

By: Giddings

H.B. No. 2159

Substitute the following for H.B. No. 2159:

By: Bernal

C.S.H.B. No. 2159

A BILL TO BE ENTITLED

AN ACT

1
2 relating to school district grace period policies and the
3 provision of meals to public school students with insufficient
4 balances on prepaid meal cards or meal accounts.

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

6 SECTION 1. Section 33.908, Education Code, is amended to
7 read as follows:

8 Sec. 33.908. GRACE PERIOD POLICY FOR EXHAUSTED OR
9 INSUFFICIENT MEAL CARD OR ACCOUNT BALANCE. (a) In this section,
10 "regular meal" means a meal for which a school district ordinarily
11 receives reimbursement under the national free or reduced-price
12 lunch program established under 42 U.S.C. Section 1751 et seq.

13 (b) A school district that allows students to use a prepaid
14 meal card or account to purchase meals served at the school shall
15 adopt a grace period policy regarding the use of the cards or
16 accounts. The policy:

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

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

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

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

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

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

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

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

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

21 (5) [~~(4)~~] may permit the district to set a schedule
22 for repayment on the account balance or other amount due if the
23 district is unable to set a repayment schedule by agreement through
24 efforts required under Subdivision (2) [as part of the notice to the
25 parent or person standing in parental relation to the student].

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

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

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

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

7 (1) privately notify the student's parent or person
8 standing in parental relation to the student of the district's
9 action; and

10 (2) provide those meals through the same serving line
11 as regular meals.

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

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

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

1 school year.

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