

By: Beckley

H.B. No. 4094

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) The board of trustees of a school district that allows
14 students to use a prepaid meal card or account to purchase meals
15 served at schools in the district shall adopt a grace period policy
16 regarding the use of the cards or 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 board, to purchase regular meals by:

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

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

24 (2) must require the district to make at least one

1 attempt by telephone or e-mail during each week of the grace period
2 to privately:

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

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

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

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

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

20 (5) [~~4~~] may permit the district to set a schedule
21 for repayment on the account balance or other amount due if the
22 district is unable to set a repayment schedule by agreement through
23 efforts required under Subdivision (2) [~~as part of the notice to the~~
24 parent or person standing in parental relation to the student].

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

27 (1) permit the student to continue to purchase regular

1 meals in the manner described by Subsection (b)(1); or

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

4 (d) A school district that provides alternate meals must:

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

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

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

20 (f) A school district may not publicly identify a student
21 with a negative balance on a meal card or account and must implement
22 any action authorized under this section in a manner that protects
23 the student's privacy. The policy adopted under this section must
24 identify the manner in which the district will protect the
25 student's privacy.

26 SECTION 2. This Act applies beginning with the 2019-2020
27 school year.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2019.