

By: Miles, et al.  
(Bernal, Giddings, Huberty)

S.B. No. 725

Substitute the following for S.B. No. 725:

By: Koop

C.S.S.B. No. 725

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

1 or

2 (2) food donated to the campus as the result of a food  
3 drive or similar event.

4 (c) The type of food donated under this section may include:

5 (1) packaged or unpackaged unserved food;

6 (2) packaged served food if the packaging is in good  
7 condition;

8 (3) whole, uncut produce;

9 (4) wrapped raw produce; and

10 (5) unpeeled fruit required to be peeled before  
11 consumption.

12 (d) Food donated under this section to a nonprofit  
13 organization may be distributed at the campus at any time. Campus  
14 employees may assist in preparing and distributing the food as  
15 volunteers for the nonprofit organization.

16 (e) The commissioner may adopt rules as necessary to  
17 implement this section.

18 SECTION 3. Section 33.908, Education Code, is amended to  
19 read as follows:

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

25 (b) A school district that allows students to use a prepaid  
26 meal card or account to purchase meals served at the school shall  
27 adopt a grace period policy regarding the use of the cards or

1 accounts. The policy:

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

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

8 (B) otherwise receiving an extension of credit  
9 from the district;

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

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

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

19 (C) assist the parent or other person in  
20 completing an application on behalf of the student for free or  
21 reduced-price meals, if it is determined that the student may be  
22 eligible for free or reduced-price meals;

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

27 (4) may not permit the district to charge a fee or

1 interest in connection with meals purchased under Subdivision (1);  
2 and

3 (5) [~~(4)~~] may permit the district to set a schedule  
4 for repayment on the account balance or other amount due if the  
5 district is unable to set a repayment schedule by agreement through  
6 efforts required under Subdivision (2) [~~as part of the notice to the~~  
7 parent or person standing in parental relation to the student].

8 (c) After expiration of the grace period, the school  
9 district may:

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

12 (2) provide the student with alternate meals at no  
13 cost.

14 (d) A school district that elects to provide alternate meals  
15 must:

16 (1) privately notify the student's parent or person  
17 standing in parental relation to the student of the district's  
18 action; and

19 (2) provide those meals through the same serving line  
20 as regular meals.

21 (e) If a school district provides regular meals to a student  
22 under Subsection (c)(1) and is unable at the end of the school year  
23 to obtain payment for the meals from the student's parent or person  
24 standing in parental relation to the student, the district may pay  
25 the negative balance on the student's meal card or account using  
26 private donations solicited by the district from individuals and  
27 entities for that purpose and maintained in a separate district

1 account. The amount of any private donations received under this  
2 subsection is in addition to any reimbursement to which the  
3 district is entitled under federal law.

4 (f) A school district may not publicly identify a student  
5 with a negative balance on a meal card or account and must implement  
6 any action authorized under this section in a manner that protects  
7 the student's privacy. The district's policy must identify the  
8 manner in which the district will protect the student's privacy.

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

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