

## **BILL ANALYSIS**

C.S.H.B. 1305  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that current law has been interpreted to require a school district to participate in the federally funded national school breakfast program and accept federal reimbursements even if the district has developed its own self-sustaining program that does not require those reimbursements. According to those parties, one district, having developed its own program at district high schools without federal funds, has been warned that failure to accept federal reimbursement for all district campuses would render the district ineligible for reimbursement for district campuses that still participate in the federal program.

Interested parties express additional concern that provisions for computing a school district's compensatory allotment could be interpreted to require a district to enroll all district campuses in a national meal program in order to receive state compensatory education allotment funds, making allotment funds unavailable for students who are enrolled in a district-developed program.

C.S.H.B. 1305 seeks to address these concerns.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1305 amends the Education Code to give the board of trustees of a school district or the governing body of an open-enrollment charter school in which at least 10 percent of the students enrolled in one or more district schools or in a charter school are eligible for the national school breakfast program the option of developing and implementing a locally funded program to provide a free or reduced-price breakfast to all students in the schools or school eligible under the national program as an alternative to participating in the national program and making the benefits of the national program available to all eligible students in the schools or school. The bill permits a school district to participate in the national program at one or more campuses in the district and provide a locally funded program at one or more other campuses in the district. The bill requires a school district campus or charter school that provides a locally funded program and in which 80 percent or more of the students qualify under the national program to offer a free breakfast to each student.

C.S.H.B. 1305 revises the method for determining the number of educationally disadvantaged

students in a district for purposes of computing a school district's compensatory education allotment by providing that the determination is made by averaging the best six months' numbers of students eligible for enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year, rather than by averaging the best six months' actual enrollment in that program for the preceding school year or, as an alternate method, that the determination is made in the manner provided by commissioner of education rule, regardless of whether a district campus participated in that program during the preceding school year. The bill establishes that a student receiving a full-time virtual education through the state virtual school network is not included in determining the number of educationally disadvantaged students. The bill applies beginning with the 2015–2016 school year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1305 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 33.901, Education Code, is amended.

SECTION 2. Section 42.152(b), Education Code, is amended to read as follows:

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

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

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

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

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

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

(b) Except as provided by Subsection (b-1), ~~for~~ [For] purposes of this section, the number of educationally disadvantaged students is determined:

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

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

(b-1) A student receiving a full-time virtual education through the state virtual school network is not included in determining the number of educationally disadvantaged students under Subsection (b).

SECTION 3. Same as introduced version.

SECTION 4. 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, 2015.

SECTION 4. Same as introduced version.