

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. Findings.

5 (a) The General Assembly finds that:

6 (1) no Illinois child should experience hunger, and
7 every student should benefit from access to healthy,
8 locally procured, and freshly prepared meals during the
9 school day;

10 (2) healthy school meals are necessary for all
11 students for effective learning, and the State's
12 investment in education should include healthy school
13 meals for all students to support the nourishment students
14 need to achieve academic success;

15 (3) access to healthy school meals should not cause
16 stigma or stress for any student seeking an education;

17 (4) Illinois' healthy school meals program should
18 support Illinois' food systems, including historically
19 underserved producers and processors;

20 (5) Illinois' healthy school meals program must
21 support students' nutrition and provide quality meals to
22 boost the health and well-being of Illinois students;

23 (6) during the COVID-19 pandemic, the United States
24 Department of Agriculture allowed schools to serve free

1 meals to all students via a waiver, ensuring that all
2 students facing hunger had access to food while in school;
3 and

4 (7) now that the waiver is no longer in place, but
5 strategies exist to prevent hunger for all students during
6 the school day, it is imperative that the State embrace
7 these strategies to move toward the goal of ending child
8 hunger.

9 (b) The General Assembly finds that it is in the best
10 interests of the students of Illinois and their families to
11 implement the Healthy School Meals for All Program to provide
12 free breakfast and lunch in schools for all students.

13 Section 10. The School Breakfast and Lunch Program Act is
14 amended by changing Section 2 and by adding Section 2.3 as
15 follows:

16 (105 ILCS 125/2) (from Ch. 122, par. 712.2)

17 Sec. 2. Reimbursement of sponsors. The State Board of
18 Education is authorized to reimburse school boards and welfare
19 centers that operate free breakfast programs, school breakfast
20 programs, free lunch programs, or school lunch programs for a
21 portion of the costs of food served in balanced, nutritious
22 breakfasts or lunches and served to students in non-profit
23 public or private schools and non-profit welfare centers.

24 The State Board of Education shall reimburse not less than

1 \$0.15 or the actual cost, whichever is less, to School Boards
2 and non-profit welfare centers for each free lunch and not
3 less than \$0.15 or the actual cost, whichever is less, for each
4 free breakfast supplied by them. This appropriation shall be
5 in addition to any federal contributions.

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

7 (105 ILCS 125/2.3 new)

8 Sec. 2.3. Healthy School Meals for All Program.

9 (a) In this Section:

10 "Community Eligibility Provision" means the federal
11 program created in 42 U.S.C. 1759a(a) (1) (F) that allows school
12 districts to choose to receive federal special assistance
13 payments for school meals in exchange for providing free
14 school meals to all students enrolled in all or selected
15 schools of the school district.

16 "Eligible meal" means a lunch or breakfast that meets the
17 nutritional requirements specified in 7 CFR 210.10 or
18 successor regulations for the National School Lunch Program or
19 the National School Breakfast Program.

20 "Federal free reimbursement rate" means the free
21 reimbursement rate set by the United States Department of
22 Agriculture for meals that qualify for reimbursement under the
23 National School Breakfast Program and the National School
24 Lunch Program.

25 "Identified student percentage" means the percentage of a

1 school's, group of schools', or local education agency's
2 enrolled students who are certified as eligible for free meals
3 based on documentation of benefit receipt or categorical
4 eligibility as described in 7 CFR 245.6 and 7 CFR 245.9 or
5 successor regulations.

6 "National School Breakfast Program" means the federal
7 school breakfast program created in 42 U.S.C. 1773.

8 "National School Lunch Program" means the federal school
9 lunch program created in the Richard B. Russell National
10 School Lunch Act.

11 "Participating school board" means the school board of a
12 school district or the governing body of a nonpublic school
13 that chooses to participate in the Healthy School Meals for
14 All Program.

15 "Special assistance alternative" means a special nutrition
16 assistance alternative federal reimbursement method that is
17 authorized by the United States Department of Agriculture,
18 pursuant to 42 U.S.C. 1759a and 7 CFR Part 245, for eligible
19 schools that serve free meals to all enrolled students.

20 "Special assistance alternative" includes the Community
21 Eligibility Provision.

22 (b) The State Board of Education shall establish the
23 Healthy School Meals for All Program to begin on July 1, 2023.
24 Each participating school board that chooses to participate in
25 the Healthy School Meals for All Program shall offer eligible
26 meals, without charge, to all students enrolled in schools

1 that participate in the National School Breakfast Program and
2 National School Lunch Program.

3 Subject to appropriation, a participating school board
4 shall receive reimbursement for the meals set forth in
5 subsection (c) of this Section. Reimbursement from State funds
6 shall be available only to participating school boards that
7 maximize access to federal funds for the cost of the National
8 School Breakfast Program and National School Lunch Program by
9 participating in the Community Eligibility Provision or
10 another special assistance alternative, if eligible, and
11 operate the National School Breakfast Program and National
12 School Lunch Program in a way that in the opinion of the State
13 Board of Education draws down the most possible federal
14 funding for meals served in the National School Breakfast
15 Program and National School Lunch Program.

