

By: Bonnen of Galveston

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 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(b), Education Code, is amended to  
10 read as follows:

11 (b) For purposes of this section, the number of  
12 educationally disadvantaged students is determined:

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

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

21 SECTION 3. This Act applies beginning with the 2015-2016  
22 school year.

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