BREAKFAST PROGRAM

If at least ten percent of the students enrolled in one or more schools in the District 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. 1773), the District shall participate in the program and extend its benefits to all eligible students in said school or schools. *Education Code 33.901*

SUMMER LUNCH PROGRAM

Unless the Texas Department of Agriculture (TDA) grants a district a waiver, a district in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program under 42 U.S.C. Chapter 13 shall provide or arrange for the provision of a summer nutrition program for at least 30 days during the period in which district schools are recessed for the summer. *Agriculture Code 12.0029(b)*

"Summer nutrition program" means the Summer Food Service Program under 42 U.S.C. 1761. The term includes the seamless summer option under 42 U.S.C. 1761(a)(8). *Agriculture Code 12.0029(a)(2)*

NOTICE FROM TDA

Not later than October 31 of each year, TDA shall notify each qualifying district of the district's responsibility concerning provision of a summer nutrition program during the next period in which school is recessed for the summer. *Agriculture Code 12.0029(c)*

NOTICE OF PROVISION OF PROGRAM

Unless a district decides to pursue a waiver, each district that receives a notice from TDA shall, not later than January 31 of the year following the year in which the notice was received, inform TDA in writing that the district intends to provide or arrange for the provision of a summer nutrition program during the next period in which district schools are recessed for the summer. *Agriculture Code 12.0029(e)*

WAIVER

If the District intends to request a waiver, the Board must, not later than November 30 of each year, send written notice of the District's intention to the District's local school health advisory council. The notice must include an explanation of the District's reason for requesting a waiver of the requirement. *Agriculture Code 12.0029(d)*

The District shall, not later than January 31 of the year following the year in which the notice was received, request in writing that TDA grant the District a one-year waiver of the requirement to provide or arrange for the provision of a summer nutrition program. *Agriculture Code 12.0029(e)*

TDA may grant the District a waiver of the requirement to provide or arrange for the provision of a summer nutrition program only if:

1. The District has worked with the TDA field offices to identify another possible provider for the program in the District and

the District provides documentation, verified by TDA, showing that:

a. There are fewer than 100 children in the District currently eligible for the national free or reduced-price lunch program;

b. Transportation to enable District students to participate in the program is an insurmountable obstacle to the District's ability to provide or arrange for the provision of the program despite consultation by the District with public transit providers;

c. The District is unable to provide or arrange for the provision of a program due to renovation or construction of District facilities and the unavailability of an appropriate alternate provider or site; or

d. The District is unable to provide or arrange for the provision of a program due to another specified extenuating circumstance and the unavailability of an appropriate alternate provider or site; or

2. The cost to the District to provide or arrange for provision of a program would be cost-prohibitive, as determined by the department using the criteria and methodology established by TDA.

Agriculture Code 12.0029(f)

ALTERNATE PROVIDER

If the District has requested a waiver and has been unable to provide to TDA a list of possible providers for the summer nutrition program, the TDA field offices shall continue to attempt to identify an alternate provider for the District's summer nutrition program. *Agriculture Code 12.0029(i)*