

SUBJECT: Allowing school districts to donate food to students through a nonprofit

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Dutton, Gooden,  
K. King, Koop, Meyer, VanDeaver

0 nays

WITNESSES: For — Jenny Eyer, Children at Risk; Sharon Glosson, North East ISD; Jennifer Arredondo, San Antonio ISD; Jesus Chavez, South Texas Association of Schools; Steve Swanson; (*Registered, but did not testify*: Chandra Villanueva, Center for Public Policy Priorities; Marshall Kenderdine, Christian Life Commission, Communities in Schools of Texas; Christine Bryan, Clarity Child Guidance Center; Kathy Green, Feeding Texas; Katija Gruene, Green Party of Texas; Gyl Switzer, Mental Health America of Texas; Christine Yanas, Methodist Healthcare Ministries; Celina Moreno, Mexican American Legal Defense and Education Fund; Will Francis, National Association of Social Workers - Texas Chapter; Deborah Caldwell, North East Independent School District; Mario Obledo, San Antonio Food Bank; Sophia Torres, San Antonio Hispanic Chamber of Commerce; Caroline Joiner, TechNet; Dwight Harris and Ted Melina Raab, Texas American Federation of Teachers; Courtney Boswell and Houston Tower, Texas Aspires; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Elizabeth Lippincott, Texas Border Coalition; Diane Ewing, Texans Care for Children; Jennifer Allmon, Texas Catholic Conference of Bishops; Paige Williams, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Jaime Puente, Texas Graduate Student Diversity; Joshua Houston, Texas Impact; Yannis Banks, Texas NAACP; Ellen Arnold, Texas PTA; Colby Nichols, Texas Rural Education Association; Dee Carney, Texas School Alliance; Portia Bosse, Texas State Teachers Association; James Thurston, United Ways of Texas; Joey Gidseg; Thomas Parkinson; Kimberly Saldivar; Columba Wilson)

Against — None

On — (*Registered, but did not testify*: Von Byer and Eric Marin, Texas Education Agency)

**DIGEST:**

CSHB 367 would authorize school districts to allow campuses to donate surplus or donated food to a representative of a nonprofit organization affiliated with the campus, including a teacher, counselor, or the parent of a student. The donated food could be received, stored, and distributed on campus at any time. School employees acting as volunteers of the nonprofit organization could assist in preparing and distributing the donated food.

Food donated by the campus could include surplus food prepared to be served at the school cafeteria, subject to local, state, and federal requirements, and food donated to the campus through a food drive or similar event. The types of donated food could include packaged or unpackaged unserved food, packaged served food if the packaging was in good condition, wrapped raw produce, and whole uncut produce and unpeeled fruit.

The commissioner of education could adopt rules to implement the bill, which would apply beginning with the 2017-18 school year.

The bill would take immediate effect if finally passed by a two-thirds vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS  
SAY:**

CSHB 367 would give school districts the needed flexibility to donate uneaten or donated food to a nonprofit organization for distribution to hungry students on their campuses. The school district would be protected from liability through the Bill Emerson Good Samaritan Act, a federal law created to encourage nonprofit organizations to distribute food to individuals in need.

The bill would provide direction to educators who have access to uneaten

food and want to feed hungry children during the school day or through the evenings and weekends. More than 60 percent of public school students in Texas qualify for free or reduced meals. CSHB 367 could benefit a large number of economically disadvantaged students who might not otherwise have sufficient access to food.

The bill would prevent food waste that currently plagues many Texas schools. As a result, it would increase spending efficiency and ease the burden on school nutrition directors who must balance their budgets and state and federal regulations on food availability for students.

CSHB 367 would allow school districts to feed students in need to ensure they had proper nutrition and the best opportunity to be academically successful. Studies show that school children who are well nourished learn better.

A few school districts engage in similar yet more restrictive food waste programs, such as the "share tables" initiative, which allows students to leave or retrieve unwanted food from a table at specific times of the day. Unfortunately, these programs have been shut down in places by local health authorities due to a lack of understanding or specific guidance from the state. The program outlined in CSHB 367 would remove these restrictions on location or time of distributing food while shielding districts from liability or punitive action from local health authorities.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

CSHB 367 differs from the bill as filed in several ways, including that the committee substitute would:

- allow any parent of an enrolled student, rather than just a PTA member, to serve as an official of the nonprofit organization; and
- allow distribution of donated food to be made "at any time."