



Sen. Christopher Belt

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10300SB2209sam002

LRB103 26914 RJT 70679 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 School Breakfast and Lunch Program Act is  
5 amended by changing Sections 1, 2, and 2.5 and by adding  
6 Section 2.1 as follows:

7 (105 ILCS 125/1) (from Ch. 122, par. 712.1)

8 Sec. 1. Definitions. For the purposes of this Act:

9 "School board" means school principal, directors, board of  
10 education and board of school inspectors of public and private  
11 schools.

12 "Welfare center" means an institution not otherwise  
13 receiving funds from any governmental agency, serving  
14 breakfasts or lunches to children of school age or under, in  
15 conformance with the authorized free breakfast program, school  
16 breakfast program, free lunch program, or school lunch

1 program.

2 "Free breakfast program" means those programs through  
3 which school boards may supply needy children in their  
4 respective districts with free school breakfasts.

5 "Free lunch program" means those programs through which  
6 school boards supply all of the needy children in their  
7 respective districts with free school lunches.

8 "Reduced-price copayment" means the amount a  
9 reduced-price-eligible student would be charged for a  
10 reduced-price meal under a school breakfast or school lunch  
11 program.

12 "Reduced-price-eligible student" means a student who meets  
13 the federal income eligibility guidelines for income levels  
14 for meals at a reduced price pursuant to the federal Child  
15 Nutrition Act of 1966 (42 U.S.C. 1771) or the federal National  
16 School Lunch Act (42 U.S.C. 1751).

17 "School breakfast program" means a school breakfast  
18 program that meets the requirements for school breakfast  
19 programs under the Child Nutrition Act of 1966 (42 U.S.C. 1771  
20 et seq.).

21 "School lunch program" means a school lunch program that  
22 meets the requirements for school lunch programs under the  
23 National School Lunch Act (42 U.S.C. 1751 et seq.).

24 "Comptroller" means Comptroller of the State of Illinois.  
25 (Source: P.A. 91-843, eff. 6-22-00.)

1 (105 ILCS 125/2) (from Ch. 122, par. 712.2)

2 Sec. 2. Reimbursement of sponsors.

3 (a) The State Board of Education is authorized to  
4 reimburse school boards and welfare centers that operate free  
5 breakfast programs, school breakfast programs, free lunch  
6 programs, or school lunch programs for a portion of the costs  
7 of food served in balanced, nutritious breakfasts or lunches  
8 and served to students in non-profit public or private schools  
9 and non-profit welfare centers.

10 (b) The State Board of Education shall reimburse not less  
11 than \$0.15 or the actual cost, whichever is less, to school  
12 boards and non-profit welfare centers for each free lunch and  
13 not less than \$0.15 or the actual cost, whichever is less, for  
14 each free breakfast supplied by them. This appropriation shall  
15 be in addition to any federal contributions.

16 (c) Subject to appropriation, the State Board of Education  
17 shall reimburse school boards and non-profit welfare centers  
18 for the cost of eliminating reduced-price copayments.  
19 Reimbursement shall be made on a per-meal basis in an amount  
20 equal to the difference between the federal free meal rate and  
21 the federal reduced-price rate. This reimbursement shall be in  
22 addition to any federal or State contributions.

23 (Source: P.A. 103-532, eff. 8-11-23.)

24 (105 ILCS 125/2.1 new)

25 Sec. 2.1. Reduced-price copayment; prohibition. No school

1 board or non-profit welfare center that administers a school  
2 breakfast or school lunch program and receives a reimbursement  
3 under subsection (c) of Section 2 of this Act may charge a  
4 reduced-price-eligible student a reduced-price copayment for  
5 meals.

6 (105 ILCS 125/2.5)

7 Sec. 2.5. Breakfast incentive program. The State Board of  
8 Education shall fund a breakfast incentive program comprised  
9 of the components described in paragraphs (1), (2), and (3) of  
10 this Section, provided that a separate appropriation is made  
11 for the purposes of this Section. The State Board of Education  
12 may allocate the appropriation among the program components in  
13 whatever manner the State Board of Education finds will best  
14 serve the goal of increasing participation in school breakfast  
15 programs. If the amount of the appropriation allocated under  
16 paragraph (1), (2), or (3) of this Section is insufficient to  
17 fund all claims submitted under that particular paragraph, the  
18 claims under that paragraph shall be prorated.

19 (1) Additional funding incentive. The State Board of  
20 Education may reimburse each sponsor of a school breakfast  
21 program at least an additional \$0.10 for each free,  
22 reduced-price, and paid breakfast served over and above  
23 the number of such breakfasts served in the same month  
24 during the preceding year.

