By: Lucio S.B. No. 1314

A BILL TO BE ENTITLED

AN ACT

relating to a periodic study on participation of public schools in a federal lunch program, to school district grace period policies, and to the provision of meals to certain public school students.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 33.908. GRACE PERIOD POLICY FOR EXHAUSTED OR

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

(b) The board of trustees of a school district that allows students to use a prepaid meal card or account to purchase meals served at schools in the district shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

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

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

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

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

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

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

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

eligible for free or reduced-price meals;

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

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

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

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

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

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

(d) A school district that provides alternative meals must:

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

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

(e) If a school district provides regular meals to a student under Subsection (c)(1) and is unable at the end of the school year

to obtain payment for the meals from the student's parent or person standing in parental relation to the student, the district may pay the negative balance on the student's meal card or account using private donations solicited by the district from individuals and entities for that purpose and maintained in a separate district account. The amount of any private donations received under this subsection is in addition to any reimbursement to which the district is entitled under federal law.

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

SECTION 3. This Act applies beginning with the 2019-2020 school year.

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