

BILL ANALYSIS

C.S.H.B. 2159
By: Giddings
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that hungry students often have difficulties in the classroom and the parties believe that students whose prepaid meal card or account used to purchase school meals is depleted should not have subsequent lunches taken away from them in front of other students. C.S.H.B. 2159 seeks to ensure that such students have access to the same nutritious meals as other students and that their privacy is protected.

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. 2159 amends the Education Code to specify that the board of trustees of a public 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 in 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 and 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. 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.H.B. 2159 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.H.B. 2159 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. The bill 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 ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2159 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 33.908, 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 district but of at least two weeks, 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 three attempts by telephone or electronic mail during the grace period to privately:

(A) notify the parent of or person standing in parental relation to the student that the

HOUSE COMMITTEE SUBSTITUTE

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(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 send home with the student in an unmarked white envelope a written notice of a negative balance or other amount due and 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 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, 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

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].

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(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

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 does not stigmatize a student or cause embarrassment. The district's policy must identify the manner in which the district will prevent stigmatizing a student or causing embarrassment.

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.

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. Same as introduced version.

SECTION 3. Same as introduced version.