

SUBJECT: Allowing schools to donate food; modifying meal account grace periods

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Dutton, Gooden,
K. King, Koop, Meyer, VanDeaver

0 nays

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Liz Garbutt, Children's Defense Fund, Texas; Celia Cole, Feeding Texas; Christine Yanas, Methodist Healthcare Ministries of South Texas; Celina Moreno, Mexican American Legal Defense and Education Fund; Deborah Caldwell, Northeast ISD; Seth Rau, San Antonio ISD; Ted Melina Raab, Texas American Federation of Teachers; Barry Haenisch, Texas Association of Community Schools; Ramiro Canales, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Lindsay Gustafson, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Kyle Ward, Texas PTA; Colby Nichols, Texas Rural Education Association; Columba Wilson)

Against — None

On — (*Registered, but did not testify*: Kara Belew, Von Byer, and Eric Marin, Texas Education Agency)

DIGEST: CSSB 725 would allow school districts and open-enrollment charter schools to donate food to students through a nonprofit and would modify current law related to grace periods for students whose meal card or account balance was exhausted. The bill would be known as the Student Fairness in Feeding Act.

Food donation. CSSB 725 would authorize school districts and open-

enrollment charter schools to allow campuses to donate surplus or donated food to a representative of a nonprofit organization affiliated with the campus, including a teacher, counselor, or the parent of a student. The donated food could be received, stored, and distributed at any time on campus. School employees acting as volunteers of the nonprofit organization could assist in preparing and distributing the donated food.

Food donated by the campus could include surplus food prepared to be served at the school cafeteria, subject to local, state, and federal requirements, and food donated to the campus through a food drive or similar event. The types of donated food could include packaged or unpackaged unserved food, packaged served food if the packaging was in good condition, wrapped raw produce, and whole, uncut produce and unpeeled fruit.

The Commissioner of Education could adopt rules to implement the provisions of the bill related to the food donation program.

Grace-period policy for regular meals. CSSB 725 also would require school districts that allow a student whose meal card account balance is exhausted to continue purchasing meals on credit or by accumulating a negative balance to apply these grace-period policies to the purchase of a "regular meal," defined as one for which a school district ordinarily receives reimbursement under the national free or reduced-price lunch program.

A grace-period policy would have to require the district to make at least one attempt by email or telephone each week to:

- privately notify the parent or person standing in parental relation to the student that the student's meal card or account balance was exhausted;
- make arrangements for payment of a negative balance or amount due, including through a payment plan; and
- assist with applying for free or reduced-price meals, if the student was eligible.

The district would provide written notice of the same information to the parent or guardian.

After the grace period had expired, a district could allow the student to continue purchasing regular meals on credit or provide alternate meals at no cost, which would be served in the same serving line as regular meals. The district would be required to privately notify the student's parent or guardian of the alternate meal plan.

If the district provided regular meals on credit and was unable to obtain payment by the end of the school year from the student's parent or person standing in parental relation to the student, the district could pay a negative balance on the student's account by using private donations solicited by the district from individuals and entities, which would be maintained in a separate district account. The amounts received from private donations would be in addition to reimbursements that the district was entitled to under federal law.

School districts could not publicly identify a student with a negative balance on a meal card or account and would be required to protect the student's privacy. The method by which the district protected a student's privacy would be reflected in the district's grace-period policy.

The bill would take immediate effect if finally passed by a two-thirds vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply beginning with the 2017-18 school year.

SUPPORTERS
SAY:

CSSB 725 would help alleviate food insecurity in schools by ensuring students received proper nutrition and the best chance to be academically successful. Texas is home to many children without consistent access to meals, which can negatively affect attentiveness and mental health and increase the potential for lower grades and visits to the school nurse.

Food donation. CSSB 725 would give school districts and charter schools

needed flexibility to provide uneaten or donated food to a nonprofit organization for distribution to hungry students on campus. The district or charter would be protected from liability through the Bill Emerson Good Samaritan Act, a federal law created to encourage nonprofit organizations to distribute food to individuals in need. It would provide direction to educators with access to uneaten food who wanted to feed hungry children at school or through evenings and weekends. More than 60 percent of public school students in Texas qualify for free or reduced-priced meals, and the bill could benefit many economically disadvantaged students who otherwise might not have sufficient access to food.

The bill would help prevent the food waste that plagues many Texas schools. It would increase efficiency and ease the burden on school nutrition directors working with tight budgets while observing state and federal regulations on food availability for students. A few schools have similar yet more restrictive programs, such as the "share tables" initiative, which allows students to leave or retrieve unwanted food from a table at certain times of day. These programs have been shut down in places by local health authorities due to a lack of understanding or specific guidance from the state. The food donation option under CSSB 725 would remove the restrictions on location or time, while shielding districts from liability or punitive action from local health authorities.

Grace-period policy for regular meals. CSSB 725 also would help the state ensure school children did not go hungry by requiring districts to update grace-period policies for students whose meal cards had run out. This would allow the parent and school district to address repayment privately without embarrassing the student by taking away a lunch in the meantime. The updated policies would require the district to help with applications for free or reduced lunches and create a way for districts to provide free alternate meals or use private donations to pay meal card balances for those who could not afford to settle up at the end of the school year. All of these would be positive steps to address repayment while ensuring that students did not go hungry at school.

OPPONENTS

CSSB 725 would impose unnecessary regulations on school districts

SAY: related to their grace-period policies. Such mandates on school districts can cost money and are not needed, as students already have access to free and reduced-price lunches. The issues that the bill aims to address vary across school districts, and they should be addressed by local authorities, not through state regulation.

NOTES: CSSB 725 differs from the Senate-passed version in that it adds provisions related to grace period policies for exhausted or insufficient meal card balances. It also would allow open-enrollment charter schools to donate food to their students through a nonprofit.

A companion bill, HB 367 by Bernal, was reported favorably from the Senate Committee on Agriculture, Water, and Rural Affairs and placed on the Senate intent calendar for May 18.