

## **BILL ANALYSIS**

Senate Research Center

H.B. 1305  
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Education  
5/12/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties contend that current law has been interpreted to require a school district to participate in the federally funded national school breakfast program and accept federal reimbursements even if the district has developed its own self-sustaining program that does not require those reimbursements. According to those parties, one district, having developed its own program at district high schools without federal funds, has been warned that failure to accept federal reimbursement for all district campuses would render the district ineligible for reimbursement for district campuses that still participate in the federal program.

Interested parties express additional concern that provisions for computing a school district's compensatory allotment could be interpreted to require a district to enroll all district campuses in a national meal program in order to receive state compensatory education allotment funds, making allotment funds unavailable for students who are enrolled in a district-developed program.

H.B. 1305 amends current law relating to a program to provide a free or reduced-price breakfast to eligible students attending a public school, the method of determining the number of educationally disadvantaged students for the compensatory education allotment, and the use of compensatory education allotment funds.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 33.901, Education Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Requires the board of trustees of a school district or the governing body of an open-enrollment charter school, if at least 10 percent of the students enrolled in one or more schools in the school district or enrolled in an open-enrollment charter school are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773), to either:

(1) participate in the national program and make the benefits of the national program available to all eligible students in the schools or school; or

(2) develop and implement a locally funded program to provide a free or reduced-price breakfast to all students in the school or schools eligible under the national program, provided that the reduced price may not exceed the maximum allowable rate under the national program.

(a-1) Provides that a school district is permitted under Subsection (a) to participate in the national program at one or more campuses in the district and provide a locally funded program at one or more other campuses in the district.

(b) Provides that a school district campus or an open-enrollment charter school participating in the national school breakfast program provided by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773) or providing a locally funded program in which 80 percent or more of the students qualify under the national program for a free or reduced-price breakfast shall offer a free breakfast to each student.

SECTION 2. Amends Section 42.152, Education Code, by amending Subsection (b) and adding Subsections (b-1) and (c-3), as follows:

(b) Provides that the number of educationally disadvantaged students, except as provided by Subsection (b-1), for purposes of this section, is determined:

(1) by averaging the best six months' numbers of students eligible for enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year; or

(2) in the manner provided by commissioner of education (commissioner) rule, rather than in the manner provided by commissioner rule if no campus in the district participated in the national school lunch program of free or reduced-price lunches during the preceding school year.

(b-1) Provides that a student receiving a full-time virtual education through the state virtual school network is not included in determining the number of educationally disadvantaged students under Subsection (b).

(c-3) Provides that, notwithstanding Subsection (c), funds allocated under this section may be used to:

(1) provide child-care services or assistance with child-care expenses for students at risk of dropping out of school, as defined by Section 29.081(d)(5) (defining "student at risk of dropping out of school" to include each student who is under 26 years of age and who is pregnant or is a parent); or

(2) pay the costs associated with services provided through a life skills program in accordance with Sections 29.085(b)(1) (requiring a certain program to include individual counseling, peer counseling, and self-help programs) and (3)-(7) (requiring a certain program to include day care for the students' children on the campus or at a day-care facility in close proximity to the campus, transportation for children of students to and from the campus or day-care facility, transportation for students, as appropriate, to and from the campus or day-care facility, instruction related to knowledge and skills in child development, parenting, and home and family living, and assistance to students in the program in obtaining available services from government agencies or community service organizations).

SECTION 3. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 4. Effective date: upon passage or September 1, 2015.