

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

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

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