

**House Bill 1305**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

(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 open-enrollment charter school shall either:

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

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

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

(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) or providing a locally funded program in which 80 percent or more of the students qualify under the national program for a free or reduced-price breakfast shall offer a free breakfast to each student.

SENATE VERSION (CS)

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

(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 open-enrollment charter school shall either:

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

(2) develop and implement a locally funded program to provide free meals, including breakfast and lunch, to each student eligible for free meals under federal law and reduced-price meals, including breakfast and lunch, to each student eligible for reduced-price meals under federal law, provided that the reduced price may not exceed the maximum allowable rate under federal law.

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

(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) or providing a locally funded program in which 80 percent or more of the students qualify under the national program for a free or reduced-price breakfast shall offer a free breakfast to each student.

CONFERENCE

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HOUSE VERSION

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

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

SECTION 2. Section 42.152(b), Education Code, is amended to read as follows:

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

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

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

SECTION 3. Same as House version.

CONFERENCE

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

SENATE VERSION (CS)

SECTION 4. Same as House version.

CONFERENCE