

BILL ANALYSIS

Senate Research Center

S.B. 376
By: Lucio et al.
Education
7/9/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this bill is to enhance access to nutritional food for all children by increasing participation in the national School Breakfast Program, while lowering administrative costs for school districts. Studies continuously show that children who eat a nutritious breakfast have improved attentiveness, reduced school nurse visits, and fewer disciplinary problems. Further, children who regularly eat a healthy breakfast are significantly less likely to be overweight.

S.B. 376 requires school district campuses or open-enrollment charter schools with 80 percent or more of their students qualifying for a free or reduced-price breakfast to offer a free breakfast to each student. This method actually allows qualifying schools the ability to achieve a cost-neutral and potentially profitable breakfast program through current financial incentives. Schools that are unable to participate for any reason may waive out of the program through a public vote of their governing body.

S.B. 376 amends current law relating to breakfast for certain public school students.

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, as follows:

Sec. 33.901. **BREAKFAST PROGRAMS.** (a) Creates this subsection from existing text. Requires the board of trustees of a school district or the governing body of an open-enrollment charter school, rather than requiring the governing body of the district or the open-enrollment charter school, if at least 10 percent of the students enrolled in one or more schools in the district or enrolled in the 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 participate in the program and make the benefits of the program available to all eligible students in the schools or school.

(b) Requires 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) in which 80 percent or more of the students qualify for a free or reduced-price breakfast to offer a free breakfast to each student.

(c) Requires the commissioner of education to grant a waiver of the free breakfast requirements under Subsection (b), not to exceed one year, to a school district campus or an open-enrollment charter school if the board of trustees of the school district or the governing body of the open-enrollment charter school votes to request the waiver at the annual meeting of the board of trustees required under Section 44.004 (Notice of Budget and Tax Rate Meeting; Budget Adoption) or an annual meeting of the governing body called to adopt a budget for the open-

enrollment charter school for the succeeding fiscal year. Requires the board of trustees or the governing body, before voting to request a waiver under this subsection, to list the waiver as a separate item for consideration on the meeting's agenda and provide an opportunity for public comment regarding the waiver at the meeting.

SECTION 2. Provides that it is the intent of the legislature that the change in law made by Section 33.901, Education Code, as amended by this Act, does not change or expand the eligibility requirements under the Child Nutrition Act of 1966 (42 U.S.C. Section 1773). Provides that a student who qualifies for a free or reduced-price breakfast under federal law continues to qualify and a student who does not qualify for a free or reduced-price breakfast does not qualify as a result of this Act.

SECTION 3. Provides that this Act does not make an appropriation or require a specific appropriation. Provides that any new duty imposed on a state agency as a result of this Act can be performed through the appropriations provided by the legislature and any federal funding.

SECTION 4. Provides that this Act applies beginning with the 2014-2015 school year.

SECTION 5. Effective date: upon passage or September 1, 2013.