

BILL ANALYSIS

C.S.S.B. 725
By: Miles
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that, under certain federal law, surplus food from meals and snacks served to students as part of a free or reduced-price meal program may be donated to a nonprofit organization. However, the parties are concerned that food-insecure students at the school lose direct access to the food after it is donated and removed from the campus. C.S.S.B. 725, to be known as the Student Fairness in Feeding Act, seeks to address these concerns and make more efficient use of excess food in public schools and open-enrollment charter schools by creating a procedure for the distribution of donated food on the same campus at which it originated and by revising the grace period policies for students with insufficient balances on prepaid meal cards.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 2 of this bill.

ANALYSIS

C.S.S.B. 725 amends the Education Code to authorize a public school district or open-enrollment charter school to allow a campus to elect to donate food to a nonprofit organization through an official of the nonprofit organization who is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. The bill establishes that food donated by the campus may include surplus food prepared for breakfast, lunch, or dinner meals or a snack to be served at the campus cafeteria, subject to any applicable local, state, and federal requirements, or food donated to the campus as the result of a food drive or similar event. The bill sets out the type of food that may be donated. The bill authorizes food donated to a nonprofit organization by a campus to be distributed at the campus at any time and authorizes campus employees to assist in preparing and distributing the food as volunteers for the nonprofit organization. The bill authorizes the commissioner of education to adopt rules as necessary to implement these provisions.

C.S.S.B. 725 specifies that the board of trustees of a school district is the district entity responsible for determining a grace period during which a student whose meal card or account balance is exhausted or insufficient is allowed to continue to purchase meals. The bill specifies that the type of meal a student is allowed to purchase during such a grace period is a regular meal for which a district ordinarily receives reimbursement under the national free or reduced-price lunch program. The bill establishes that the manner by which a district must make the required notification under the district's grace period policy is by making at least one attempt by telephone

or email each week during the grace period to privately notify the applicable person, extends this requirement to making arrangements with the parent or other person standing in parental relation to the student for payment of negative balances or amounts otherwise due, including through use of a payment plan, and assisting the parent or other person in completing an application on behalf of the student for free or reduced-price meals, if it is determined that the student may be eligible for free or reduced-price meals, and provides that the policy may permit the district to set a schedule for repayment if the district is unable to set a repayment schedule by agreement through the efforts required by the bill during each week of the grace period to privately notify the applicable person. The bill requires the policy to require the district to provide the parent or other person a written notice of a negative balance or other amount due that includes information on how to obtain an application for free or reduced-price meals.

C.S.S.B. 725 authorizes a district, after the expiration of the grace period, to permit the student to continue to purchase regular meals in the same manner as a student allowed to purchase regular meals during the grace period or to provide the student with alternate meals at no cost. The bill requires a district that elects to provide alternate meals to privately notify the student's parent or person standing in parental relation to the student of the district's action and to provide those meals through the same serving line as regular meals. The bill authorizes a district that provides regular meals to a student after the expiration of the grace period and is unable at the end of the school year to obtain payment for the meals from the student's parent or person standing in parental relation to the student to pay the negative balance on the student's meal card or account using private donations solicited by the district from individuals and entities for that purpose and maintained in a separate district account. The bill establishes that the amount of any private donations received for such purpose is in addition to any reimbursement to which the district is entitled under federal law.

C.S.S.B. 725 prohibits a district from publicly identifying a student with a negative balance on a meal card or account and requires a district to implement any action authorized under provisions regarding the grace period policy in a manner that protects the student's privacy. The bill requires a district's grace period policy to identify the manner in which the district will protect the student's privacy.

C.S.S.B. 725 applies beginning with the 2017-2018 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 725 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

No equivalent provision.

SECTION 1. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.907 to read as follows:

Sec. 33.907. DONATION OF FOOD. (a) In this section:

(1) "Donate" has the meaning assigned by

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. This Act shall be known as the Student Fairness in Feeding Act.

SECTION 2. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.907 to read as follows:

Sec. 33.907. DONATION OF FOOD. (a) In this section:

(1) "Donate" has the meaning assigned by

Section 76.001, Civil Practice and Remedies Code.

