

By: Bernal

H.B. No. 4740

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. 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" is defined as a meal in which the 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 period determined by the board but at a minimum of one week, 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

1 from the district;

2 (2) must require the district to make a minimum of
3 three attempts to privately notify the parent of or person standing
4 in parental relation to the student that the student's meal card or
5 account balance is exhausted~~+~~ by:

6 (A) making arrangements with the parent or other
7 person standing in parental relation to the student for payment of
8 negative balances or amounts otherwise due, including through use
9 of a payment plan;

10 (B) assisting the parent or other person standing
11 in parental relation to the student in the completion of an
12 application on behalf of the student for free or reduced price
13 meals, if it is determined that the student may be eligible for free
14 or reduced price meals; and

15 (C) sending home with the student in an unmarked
16 envelope a written notice of a negative balance or other amount due
17 and an application for free or reduced price meals;

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

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

26 (c) After expiration of one week and attempts made by the
27 school district to notify the parent of or person standing in

1 parental relation of a student with an exhausted meal card or
2 account balance, the school district must continue to provide to
3 the student regular meals in the manner described by Subsection
4 (b)(1) at no cost to the student's meal card or account.

5 (d) If a school district is unable to obtain payment for the
6 negative balance from the student's parent or person standing in
7 parental relation by the end of the school year, the school district
8 may pay the negative balance on the student's meal card or account
9 using private donations solicited from individuals and entities for
10 that purpose and maintained in a separate district account.

11 (e) If a school district is unable to obtain payment for the
12 negative balance from the student's parent or person standing in
13 parental relation by the end of the school year, the school district
14 must provide the student's parent or person standing in parental
15 relation with the application on behalf of the student for free and
16 reduced price meals, if it is determined that the student may be
17 eligible for free or reduced price meals, in the subsequent school
18 year.

19 (f) If at the end of the school year, a student's meal card or
20 account balance remains negative, a school district shall not
21 transfer that debt to the student's account in the subsequent
22 school year and the school district must pay that debt on behalf of
23 the student.

24 (g) The negative balance on a student's meal card or account
25 balance shall not be used to hold a student from advancing to the
26 next level of schooling, graduation, receiving their diploma, or
27 participating in any school-related activities.

1 (h) A school district shall not publicly identify a student
2 with a negative balance on a meal card or account, and must
3 implement any action authorized under this section in a manner that
4 does not stigmatize a student or cause embarrassment.

5 SECTION 2. This Act applies beginning with the 2023-2024
6 school year.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.