25 (2) Start-up incentive. The State Board of Education

1 may make grants to school boards and welfare centers that  
2 agree to start a school breakfast program in one or more  
3 schools or other sites. First priority for these grants  
4 shall be given through August 15 to schools in which 40% or  
5 more of their students are eligible for free and reduced  
6 price meals, based on the school district's previous  
7 year's October claim, under the National School Lunch Act  
8 (42 U.S.C. 1751 et seq.). Depending on the availability of  
9 funds and the rate at which funds are being utilized, the  
10 State Board of Education is authorized to allow additional  
11 schools or other sites to receive these grants in the  
12 order in which they are received by the State Board of  
13 Education. The amount of the grant shall be \$3,500 for  
14 each qualifying school or site in which a school breakfast  
15 program is started. The grants shall be used to pay the  
16 start-up costs for the school breakfast program, including  
17 equipment, supplies, and program promotion, but shall not  
18 be used for food, labor, or other recurring operational  
19 costs. Applications for the grants shall be made to the  
20 State Board of Education on forms designated by the State  
21 Board of Education. Any grantee that fails to operate a  
22 school breakfast program for at least 3 years after  
23 receipt of a grant shall refund the amount of the grant to  
24 the State Board of Education.

25 (3) Non-traditional breakfast incentive.  
26 Understanding that there are barriers to implementing a

1 school breakfast program in a traditional setting such as  
2 in a cafeteria, the State Board of Education may make  
3 grants to school boards and welfare centers to offer the  
4 school breakfast program in non-traditional settings or  
5 using non-traditional methods. Priority will be given to  
6 applications through August 15 of each year from schools  
7 that are identified as priority schools under Section  
8 2-3.25d-5 of the School Code. Depending on the  
9 availability of funds and the rate at which funds are  
10 being utilized, the State Board of Education is authorized  
11 to allow additional schools or other sites to receive  
12 these grants in the order in which they are received by the  
13 State Board of Education.

14 (4) Breakfast after the bell incentive. Subject to  
15 appropriation, the State Board of Education shall make  
16 grants to school boards or welfare centers that initiate  
17 or expand breakfast after the bell programs under Section  
18 16 of the Childhood Hunger Relief Act at one or more  
19 schools or other sites. Grants of up to \$7,500 shall be  
20 given on a competitive basis for nonrecurring expenses  
21 incurred in initiating or expanding a breakfast after the  
22 bell programs. Eligible costs include, but are not limited  
23 to, the acquisition of equipment, training of staff in new  
24 capacities, outreach efforts to publicize the program,  
25 minor building alterations to accommodate new equipment,  
26 computer point-of-service systems for food service, and

1       the purchase of vehicles for transporting food to schools.  
2       Funds may not be used for salaries and benefits of staff or  
3       food for school meal programs. Priority shall be given to  
4       applications submitted through August 15 of each year by  
5       school boards and welfare centers that have high rates of  
6       free and reduced-price eligible students, as determined by  
7       the State Board of Education, and that agree to operate  
8       the program for a minimum of 3 years.

9       (Source: P.A. 99-193, eff. 7-30-15.)

10       Section 10. The Childhood Hunger Relief Act is amended by  
11       changing Section 15 as follows:

12       (105 ILCS 126/15)

13       Sec. 15. School breakfast program.

14       (a) The board of education of each school district in this  
15       State shall implement and operate a school breakfast program  
16       in the next school year, if a breakfast program does not  
17       currently exist, in accordance with federal guidelines in each  
18       school building within its district in which at least 40% or  
19       more of the students are eligible for free or reduced-price  
20       lunches based upon the current year's October claim (for those  
21       schools that participate in the National School Lunch Program)  
22       or in which at least 40% or more of the students are classified  
23       as low-income according to the Fall Housing Data from the  
24       previous year (for those schools that do not participate in

1 the National School Lunch Program).

2 (b) School districts may charge students who do not meet  
3 federal criteria for free school meals for the breakfasts  
4 served to these students within the allowable limits set by  
5 federal regulations, except as provided in Section 2.1 of the  
6 School Breakfast and Lunch Program Act.

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

22 (d) A school district shall be allowed to opt out a school  
23 or schools from the school breakfast program requirement of  
24 this Section if it is determined that, due to circumstances  
25 specific to that school district, the expense reimbursement  
26 would not fully cover the costs of implementing and operating



1 a school breakfast program. The school district shall petition  
2 its regional superintendent of schools by February 15 of each  
3 year to request to be exempt from operating the school  
4 breakfast program in the school or schools in the next school  
5 year. The petition shall include all legitimate costs  
6 associated with implementing and operating a school breakfast  
7 program, the estimated reimbursement from State and federal  
8 sources, and any unique circumstances the school district can  
9 verify that exist that would cause the implementation and  
10 operation of such a program to be cost prohibitive.

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

25 If the regional superintendent of schools does not grant  
26 an exemption, then the school district shall implement and

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

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

24 (e) For all schools that operate a school breakfast  
25 program, the State Board of Education shall collect  
26 information on an annual basis about whether the school is

1 operating a breakfast after the bell program under Section 16  
2 and, if so, which breakfast after the bell model the school  
3 uses. For the purposes of this Section, breakfast after the  
4 bell models include breakfast in the classroom, second chance  
5 breakfast, and grab and go breakfast. The State Board of  
6 Education shall make this data publicly available annually.  
7 (Source: P.A. 96-158, eff. 8-7-09.)".