

By: Giddings

H.B. No. 2159

A BILL TO BE ENTITLED

AN ACT

1
2 relating to school district grace period policies and the
3 provision of meals to public school students with insufficient
4 balances on prepaid meal cards or meal accounts.

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

6 SECTION 1. Section 33.908, Education Code, is amended to
7 read as follows:

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

13 (b) A school district that allows students to use a prepaid
14 meal card or account to purchase meals served at the school shall
15 adopt a grace period policy regarding the use of the cards or
16 accounts. The policy:

17 (1) must allow a student whose meal card or account
18 balance is exhausted or insufficient to continue, for a grace
19 period determined by the district but of at least two weeks, to
20 purchase regular meals by:

21 (A) accumulating a negative balance on the
22 student's card or account; or

23 (B) otherwise receiving an extension of credit
24 from the district;

1 (2) must require the district to make at least three
2 attempts by telephone or electronic mail during the grace period to
3 privately:

4 (A) notify the parent of or person standing in
5 parental relation to the student that the student's meal card or
6 account balance is exhausted;

7 (B) make arrangements with the parent or other
8 person for payment of negative balances or amounts otherwise due,
9 including through use of a payment plan; and

10 (C) assist the parent or other person in
11 completing an application on behalf of the student for free or
12 reduced price meals, if it is determined that the student may be
13 eligible for free or reduced price meals;

14 (3) must require the district to send home with the
15 student in an unmarked white envelope a written notice of a negative
16 balance or other amount due and an application for free or reduced
17 price meals;

18 (4) may not permit the district to charge a fee or
19 interest in connection with meals purchased under Subdivision (1);
20 and

21 (5) [~~(4)~~] may permit the district to set a schedule
22 for repayment on the account balance or other amount due if the
23 district is unable to set a repayment schedule by agreement through
24 efforts required under Subdivision (2) [as part of the notice to the
25 parent or person standing in parental relation to the student].

26 (c) After expiration of the grace period, the school
27 district may:

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

3 (2) provide the student with alternate meals at no
4 cost.

5 (d) A school district that elects to provide alternate meals
6 must:

7 (1) privately notify the student's parent or person
8 standing in parental relation of the district's action; and

9 (2) provide those meals through the same serving line
10 as regular meals.

11 (e) If a school district provides regular meals to a student
12 under Subsection (c)(1) and is unable at the end of the school year
13 to obtain payment for the meals from the student's parent or person
14 standing in parental relation, the district may pay the negative
15 balance on the student's meal card or account using private
16 donations solicited by the district from individuals and entities
17 for that purpose and maintained in a separate district account. The
18 amount of any private donations received under this subsection is
19 in addition to any reimbursement to which the district is entitled
20 under federal law.

21 (f) A school district may not publicly identify a student
22 with a negative balance on a meal card or account, and must
23 implement any action authorized under this section in a manner that
24 does not stigmatize a student or cause embarrassment. The
25 district's policy must identify the manner in which the district
26 will prevent stigmatizing a student or causing embarrassment.

27 SECTION 2. This Act applies beginning with the 2017-2018

1 school year.

2 SECTION 3. 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, 2017.