(2) "Nonprofit organization" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(b) A school district may allow a campus to elect to donate food to a nonprofit organization through an official of the nonprofit organization who is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

(1) surplus food prepared for breakfast, lunch, or dinner meals or a snack to be served at the campus cafeteria, subject to any applicable local, state, and federal requirements; or

(2) food donated to the campus as the result of a food drive or similar event.

(c) The type of food donated under this section may include:

(1) packaged or unpackaged unserved food;

(2) packaged served food if the packaging is in good condition;

(3) whole, uncut produce;

(4) wrapped raw produce; and

(5) unpeeled fruit required to be peeled before consumption.

(d) Food donated under this section to a nonprofit organization may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers for the nonprofit organization.

(e) The commissioner may adopt rules as necessary to implement this section.

No equivalent provision.

Section 76.001, Civil Practice and Remedies Code.

(2) "Nonprofit organization" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(b) A school district or open-enrollment charter school may allow a campus to elect to donate food to a nonprofit organization through an official of the nonprofit organization who is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

(1) surplus food prepared for breakfast, lunch, or dinner meals or a snack to be served at the campus cafeteria, subject to any applicable local, state, and federal requirements; or

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(d) Food donated under this section to a nonprofit organization may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers for the nonprofit organization.

(e) The commissioner may adopt rules as necessary to implement this section.

SECTION 3. Section 33.908, Education Code, is amended to read as follows:

Sec. 33.908. GRACE PERIOD POLICY FOR EXHAUSTED OR INSUFFICIENT MEAL CARD OR ACCOUNT BALANCE.

(a) In this section, "regular meal" means a meal for which a school district ordinarily receives reimbursement under the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

(b) A school district that allows students to use a prepaid meal card or account to purchase meals served at the school shall adopt a grace period policy regarding the

use of the cards or accounts. The policy:

(1) must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a grace period determined by the board of trustees of the district, to purchase regular meals by:

(A) accumulating a negative balance on the student's card or account; or

(B) otherwise receiving an extension of credit from the district;

(2) must require the district to make at least one attempt by telephone or e-mail during each week of the grace period to privately:

(A) notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;

(B) make arrangements with the parent or other person for payment of negative balances or amounts otherwise due, including through use of a payment plan; and

(C) assist the parent or other person in completing an application on behalf of the student for free or reduced-price meals, if it is determined that the student may be eligible for free or reduced-price meals;

(3) must require the district to provide the parent or other person with a written notice of a negative balance or other amount due that includes information on how to obtain an application for free or reduced-price meals;

(4) may not permit the district to charge a fee or interest in connection with meals purchased under Subdivision (1); and

(5) [~~(4)~~] may permit the district to set a schedule for repayment on the account balance or other amount due if the district is unable to set a repayment schedule by agreement through efforts required under Subdivision (2) [as part of the notice to the parent or person standing in parental relation to the student].

(c) After expiration of the grace period, the school district may:

(1) permit the student to continue to purchase regular meals in the manner described by Subsection (b)(1); or

(2) provide the student with alternate meals at no cost.

(d) A school district that elects to provide alternate meals must:

(1) privately notify the student's parent or person standing in parental relation to the

student of the district's action; and
(2) provide those meals through the same
serving line as regular meals.

(e) If a school district provides regular
meals to a student under Subsection (c)(1)
and is unable at the end of the school year to
obtain payment for the meals from the
student's parent or person standing in
parental relation to the student, the district
may pay the negative balance on the
student's meal card or account using private
donations solicited by the district from
individuals and entities for that purpose and
maintained in a separate district account.
The amount of any private donations
received under this subsection is in addition
to any reimbursement to which the district is
entitled under federal law.

(f) A school district may not publicly
identify a student with a negative balance on
a meal card or account and must implement
any action authorized under this section in a
manner that protects the student's privacy.
The district's policy must identify the
manner in which the district will protect the
student's privacy.

SECTION 2. This Act applies beginning with the 2017-2018 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 4. Same as engrossed version.

SECTION 5. Same as engrossed version.