

AN ACT

relating to a program to provide a free or reduced-price breakfast to eligible students attending a public school and the method of determining the number of educationally disadvantaged students.

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

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

(a) If at least 10 percent of the students enrolled in one or more schools in a 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), the board of trustees of the school district or the governing body of the open-enrollment charter school shall 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 free meals, including breakfast and lunch, to each student eligible for free meals under federal law and reduced-price meals, including breakfast and lunch, to each student eligible for reduced-price meals under federal law, provided that the reduced price may not exceed the maximum allowable rate under federal law.

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

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

12 SECTION 2. Section 42.152, Education Code, is amended by
13 amending Subsection (b) and adding Subsection (b-1) to read as
14 follows:

15 (b) For purposes of this section, the number of
16 educationally disadvantaged students is determined:

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

21 (2) in the manner provided by commissioner rule~~[, if~~
22 ~~no campus in the district participated in the national school lunch~~
23 ~~program of free or reduced-price lunches during the preceding~~
24 ~~school year]~~.

25 (b-1) A student receiving a full-time virtual education
26 through the state virtual school network may be included in
27 determining the number of educationally disadvantaged students

1 under Subsection (b) if the school district submits to the
2 commissioner a plan detailing the enhanced services that will be
3 provided to the student and the commissioner approves the plan.

4 SECTION 3. This Act applies beginning with the 2015-2016
5 school year.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 1305 was passed by the House on May 7, 2015, by the following vote: Yeas 138, Nays 2, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1305 on May 26, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1305 on May 31, 2015, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1305

I certify that H.B. No. 1305 was passed by the Senate, with amendments, on May 22, 2015, by the following vote: Yeas 29, Nays 2; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1305 on May 30, 2015, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor