

- SUBJECT:** Summer nutrition programs provided by school districts
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 6 ayes — Gonzalez Toureilles, Anderson, B. Brown, Hardcastle, Heflin, Rios Ybarra
- 3 nays — Crabb, Kleinschmidt, Swinford
- SENATE VOTE:** On final passage, April 24 — 29-1 (Patrick nay; Harris absent)
- WITNESSES:** For — Celia Hagert, Center for Public Policy Priorities (*Registered, but did not testify*); Jennifer Canaday, Association of Texas Professional Educators; Teresa Devine, BlueCross BlueShield of Texas; Andrew Rivas, Texas Catholic Conference; Katherine Zackel, Texans Care for Children)
- Against — None
- On — Kathy Golson, Texas Department of Agriculture
- BACKGROUND:** The federal summer nutrition program provides schoolchildren who qualify for free or reduced lunches with nutritious meals during the summer months. Schools or alternative sites participating in the program receive a federal reimbursement for each meal served. Human Resources Code, sec. 33.024 requires the Health and Human Services Commission and the Texas Education Agency (TEA) to notify school districts and field offices of their responsibility to provide or arrange for a summer program each year. Each notified school district indicates its intent to provide a summer program or to request a waiver. The department administers a grant program to encourage eligible organizations to serve as local sponsors or meal preparation sites for the summer program by awarding a financial supplement for each meal served.
- Each even-numbered year, a report is published that lists school districts that sponsor a summer program, school districts that failed to provide a program, and the costs incurred by the districts and the state.

DIGEST:

CSSB 867 would require school districts in which 50 percent or more of the students were eligible to participate in the national free or reduced-priced lunch program to provide or arrange for the provision of a summer nutrition program for at least 30 weekdays during summer recess.

By October 31 of each year, the Texas Department Of Agriculture (TDA) would notify each school district of its responsibility to provide a summer nutrition program during the following summer. A school district would have to inform TDA in writing of its intent to operate a summer nutrition program or to request a waiver by January 31 of the year following notification.

By November 30 of each year, the board of trustees of a school district would have to send written notice of the district's intent to request a waiver to the district's local school health advisory council, which would include an explanation of the reason for requesting a waiver.

TDA could grant a one-year waiver if a district was unable to operate a program for extenuating circumstances.

TDA and TEA would develop a plan for increasing access to summer nutrition programs, including a list of barriers to access to the programs. By December 31 of each even-numbered year, TDA and TEA would provide to the Legislature a joint report that included for each year of the biennium:

- the names of each school district that received notice and did not provide a summer nutrition program;
- the plan for increasing access to summer nutrition programs or any updates; and
- the funds, other than federal funds, used by school districts and the state.

CSSB 867 would repeal Human Resources Code, sec. 33.024.

The bill would take effect September 1, 2009.

SUPPORTERS  
SAY:

CSSB 867 would increase the number of children served by summer nutrition programs by requiring that school districts in which 50 percent of children qualify for free and reduced lunch participate rather than the 60 percent threshold in current law. By increasing the number of districts

required to provide summer nutrition programs, Texas could provide lunch for more of the two million children who qualify for free and reduced lunch. Currently, summer programs reach only about 275,000 children.

This program was established in 1968 and has successfully decreased the number of children who go hungry. The bill would expand this program to require a timeframe during which the program would have to be available to qualifying students. The changes to current law made under CSSB 867 would reduce the most common barriers to student participation in summer nutrition programs, including an insufficient number of service sites, minimal days of operation, transportation issues, and lack of awareness.

Summer meals are important because while many children gain weight in the summer months, others that rely on school meals during the academic year often go hungry. Children participating in these programs are less likely to become obese because meals provided at schools are more nutritious than the cheap junk food children would eat otherwise.

**OPPONENTS  
SAY:**

CSSB 867 would infringe on local control by school districts. Waivers from the program would be granted only in specific circumstances, and pursuing a waiver would increase the administrative burden to a local school district. School districts are aware of their students' needs and could under current law choose to begin a summer nutrition program if the need presented itself.