



Adopted in House Comm. on May 13, 2004

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1 AMENDMENT TO SENATE BILL 1400

2 AMENDMENT NO. _____. Amend Senate Bill 1400 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Childhood Hunger Relief Act.

6 Section 5. State policy and legislative intent. The General
7 Assembly recognizes that hunger and food security are serious
8 problems in the State of Illinois with as many as one million
9 citizens being affected. These citizens have lost their sense
10 of food security. Food insecurity occurs whenever the
11 availability of nutritionally adequate and safe foods or the
12 ability to acquire acceptable foods in socially acceptable ways
13 is limited or uncertain. Hunger is a painful or uneasy
14 sensation caused by a recurrent or involuntary lack of food and
15 is a potential, although not necessary, consequence of food
16 insecurity. Over time, hunger may result in malnutrition. It is
17 estimated that just under 600,000 Illinois children experience
18 hunger or food insecurity, meaning that they either go without
19 eating meals, or their parents or guardians cannot provide the
20 kinds of food they need. At present, the Illinois economy is
21 steadily experiencing a 6% unemployment rate, people are being
22 laid off who thought they had job security, and the unemployed
23 are remaining unemployed beyond the terms of unemployment
24 benefits. Emergency food providers throughout the State are

1 experiencing an increase in the number of working poor families
2 requesting emergency food. In October 2003, Illinois was ranked
3 48th in the nation in providing school breakfasts to low-income
4 children of families who meet the criteria for free and
5 reduced-price lunches. Because low-income children are not
6 being adequately nourished, even to the point where many are
7 arriving at school hungry, the General Assembly believes it is
8 in the best interest of Illinois to utilize resources available
9 through existing child nutrition programs, to the fullest
10 extent possible.

11 The General Assembly also recognizes a definite
12 correlation between adequate child nutrition and a child's
13 physical, emotional, and cognitive development. There is also a
14 correlation between adequate nutrition and a child's ability to
15 perform well in school. Documented research has proven that
16 school breakfasts improve attendance and increase a child's
17 readiness to learn. In this regard, the General Assembly
18 realizes the importance of the National School Breakfast
19 Program and the Summer Food Service Program as effective
20 measures that must be widely implemented to ensure more
21 adequate nutrition for Illinois children.

22 Section 10. Definitions. In this Act:

23 "Hunger" means a symptom of poverty caused by a lack of
24 resources that prevents the purchasing of a nutritionally
25 adequate diet resulting in a chronic condition of being
26 undernourished.

27 "Food insecurity" means a limited or uncertain
28 availability of nutritionally adequate foods.

29 "Food security" means ensured access to enough food for an
30 active, healthy life.

31 "School Breakfast Program" means the federal child
32 nutrition entitlement program that helps serve nourishing
33 low-cost breakfast meals to school children. In addition to

1 cash assistance, participating schools get foods donated by and
2 technical guidance from the United States Department of
3 Agriculture. Payments to schools are higher for meals served to
4 children who qualify, on the basis of family size and income,
5 for free or reduced-price meals. The program is administered in
6 Illinois by the State Board of Education.

7 "Summer Food Service Program" means the federal child
8 nutrition entitlement program that helps communities serve
9 meals to needy children when school is not in session. The
10 United States Department of Agriculture reimburses sponsors
11 for operating costs of food services up to a specific maximum
12 rate for each meal served. In addition, sponsors receive some
13 reimbursement for planning and supervising expenses. The
14 program in Illinois is administered by the State Board of
15 Education.

16 Section 15. School breakfast program.

17 (a) By September 1, 2004 and then each school year
18 thereafter, the board of education of each school district in
19 this State shall implement and operate a school breakfast
20 program, if a breakfast program does not currently exist, in
21 accordance with federal guidelines in each school building
22 within its district in which at least 40% or more of the
23 students are eligible for free or reduced-price lunches based
24 upon the count on October 31 of the previous year.

25 Using the data from the previous school year, the board of
26 education of each school district in the State shall determine
27 which schools within their districts will be required to
28 implement and operate a school breakfast program.

29 (b) School districts may charge students who do not meet
30 federal criteria for free school meals for the breakfasts
31 served to these students within the allowable limits set by
32 federal regulations.

33 (c) School breakfast programs established under this

1 Section shall be supported entirely by federal funds and
2 commodities, charges to students and other participants, and
3 other available State and local resources, including under the
4 School Breakfast and Lunch Program Act. Allowable costs for
5 reimbursement to school districts, in accordance with the
6 United States Department of Agriculture, include compensation
7 of employees for the time devoted and identified specifically
8 to implement the school breakfast program; the cost of
9 materials acquired, consumed, or expended specifically to
10 implement the school breakfast program; equipment and other
11 approved capital expenditures necessary to implement the
12 school breakfast program; and transportation expenses incurred
13 specifically to implement and operate the school breakfast
14 program.

