

By: Lucio

S.B. No. 1696

A BILL TO BE ENTITLED

1 AN ACT
2 relating to federal lunch programs for public school students,
3 including a study on participation in such programs and school
4 district lunch grace period policies.

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

6 SECTION 1. Subchapter Z, Chapter 33, Education Code, is
7 amended by adding Section 33.9011 to read as follows:

8 Sec. 33.9011. STUDY ON PROVIDING UNIVERSAL LUNCH. (a) Not
9 later than March 1 of each odd-numbered year, the agency, with
10 assistance from the Department of Agriculture, shall conduct a
11 study to determine the school districts and open-enrollment charter
12 schools eligible to provide a universal lunch to all students
13 through participation in the Community Eligibility Provision
14 administered by the United States Department of Agriculture, as
15 provided by the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. No.
16 111-296).

17 (b) Not later than May 1 of each odd-numbered year, the
18 agency shall:

19 (1) notify each school district and open-enrollment
20 charter school that is eligible to participate in the Community
21 Eligibility Provision; and

22 (2) require each district and school notified under
23 Subdivision (1) that does not participate in the Community
24 Eligibility Provision at a majority of their eligible campuses to:

1 (A) perform an economic analysis of cost savings
2 that would result from participation in the program; and

3 (B) report the results of the analysis to the
4 agency not later than November 15 of each odd-numbered year.

5 (c) If the economic analysis performed by a school district
6 or open-enrollment charter school under Subsection (b) indicates
7 cost savings would result from participation in the Community
8 Eligibility Provision, the district or school must consider
9 participating in the program.

10 (d) If a school district or open-enrollment charter school
11 that would receive cost savings from participation in the Community
12 Eligibility Provision does not implement the program, the district
13 or school shall notify the agency that the district or school did
14 not implement the program and provide details stating the reason
15 the district or school did not implement the program.

16 (e) Not later than January 31 of each even-numbered year,
17 the agency shall submit to the governor, lieutenant governor,
18 speaker of the house of representatives, and members of the
19 legislature a report that includes a list that identifies the
20 school districts and open-enrollment charter schools eligible to
21 provide a universal lunch to all students through participation in
22 the Community Eligibility Provision and the potential cost savings
23 to each district and school that could result from that
24 participation.

25 SECTION 2. Section 33.908, Education Code, is amended to
26 read as follows:

27 Sec. 33.908. GRACE PERIOD POLICY FOR EXHAUSTED OR

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

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

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

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

15 (B) otherwise receiving an extension of credit
16 from the district;

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

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

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

26 (C) assist the parent or other person in
27 completing an application on behalf of the student for free or

1 reduced-price meals, if it is determined that the student may be
2 eligible for free or reduced-price meals;

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

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

10 (5) [~~(4)~~] may permit the district to set a schedule
11 for repayment on the account balance or other amount due if the
12 district is unable to set a repayment schedule by agreement through
13 efforts required under Subdivision (2) [as part of the notice to the
14 parent or person standing in parental relation to the student].

15 (c) After expiration of the grace period, the school
16 district may:

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

19 (2) provide the student with alternate meals at no
20 cost.

21 (d) A school district that elects to provide alternate meals
22 must:

23 (1) privately notify the student's parent or person
24 standing in parental relation to the student of the district's
25 action; and

26 (2) provide those meals through the same serving line
27 as regular meals.

1 (e) If a school district provides regular meals to a student
2 under Subsection (c)(1) and is unable at the end of the school year
3 to obtain payment for the meals from the student's parent or person
4 standing in parental relation to the student, the district may pay
5 the negative balance on the student's meal card or account using
6 private donations solicited by the district from individuals and
7 entities for that purpose and maintained in a separate district
8 account. The amount of any private donations received under this
9 subsection is in addition to any reimbursement to which the
10 district is entitled under federal law.

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

16 SECTION 3. Section [33.908](#), Education Code, as amended by
17 this Act, applies beginning with the 2017-2018 school year.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section [39](#), Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2017.