

By: Bonnen of Galveston, Paul

H.B. No. 1305

Substitute the following for H.B. No. 1305:

By: Aycock

C.S.H.B. No. 1305

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a program to provide a free or reduced-price breakfast
3 to eligible students attending a public school and the method of
4 determining the number of educationally disadvantaged students.

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

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

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

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

19 (2) develop and implement a locally funded program to
20 provide a free or reduced-price breakfast to all students in the
21 school or schools eligible under the national program.

22 (a-1) A school district is permitted under Subsection (a) to
23 participate in the national program at one or more campuses in the
24 district and provide a locally funded program at one or more other

1 campuses in the district.

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

9 SECTION 2. Section 42.152, Education Code, is amended by
10 amending Subsection (b) and adding Subsection (b-1) to read as
11 follows:

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

15 (1) by averaging the best six months' numbers of
16 students eligible for enrollment in the national school lunch
17 program of free or reduced-price lunches for the preceding school
18 year; or

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

23 (b-1) A student receiving a full-time virtual education
24 through the state virtual school network is not included in
25 determining the number of educationally disadvantaged students
26 under Subsection (b).

27 SECTION 3. This Act applies beginning with the 2015-2016

1 school year.

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