child Nutrition Act of 1966 (42 U.S.C. Section 1773). A  
 1-58 student who qualifies for a free or reduced-price breakfast under  
 1-59 federal law continues to qualify and a student who does not qualify  
 1-60 for a free or reduced-price breakfast does not qualify as a result

2-1 of this Act.

2-2 SECTION 3. This Act does not make an appropriation or  
2-3 require a specific appropriation. Any new duty imposed on a state  
2-4 agency as a result of this Act can be performed through the  
2-5 appropriations provided by the legislature and any federal funding.

2-6 SECTION 4. This Act applies beginning with the 2014-2015  
2-7 school year.

2-8 SECTION 5. This Act takes effect immediately if it receives  
2-9 a vote of two-thirds of all the members elected to each house, as  
2-10 provided by Section 39, Article III, Texas Constitution. If this  
2-11 Act does not receive the vote necessary for immediate effect, this  
2-12 Act takes effect September 1, 2013.

2-13

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