

1-1 By: Bernal, et al. (Senate Sponsor - Miles) H.B. No. 367  
 1-2 (In the Senate - Received from the House April 24, 2017;  
 1-3 May 9, 2017, read first time and referred to Committee on  
 1-4 Agriculture, Water & Rural Affairs; May 17, 2017, reported  
 1-5 adversely, with favorable Committee Substitute by the following  
 1-6 vote: Yeas 5, Nays 1, 1 present not voting; May 17, 2017, sent to  
 1-7 printer.)

1-8 COMMITTEE VOTE

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

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 367 By: Rodríguez

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to donation and distribution of surplus food at public  
 1-21 schools and grace period policies for public school students with  
 1-22 insufficient balances on prepaid meal cards.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. This Act shall be known as the Student Fairness  
 1-25 in Feeding Act.

1-26 SECTION 2. Subchapter Z, Chapter 33, Education Code, is  
 1-27 amended by adding Section 33.907 to read as follows:

1-28 Sec. 33.907. DONATION OF FOOD. (a) In this section:

1-29 (1) "Donate" has the meaning assigned by Section  
 1-30 76.001, Civil Practice and Remedies Code.

1-31 (2) "Nonprofit organization" has the meaning assigned  
 1-32 by Section 76.001, Civil Practice and Remedies Code.

1-33 (b) A school district or open-enrollment charter school may  
 1-34 allow a campus to elect to donate food to a nonprofit organization  
 1-35 through an official of the nonprofit organization who is directly  
 1-36 affiliated with the campus, including a teacher, counselor, or  
 1-37 parent of a student enrolled at the campus. The donated food may be  
 1-38 received, stored, and distributed on the campus. Food donated by  
 1-39 the campus may include:

1-40 (1) surplus food prepared for breakfast, lunch, or  
 1-41 dinner meals or a snack to be served at the campus cafeteria,  
 1-42 subject to any applicable local, state, and federal requirements;  
 1-43 or

1-44 (2) food donated to the campus as the result of a food  
 1-45 drive or similar event.

1-46 (c) The type of food donated under this section may include:

1-47 (1) packaged or unpackaged unserved food;

1-48 (2) packaged served food if the packaging is in good  
 1-49 condition;

1-50 (3) whole, uncut produce;

1-51 (4) wrapped raw produce; and

1-52 (5) unpeeled fruit required to be peeled before  
 1-53 consumption.

1-54 (d) Food donated under this section to a nonprofit  
 1-55 organization may be distributed at the campus at any time. Campus  
 1-56 employees may assist in preparing and distributing the food as  
 1-57 volunteers for the nonprofit organization.

1-58 (e) The commissioner may adopt rules as necessary to  
 1-59 implement this section.

1-60 SECTION 3. Section 33.908, Education Code, is amended to

2-1 read as follows:

2-2 Sec. 33.908. GRACE PERIOD POLICY FOR EXHAUSTED OR  
2-3 INSUFFICIENT MEAL CARD OR ACCOUNT BALANCE. (a) In this section,  
2-4 "regular meal" means a meal for which a school district ordinarily  
2-5 receives reimbursement under the national free or reduced-price  
2-6 lunch program established under 42 U.S.C. Section 1751 et seq.

2-7 (b) A school district that allows students to use a prepaid  
2-8 meal card or account to purchase meals served at the school shall  
2-9 adopt a grace period policy regarding the use of the cards or  
2-10 accounts. The policy:

2-11 (1) must allow a student whose meal card or account  
2-12 balance is exhausted or insufficient to continue, for a grace  
2-13 period determined by the board of trustees of the district, to  
2-14 purchase regular meals by:

2-15 (A) accumulating a negative balance on the  
2-16 student's card or account; or

2-17 (B) otherwise receiving an extension of credit  
2-18 from the district;

2-19 (2) must require the district to make at least one  
2-20 attempt by telephone or e-mail during each week of the grace period  
2-21 to privately:

2-22 (A) notify the parent of or person standing in  
2-23 parental relation to the student that the student's meal card or  
2-24 account balance is exhausted;

2-25 (B) make arrangements with the parent or other  
2-26 person for payment of negative balances or amounts otherwise due,  
2-27 including through use of a payment plan; and

2-28 (C) assist the parent or other person in  
2-29 completing an application on behalf of the student for free or  
2-30 reduced-price meals, if it is determined that the student may be  
2-31 eligible for free or reduced-price meals;

2-32 (3) must require the district to provide the parent or  
2-33 other person with a written notice of a negative balance or other  
2-34 amount due that includes information on how to obtain an  
2-35 application for free or reduced-price meals;

2-36 (4) may not permit the district to charge a fee or  
2-37 interest in connection with meals purchased under Subdivision (1);  
2-38 and

2-39 (5) [~~(4)~~] may permit the district to set a schedule  
2-40 for repayment on the account balance or other amount due if the  
2-41 district is unable to set a repayment schedule by agreement through  
2-42 efforts required under Subdivision (2) [~~as part of the notice to the~~  
2-43 ~~parent or person standing in parental relation to the student~~].

2-44 (c) After expiration of the grace period, the school  
2-45 district may:

2-46 (1) permit the student to continue to purchase regular  
2-47 meals in the manner described by Subsection (b)(1); or

2-48 (2) provide the student with alternate meals at no  
2-49 cost.

2-50 (d) A school district that elects to provide alternate meals  
2-51 must:

2-52 (1) privately notify the student's parent or person  
2-53 standing in parental relation to the student of the district's  
2-54 action; and

2-55 (2) provide those meals through the same serving line  
2-56 as regular meals.

2-57 (e) If a school district provides regular meals to a student  
2-58 under Subsection (c)(1) and is unable at the end of the school year  
2-59 to obtain payment for the meals from the student's parent or person  
2-60 standing in parental relation to the student, the district may pay  
2-61 the negative balance on the student's meal card or account using  
2-62 private donations solicited by the district from individuals and  
2-63 entities for that purpose and maintained in a separate district  
2-64 account. The amount of any private donations received under this  
2-65 subsection is in addition to any reimbursement to which the  
2-66 district is entitled under federal law.

2-67 (f) A school district may not publicly identify a student  
2-68 with a negative balance on a meal card or account and must implement  
2-69 any action authorized under this section in a manner that protects

3-1 the student's privacy. The district's policy must identify the  
3-2 manner in which the district will protect the student's privacy.

3-3 SECTION 4. This Act applies beginning with the 2017-2018  
3-4 school year.

3-5 SECTION 5. This Act takes effect immediately if it receives  
3-6 a vote of two-thirds of all the members elected to each house, as  
3-7 provided by Section 39, Article III, Texas Constitution. If this  
3-8 Act does not receive the vote necessary for immediate effect, this  
3-9 Act takes effect September 1, 2017.

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