

- SUBJECT:** Allowing locally funded school meal programs
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 9 ayes — Aycock, Bohac, Deshotel, Farney, Galindo, González, Huberty, K. King, VanDeaver
- 0 nays
- 2 absent — Allen, Dutton
- WITNESSES:** For — Susan LeBlanc, Barbers Hill Independent School District; Paul McLarty, Clear Creek Independent School District; (*Registered, but did not testify*: Carlos Zaldivar; Fred Walker, Clear Creek Independent School District; Elizabeth Weinrich, Texas Catholic Conference; Ellen Arnold, Texas Parent Teacher Association)
- Against — Rachel Cooper, Center for Public Policy Priorities; (*Registered, but did not testify*: Celia Cole, Feeding Texas; Amanda List, ResponsiveEd; Lauren Dimitry, Texans Care for Children)
- On — Lisa Dawn-Fisher, Texas Education Agency; (*Registered, but did not testify*: Catherine Steele, Texas Department of Agriculture)
- BACKGROUND:** Education Code, sec. 33.901 states that if at least 10 percent of the students enrolled in one or more schools in a school district are eligible for free or reduced-price breakfasts under the national school breakfast program, the school district must participate in the program and make the benefits of the program available to all eligible students in the school or schools.
- Under Education Code, sec. 42.152 a district is entitled to an annual compensatory education allotment for each student who is educationally disadvantaged. The number of educationally disadvantaged students is determined either by averaging the best six months' enrollment in the national school lunch program of free or reduced-price lunches for the

preceding school year, or in the manner provided by commissioner rule, if no campus participated in the national school lunch program during the preceding year.

DIGEST:

CSHB 1305 would amend Education Code, sec. 33.901 to allow a school district that otherwise would be required to participate in the national school breakfast program to instead develop and implement a locally funded program to provide a free or reduced-price breakfast to all students in the school or schools that would be eligible under the national program.

A school district would be allowed to participate in the national program in some campuses in the district and provide a locally funded program at other campuses in the district.

For purposes of calculating the compensatory education allotment, the bill would change the calculation of educationally disadvantaged students from the best six months' *enrollment* in the national school lunch program, to the best six months' numbers of students *eligible for enrollment* in the national school lunch program.

The bill would allow the commissioner of education to determine the number of educationally disadvantaged students eligible for the compensatory education allotment, regardless of whether the campus participated in the national school lunch program.

The bill would prohibit a student receiving a full-time virtual education through the state virtual school network from being included in the calculation of educationally disadvantaged students for purposes of the school's compensatory education allotment.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply beginning in the 2015-16 school year.

SUPPORTERS

CSHB 1305 would allow schools to participate in a locally administered

SAY: program to provide free or reduced-price breakfast outside the federal structure and would provide state compensatory education funds to all economically disadvantaged students, regardless of their campus' participation in a federal meal reimbursement program.

The bill would allow schools to participate in a locally administered program to provide free or reduced-price breakfast outside the federal structure without losing reimbursement for those campuses that remain with the school breakfast program or national school lunch program. Current law requires school districts to participate in the federal school breakfast program and accept federal reimbursements even if a district has an internally developed, self-sustaining breakfast program. Locally administered meal programs provide school districts an opportunity to serve higher-quality and more appealing food than that offered by the federal program. Local programs are not limited to the federal vendors and can offer more menu options, including locally grown, organic produce. A more appealing meal program for the whole campus would get more students eating at school, bringing in more revenue to cover the cost of the free and reduced-price meals.

Under current law, if educationally disadvantaged students are fed in a locally funded free and reduced-priced meal program, the district may not claim state compensatory education funds for those students. Under the bill, for purposes of compensatory allotment payments, the number of students *eligible* for the national school lunch program would be counted rather than the number of students actually *enrolled*. Counting the number of students eligible for the federal program would provide state compensatory education funds to all economically disadvantaged students, regardless of their campus' participation in a federal meal reimbursement program, and would be more reflective of the actual need.

OPPONENTS  
SAY: Allowing school districts to opt out of the federal school breakfast and lunch programs in favor of a locally funded program could eliminate nutrition standards in school meals and reduce equal access to nutritious meals for all Texas students, regardless of income.

OTHER  
OPPONENTS  
SAY:

Otherwise eligible students receiving a full-time virtual education should be included in the number of educationally disadvantaged students to accurately reflect the need for services. While the virtual students are not fed by the programs, they still benefit from the services provided by the compensatory education allotment and should be counted.

NOTES:

According to the Legislative Budget Board's fiscal note, the bill would have a negative impact of \$30.5 million in general revenue related funds through fiscal 2016-2017 due to the cost of additional students who would qualify for compensatory education funding.

The author plans to offer a floor amendment that would limit the reduced price under a locally funded program to the maximum allowable rate under the national program.