16 (c) It is the intent of the General Assembly that this
17 State, participating school boards, and participating schools
18 use all federal funds, federal programs, and federal
19 provisions in carrying out the Healthy School Meals for All
20 Program. The amount of the State reimbursement provided
21 through the Program to each participating school board for
22 each budget year shall be equal to the federal free
23 reimbursement rate multiplied by the total number of eligible
24 meals that the participating schools serve during the
25 applicable budget year, minus the total amount of
26 reimbursement for eligible meals served during the applicable

1 budget year that the participating school board receives
2 pursuant to the National School Breakfast Program and the
3 National School Lunch Program.

4 If at any time the appropriation is insufficient to cover
5 all school boards interested in participating in the Healthy
6 School Meals for All Program as described in this subsection,
7 the State Board of Education shall reimburse school boards
8 participating in the community eligibility provision with
9 higher priority for schools with higher identified student
10 percentages that would not otherwise receive the federal free
11 reimbursement rate for all meals served, and then distribute
12 any remaining appropriation in an equitable manner as
13 determined by the State Board of Education among remaining
14 schools interested in participating in the Healthy School
15 Meals for All Program. If at any time the appropriation is
16 insufficient to cover all school boards interested in
17 participating in the Healthy School Meals for All Program, the
18 State Board of Education shall communicate the implications of
19 the insufficient appropriation with eligible schools in a
20 timely manner to allow schools sufficient time to make
21 informed decisions about their food service administration.

22 (d) The State Board of Education shall develop procedures
23 to allocate and disburse the money appropriated for
24 reimbursements pursuant to this Section throughout each budget
25 year, in a schedule determined by the State Board of
26 Education, among participating school boards in an equitable

1 manner and in compliance with the requirements of the National
2 School Breakfast Program and the National School Lunch
3 Program.

4 (e) A participating school board shall annually give
5 notice to the State Board of Education of the intention to
6 participate in the Healthy School Meals for All Program. At a
7 minimum, if it is eligible to participate, the notice must
8 include evidence that it is participating in the Community
9 Eligibility Provision or another special assistance
10 alternative, as set forth in subsection (b) of this Section.

11 (f) If the United States Department of Agriculture creates
12 the option for the State, as a whole, to participate in the
13 Community Eligibility Provision, the State Board of Education
14 shall evaluate whether that option would be anticipated to
15 require less State funding than the Healthy School Meals for
16 All Program and provide at least as many free meals to students
17 in this State. If that option is anticipated to require less
18 State funding and provide at least as many free meals as the
19 Healthy School Meals for All Program, then the State Board of
20 Education shall elect that option and work with participating
21 school boards and necessary State and local agencies to
22 collect data and implement the Community Eligibility Provision
23 statewide, and participating school boards shall be reimbursed
24 as set forth in subsection (c) of this Section. Until the State
25 participates in the Community Eligibility Provision as a
26 State, each participating school board, as a condition of

1 participating in the Healthy School Meals for All Program,
2 must maximize the amount of federal reimbursement it receives
3 as set forth in subsection (b) of this Section.

4 (g) The State Board of Education shall notify each
5 participating school board that is eligible for participation
6 in the Community Eligibility Provision or another special
7 assistance alternative of its eligibility and that, through
8 the Healthy School Meals for All Program, it will receive a
9 supplemental, State-funded meal reimbursement in addition to
10 any federal meal reimbursement received as set forth in
11 subsection (c) of this Section. The State Board of Education
12 shall support and provide technical assistance to schools and
13 school districts as needed to support their enrollment in the
14 Community Eligibility Program or another special assistance
15 alternative. The Healthy School Meals for All Program shall be
16 open to all eligible schools and school districts.

17 (h) The State Board of Education shall support schools and
18 school districts to achieve the highest level of student
19 participation in operating their school breakfast and lunch
20 programs, which may include any or all of the following:

21 (1) providing breakfast meals that can be picked up by
22 students;

23 (2) making breakfast available to students in
24 classrooms after the start of the school day; and

25 (3) collaborating with a school's wellness or similar
26 committee in planning school meals.

1 (i) If the State Board of Education no longer receives
2 federal funding for the United States Department of
3 Agriculture's Local Food for Schools Cooperative Agreement
4 Program, the State Board of Education shall sustain the
5 program, subject to appropriation. The State Board of
6 Education shall use the infrastructure, systems, and
7 eligibility criteria created through the Local Food for
8 Schools Cooperative Agreement Program to sustain school food
9 authorities' ability to purchase and serve local foods.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.