

By: Bonnen of Galveston, Paul

H.B. No. 1305

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a program to provide a free or reduced-price breakfast
3 to eligible students attending a public school, the method of
4 determining the number of educationally disadvantaged students for
5 the compensatory education allotment, and the use of compensatory
6 education allotment funds.

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

8 SECTION 1. Section 33.901, Education Code, is amended by
9 amending Subsections (a) and (b) and adding Subsection (a-1) to
10 read as follows:

11 (a) If at least 10 percent of the students enrolled in one or
12 more schools in a school district or enrolled in an open-enrollment
13 charter school are eligible for free or reduced-price breakfasts
14 under the national school breakfast program provided for by the
15 Child Nutrition Act of 1966 (42 U.S.C. Section 1773), the board of
16 trustees of the school district or the governing body of the
17 open-enrollment charter school shall either:

18 (1) participate in the national program and make the
19 benefits of the national program available to all eligible students
20 in the schools or school; or

21 (2) develop and implement a locally funded program to
22 provide a free or reduced-price breakfast to all students in the
23 school or schools eligible under the national program, provided
24 that the reduced price may not exceed the maximum allowable rate

1 under the national program.

2 (a-1) A school district is permitted under Subsection (a) to
3 participate in the national program at one or more campuses in the
4 district and provide a locally funded program at one or more other
5 campuses in the district.

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

13 SECTION 2. Section 42.152, Education Code, is amended by
14 amending Subsection (b) and adding Subsections (b-1) and (c-3) to
15 read as follows:

16 (b) Except as provided by Subsection (b-1), for [~~For~~]
17 purposes of this section, the number of educationally disadvantaged
18 students is determined:

19 (1) by averaging the best six months' numbers of
20 students eligible for enrollment in the national school lunch
21 program of free or reduced-price lunches for the preceding school
22 year; or

23 (2) in the manner provided by commissioner rule~~[, if~~
24 ~~no campus in the district participated in the national school lunch~~
25 ~~program of free or reduced-price lunches during the preceding~~
26 ~~school year]~~.

27 (b-1) A student receiving a full-time virtual education

1 through the state virtual school network is not included in
2 determining the number of educationally disadvantaged students
3 under Subsection (b).

4 (c-3) Notwithstanding Subsection (c), funds allocated under
5 this section may be used to:

6 (1) provide child-care services or assistance with
7 child-care expenses for students at risk of dropping out of school,
8 as defined by Section 29.081(d)(5); or

9 (2) pay the costs associated with services provided
10 through a life skills program in accordance with Sections
11 29.085(b)(1) and (3)-(7).

12 SECTION 3. This Act applies beginning with the 2015-2016
13 school year.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.