15 (d) A school district shall be allowed to opt out of the
16 school breakfast program requirement of this Section if it is
17 determined that, due to circumstances specific to that school
18 district, the expense reimbursement would not fully cover the
19 costs of implementing and operating a school breakfast program.
20 The school district shall petition its regional superintendent
21 of schools by November 15 to request to be exempt from the
22 school breakfast program requirement. The petition shall
23 include all legitimate costs associated with implementing and
24 operating a school breakfast program, the estimated
25 reimbursement from State and federal sources, and any unique
26 circumstances the school district can verify that exist that
27 would cause the implementation and operation of such a program
28 to be cost prohibitive.

29 The regional superintendent of schools shall review the
30 petition. He or she shall convene a public hearing to hear
31 testimony from the school district and interested community
32 members. The regional superintendent shall, by December 15,
33 inform the school district of his or her decision, along with
34 the reasons why the exemption was granted or denied, in

1 writing. If the regional superintendent grants an exemption to
2 the school district, then the school district is relieved from
3 the requirement to establish and implement a school breakfast
4 program.

5 If the regional superintendent of schools does not grant an
6 exemption to the school district, then the school district
7 shall implement and operate a school breakfast program in
8 accordance with this Section by September 1 of the subsequent
9 school year. However, the school district or a resident of the
10 school district may appeal the decision of the regional
11 superintendent to the Chairperson of the Illinois House of
12 Representatives' Elementary and Secondary Education Committee
13 and the Chairperson of the Illinois Senate's Education
14 Committee. No later than February 15 of each year, a joint
15 committee made up of the members of the House Elementary and
16 Secondary Education Committee and Senate Education Committee,
17 jointly chaired by the chairpersons of those committees, shall
18 be convened to hear appeals on the decisions of regional
19 superintendents of schools. This joint committee shall make a
20 final decision at the conclusion of the hearing on the school
21 district's request for an exemption from the school breakfast
22 program requirement. If the joint committee grants an exemption
23 to the school district, then the school district is relieved
24 from the requirement to implement and operate a school
25 breakfast program. If the joint committee does not grant an
26 exemption to the school district, then the school district
27 shall implement and operate a school breakfast program in
28 accordance with this Section by September 1 of the subsequent
29 school year.

30 A school district may not attempt to opt out of the school
31 breakfast program requirement of this Section by requesting a
32 waiver under Section 2-3.25g of the School Code.

33 Section 20. Summer food service program.

1 (a) The State Board of Education shall promulgate a State
2 plan for summer food service programs, in accordance with 42
3 U.S.C. Sec. 1761 and any other applicable federal laws and
4 regulations, by January 15, 2005.

5 (b) By the summer of 2005 and then each summer thereafter,
6 it is strongly encouraged that the board of education of each
7 school district in this State in which at least 50% of the
8 students are eligible for free or reduced-price school meals
9 operate a summer food service program or identify a non-profit
10 or private agency to sponsor a summer food service program
11 within the school district's boundaries.

12 (c) Summer food service programs established under this
13 Section may be supported by federal funds and commodities and
14 other available State and local resources.

15 Section 95. The School Breakfast and Lunch Program Act is
16 amended by changing Sections 2.5, 4, and 5 as follows:

17 (105 ILCS 125/2.5)

18 Sec. 2.5. Breakfast incentive program. The State Board of
19 Education shall fund a breakfast incentive program comprised of
20 the components described in paragraphs (1), (2), and (3) of
21 this Section, provided that a separate appropriation is made
22 for the purposes of this Section. The State Board of Education
23 may allocate the appropriation among the program components in
24 whatever manner the State Board of Education finds will best
25 serve the goal of increasing participation in school breakfast
26 programs. If the amount of the appropriation allocated under
27 paragraph (1), (2), or (3) of this Section is insufficient to
28 fund all claims submitted under that particular paragraph, the
29 claims under that paragraph shall be prorated.

30 (1) The State Board of Education may reimburse each
31 sponsor of a school breakfast program an additional \$0.10
32 for each free, reduced-price, and paid breakfast served

1 over and above the number of such breakfasts served in the
2 same month during the preceding year, provided that the
3 number of breakfasts served in a participating school
4 building ~~by the sponsor~~ in that month is at least 10%
5 greater than the number of breakfasts served in the same
6 month during the preceding year.

