

BILL ANALYSIS

Senate Research Center

H.B. 367
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Agriculture, Water & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Relating to the authority of a school district to donate food to a non-profit organization to be served to students of the district and relating to school district grace period policies and the provision of meals to public school students with insufficient balances on prepaid meal cards or meal accounts.

Texas ranks second in the nation for food insecurity and 1.9 million Texas children are food insecure. Many of these children do not have access to food at home or over the weekend. In order to help children access meals on a consistent basis, schools are able to provide food to students on campus through the Federal Free and Reduced Breakfast, Lunch, Snack and Dinner programs. However, not all free and reduced meal options are offered on all campuses. In addition, often times unopened and uneaten food that has been served to students as part of these meal programs is thrown away. Examples of unopened, uneaten food include: packaged/unpackaged unserved food; served/unserved food with packaging in good condition; whole, uncut produce; wrapped raw produce, and/or fruit which will be peeled (bananas, oranges).

Under the federal Bill Emerson Good Samaritan Act, the left-over food that has been served and is uneaten is permitted to be donated by the school to a non-profit organization, like a food bank. Once the food is donated, it leaves the campus to the non-profit organization's facility where it is sorted and prepared for distribution to those in need. Currently, this model does not allow for students who attend the school and are food insecure to access this left over/food donated food directly.

This bill, however, allows schools to designate individuals who are directly affiliated with the campus (teacher, counselor, PTA member) to serve as official representatives of a non-profit organization in order to receive donated food items on campus. These individuals can then store and redistribute that donated food on that same campus.

Committee Substitute changes:

(1) Adds open-enrollment charter schools.

(2) Adds the language of C.S.H.B. 2159, by Rep. Helen Giddings' School Lunch Shaming Bill, which was voted unanimously out of House Public Education 11-0.

It is hard to believe that poverty and hunger are real in Texas. In Dallas, 40 percent of our children are food insecure. One in every four kids in North Texas is food insecure—that's more than 300,000 children. Food insecure children are sick more often and are more likely to suffer developmental delays.

Current law requires any Texas school district in which students use a prepaid meal card or account to purchase school meals to have a grace period during which students continue receiving meals even after their accounts are depleted.

However, each district is allowed to determine how long this grace period could be. In some cases, districts chose to adopt a one-lunch grace period, meaning they will only provide one lunch after a child's account is depleted. After the grace period has expired, a school may choose

to provide an "alternative meal," which usually only consists of a cold sandwich, or nothing at all.

Even when a sack lunch is provided, it can be extremely embarrassing and upsetting for a child to have their lunch taken away in front of their peers and replaced with a brown bag lunch. As it stands, there are thousands of students across our state who go without food when their lunch accounts go empty.

What H.B. 2159 does:

Seeks to solve this problem by requiring school board trustees to adopt a policy with a reasonable grace period to replenish their lunch accounts and during that period, continue allowing students to select a hot lunch of their choice.

Requires districts to make at least one attempt per week to notify the parent of the situation and provide assistance with an application for free/reduced lunch.

Authorizes districts to solicit and maintain in a separate account, private donations for the purpose of paying the balance on unpaid meal accounts.

With this bill, school districts may not publicly identify a student with a negative balance on a meal card or account, and must implement any action in a manner that protects the student's privacy. The district's policy must identify the manner in which the district will assure the student's privacy is protected.

It is unreasonable to deny a child a nutritious meal because their parents cannot afford to immediately replenish their accounts. Financial matters should be left to the adults, and should never result in a hungry and embarrassed child. With these measures in place, we will reduce the number of needy children in Texas schools going without lunch.

Support: Feeding Texas, Central Texas Food Bank, Center for Public Policy Priorities, Texas State Teachers Association.

H.B. 367 amends current law relating to the authority of a public school to donate food to a nonprofit organization to be served to students of the school.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 33.907, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 33, Education Code, by adding Section 33.907, as follows:

Sec. 33.907. DONATION OF FOOD. (a) Defines "donate" and "nonprofit organization."

(b) Authorizes a 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. Authorizes the donated food to be received, stored, and distributed on campus. Authorizes food donated by the campus to 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.

(c) Authorizes the type of food donated under this section to include packaged or unpackaged unserved food, packaged served food if the packaging is in good

condition, whole, uncut produce, wrapped raw produce, and unpeeled fruit required to be peeled before consumption.

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

(e) Authorizes the commissioner of education to adopt rules as necessary to implement this section.

SECTION 2. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 3. Effective date: upon passage or September 1, 2017.