



Sen. Christopher Belt

**Filed: 2/28/2024**

10300SB2209sam001

LRB103 26914 RJT 70201 a

1 AMENDMENT TO SENATE BILL 2209

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2209 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Childhood Hunger Relief Act is amended by  
5 changing Section 15 and by adding Section 18 as follows:

6 (105 ILCS 126/15)

7 Sec. 15. School breakfast program.

8 (a) The board of education of each school district in this  
9 State shall implement and operate a school breakfast program  
10 in the next school year, if a breakfast program does not  
11 currently exist, in accordance with federal guidelines in each  
12 school building within its district in which at least 40% or  
13 more of the students are eligible for free or reduced-price  
14 lunches based upon the current year's October claim (for those  
15 schools that participate in the National School Lunch Program)  
16 or in which at least 40% or more of the students are classified

1 as low-income according to the Fall Housing Data from the  
2 previous year (for those schools that do not participate in  
3 the National School Lunch Program).

4 (b) School districts may charge students who do not meet  
5 federal criteria for free school meals for the breakfasts  
6 served to these students within the allowable limits set by  
7 federal regulations.

8 (c) School breakfast programs established under this  
9 Section shall be supported entirely by federal funds and  
10 commodities, charges to students and other participants, and  
11 other available State and local resources, including under the  
12 School Breakfast and Lunch Program Act. Allowable costs for  
13 reimbursement to school districts, in accordance with the  
14 United States Department of Agriculture, include compensation  
15 of employees for the time devoted and identified specifically  
16 to implement the school breakfast program; the cost of  
17 materials acquired, consumed, or expended specifically to  
18 implement the school breakfast program; equipment and other  
19 approved capital expenditures necessary to implement the  
20 school breakfast program; and transportation expenses incurred  
21 specifically to implement and operate the school breakfast  
22 program.

23 (d) A school district shall be allowed to opt out a school  
24 or schools from the school breakfast program requirement of  
25 this Section if it is determined that, due to circumstances  
26 specific to that school district, the expense reimbursement

1 would not fully cover the costs of implementing and operating  
2 a school breakfast program. The school district shall petition  
3 its regional superintendent of schools by February 15 of each  
4 year to request to be exempt from operating the school  
5 breakfast program in the school or schools in the next school  
6 year. The petition shall include all legitimate costs  
7 associated with implementing and operating a school breakfast  
8 program, the estimated reimbursement from State and federal  
9 sources, and any unique circumstances the school district can  
10 verify that exist that would cause the implementation and  
11 operation of such a program to be cost prohibitive.

12 The regional superintendent of schools shall review the  
13 petition. In accordance with the Open Meetings Act, he or she  
14 shall convene a public hearing to hear testimony from the  
15 school district and interested community members. The regional  
16 superintendent shall, by March 15 of each year, inform the  
17 school district of his or her decision, along with the reasons  
18 why the exemption was granted or denied, in writing. The  
19 regional superintendent must also send notification to the  
20 State Board of Education detailing which schools requested an  
21 exemption and the results. If the regional superintendent  
22 grants an exemption to the school district, then the school  
23 district is relieved from the requirement to establish and  
24 implement a school breakfast program in the school or schools  
25 granted an exemption for the next school year.

26 If the regional superintendent of schools does not grant

1 an exemption, then the school district shall implement and  
2 operate a school breakfast program in accordance with this  
3 Section by the first student attendance day of the next school  
4 year. However, the school district or a resident of the school  
5 district may by April 15 appeal the decision of the regional  
6 superintendent to the State Superintendent of Education. The  
7 State Superintendent shall hear appeals on the decisions of  
8 regional superintendents of schools no later than May 15 of  
9 each year. The State Superintendent shall make a final  
10 decision at the conclusion of the hearing on the school  
11 district's request for an exemption from the school breakfast  
12 program requirement. If the State Superintendent grants an  
13 exemption, then the school district is relieved from the  
14 requirement to implement and operate a school breakfast  
15 program in the school or schools granted an exemption for the  
16 next school year. If the State Superintendent does not grant  
17 an exemption, then the school district shall implement and  
18 operate a school breakfast program in accordance with this  
19 Section by the first student attendance day of the next school  
20 year.

21 A school district may not attempt to opt out a school or  
22 schools from the school breakfast program requirement of this  
23 Section by requesting a waiver under Section 2-3.25g of the  
24 School Code.

25 (e) For all schools operating a school breakfast program,  
26 the State Board of Education shall collect information about

1 whether a school is operating a breakfast after the bell  
2 program under Section 16 and, if so, what breakfast after the  
3 bell model the school operates, including breakfast in the  
4 classroom, second chance breakfast, and grab and go breakfast.  
5 The State Board of Education shall make this data publicly  
6 available annually.

7 (Source: P.A. 96-158, eff. 8-7-09.)

8 (105 ILCS 126/18 new)

9 Sec. 18. Breakfast after the bell grant program.

10 (a) Subject to appropriation, the State Board of Education  
11 shall award a grant of up to \$7,000 per school site on a  
12 competitive basis to eligible schools, school districts, or  
13 entities approved by the State Board of Education for  
14 nonrecurring expenses incurred in initiating a breakfast after  
15 the bell program under Section 16.

16 Grants awarded under this Section shall be used for the  
17 nonrecurring costs of initiating a breakfast after the bell  
18 program, including, but not limited to, the acquisition of  
19 equipment, training of staff in new capacities, outreach  
20 efforts to publicize new or expanded school breakfast  
21 programs, minor alterations to accommodate new equipment,  
22 computer point-of-service systems for food service, and the  
23 purchase of vehicles for transporting food to schools.

24 (b) In making grant awards under this Section, the State  
25 Board of Education shall give a preference to grant applicants

1 that do all of the following:

2 (1) Submit to the State Board of Education a plan to  
3 start or expand school breakfast programs in the school  
4 district or the educational service region, including a  
5 description of the following:

6 (A) a description of each eligible school site's  
7 breakfast after the bell program under Section 16,  
8 including which school and school district  
9 stakeholders have been engaged in the development of  
10 the program, including, but not limited to, the  
11 superintendent, the principal, the business manager,  
12 school food service personnel, the school nurse,  
13 teachers, and janitorial staff;

14 (B) a budget outlining the nonrecurring expenses  
15 needed to initiate a program at each school site; and

16 (C) any public or private resources that have been  
17 assembled to carry out expansion of school breakfast  
18 programs during the school year.

19 (2) Agree to operate a breakfast after the bell  
20 program under Section 16 for a period of not less than 3  
21 school years.

22 (3) Have higher rates of students who are eligible for  
23 free or reduced-price meals."