7 (2) The State Board of Education may make grants to
8 school boards and welfare centers that agree to start a
9 school breakfast program in one or more schools or other
10 sites. First priority for these grants shall be given to
11 schools in which 40% ~~50%~~ or more of their students are
12 eligible for free and reduced price meals under the
13 National School Lunch Act (42 U.S.C. 1751 et seq.).
14 Depending on the availability of funds and the rate at
15 which funds are being utilized, the State Board of
16 Education is authorized to allow additional schools or
17 other sites to receive these grants. In making additional
18 grants, the State Board of Education shall provide for
19 priority to be given to schools with the highest percentage
20 of students eligible for free and reduced price lunches
21 under the National School Lunch Act. The amount of the
22 grant shall be \$3,500 for each qualifying school or site in
23 which a school breakfast program is started. The grants
24 shall be used to pay the start-up costs for the school
25 breakfast program, including equipment, supplies, and
26 program promotion, but shall not be used for food, labor,
27 or other recurring operational costs. Applications for the
28 grants shall be made to the State Board of Education on
29 forms designated by the State Board of Education. Any
30 grantee that fails to operate a school breakfast program
31 for at least 3 years after receipt of a grant shall refund
32 the amount of the grant to the State Board of Education.

33 (3) The State Board of Education may reimburse a school
34 board for each free, reduced-price, or paid breakfast

1 served in a school breakfast program located in a school in
2 which 80% or more of the students are eligible to receive
3 free or reduced price lunches under the National School
4 Lunch Act (42 U.S.C. 1751 et seq.) in an amount equal to
5 the difference between (i) the current amount reimbursed by
6 the federal government for a free breakfast and (ii) the
7 amount actually reimbursed by the federal government for
8 that free, reduced-price, or paid breakfast. A school board
9 that receives reimbursement under this paragraph (3) shall
10 not be eligible in the same year to receive reimbursement
11 under paragraph (1) of this Section.

12 (Source: P.A. 91-843, eff. 6-22-00.)

13 (105 ILCS 125/4) (from Ch. 122, par. 712.4)

14 Sec. 4. Accounts; copies of menus served; free lunch
15 program required; report. School boards and welfare centers
16 shall keep an accurate, detailed and separate account of all
17 moneys expended for school breakfast programs, school lunch
18 programs, free breakfast programs, ~~and~~ free lunch programs, and
19 summer food service programs, and of the amounts for which they
20 are reimbursed by any governmental agency, moneys received from
21 students and from any other contributors to the program. School
22 boards and welfare centers shall also keep on file a copy of
23 all menus served under the programs, which together with all
24 records of receipts and disbursements, shall be made available
25 to representatives of the State Board of Education at any time.

26 Every public school must have a free lunch program.

27 In 2001 and in each subsequent year, the State Board of
28 Education shall provide to the Governor and the General
29 Assembly, by a date not later than March 1, a report that
30 provides all of the following:

31 (1) A list by school district of all schools, the total
32 student enrollment, and the number of children eligible for
33 free, reduced price, and paid breakfasts and lunches.

1 (2) A list of schools that have started breakfast
2 programs during the past year along with information on
3 which schools have utilized the \$3,500 start-up grants and
4 the additional \$0.10 per meal increased participation
5 incentives established under Section 2.5 of this Act.

6 (3) A list of schools that have used the school
7 breakfast program option outlined in this Act, a list of
8 schools that have exercised Provision Two or Provision
9 Three under the Child Nutrition Act of 1966 (42 U.S.C. 1771
10 et seq.), and a list of schools that have dropped either
11 school lunch or school breakfast programs during the past
12 year and the reasons why.

13 In 2005, 2007, and 2009 ~~2001, 2003, and 2005~~ the report
14 required by this Section shall also include information that
15 documents the results of surveys designed to identify parental
16 interest in school breakfast programs and documents barriers to
17 establishing school breakfast programs. To develop the surveys
18 for school administrators and for parents, the State Board of
19 Education shall work in coordination with the State Board of
20 Education's Child Nutrition Advisory Council and local
21 committees that involve parents, teachers, principals,
22 superintendents, business, and anti-hunger advocates,
23 organized by the State Board of Education to foster community
24 involvement. The State Board of Education is authorized to
25 distribute the surveys in all schools where there are no school
26 breakfast programs.

27 (Source: P.A. 91-843, eff. 6-22-00.)

28 (105 ILCS 125/5) (from Ch. 122, par. 712.5)

29 Sec. 5. Application for participation in programs.
30 Applications for participation in the school breakfast
31 program, the school lunch program, the free breakfast program,
32 ~~and~~ the free lunch program, and the summer food service program
33 shall be made on forms provided by the State Board of Education

1 and filed with the State Board, ~~through the Regional~~
2 ~~Superintendent of Schools.~~

3 (Source: P.A. 91-843, eff. 6-22-00.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".