



Sen. Miguel del Valle

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1 AMENDMENT TO HOUSE BILL 756

2 AMENDMENT NO. _____. Amend House Bill 756, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

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

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

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

23 Section 10. Definitions. In this Act:

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

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

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

32 "School Breakfast Program" means the federal child
33 nutrition entitlement program that helps serve nourishing

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

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

17 Section 15. School breakfast program.

18 (a) Within 90 days after the effective date of this
19 amendatory Act of the 93rd General Assembly and then each
20 school year thereafter, the board of education of each school
21 district in this State shall implement and operate a school
22 breakfast program, if a breakfast program does not currently
23 exist, in accordance with federal guidelines in each school
24 building within its district in which at least 40% or more of
25 the students are eligible for free or reduced-price lunches
26 based upon the count on October 31 of the previous year.

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

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

1 federal regulations.

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

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

31 The regional superintendent of schools shall review the
32 petition. He or she shall convene a public hearing to hear
33 testimony from the school district and interested community
34 members. The regional superintendent shall, by December 15,

1 inform the school district of his or her decision, along with
2 the reasons why the exemption was granted or denied, in
3 writing. If the regional superintendent grants an exemption to
4 the school district, then the school district is relieved from
5 the requirement to establish and implement a school breakfast
6 program.

7 If the regional superintendent of schools does not grant an
8 exemption to the school district, then the school district
9 shall implement and operate a school breakfast program in
10 accordance with this Section by September 1 of the subsequent
11 school year. However, the school district or a resident of the
12 school district may appeal the decision of the regional
13 superintendent to the State Superintendent of Education. No
14 later than February 15 of each year, the State Superintendent
15 shall hear appeals on the decisions of regional superintendents
16 of schools. The State Superintendent shall make a final
17 decision at the conclusion of the hearing on the school
18 district's request for an exemption from the school breakfast
19 program requirement. If the State Superintendent grants an
20 exemption to the school district, then the school district is
21 relieved from the requirement to implement and operate a school
22 breakfast program. If the State Superintendent does not grant
23 an exemption to the school district, then the school district
24 shall implement and operate a school breakfast program in
25 accordance with this Section by September 1 of the subsequent
26 school year.

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

30 Section 20. Summer food service program.

31 (a) The State Board of Education shall promulgate a State
32 plan for summer food service programs, in accordance with 42
33 U.S.C. Sec. 1761 and any other applicable federal laws and

1 regulations, by January 15, 2006.

2 (b) By the summer of 2006 and then each summer thereafter,
3 it is strongly encouraged that the board of education of each
4 school district in this State in which at least 50% of the
5 students are eligible for free or reduced-price school meals
6 operate a summer food service program or identify a non-profit
7 or private agency to sponsor a summer food service program
8 within the school district's boundaries.

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

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

14 (105 ILCS 125/2.5)

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

27 (1) The State Board of Education may reimburse each
28 sponsor of a school breakfast program an additional \$0.10
29 for each free, reduced-price, and paid breakfast served
30 over and above the number of such breakfasts served in the
31 same month during the preceding year, provided that the
32 number of breakfasts served in a participating school

1 building ~~by the sponsor~~ in that month is at least 10%
2 greater than the number of breakfasts served in the same
3 month during the preceding year.

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

30 (3) The State Board of Education may reimburse a school
31 board for each free, reduced-price, or paid breakfast
32 served in a school breakfast program located in a school in
33 which 80% or more of the students are eligible to receive
34 free or reduced price lunches under the National School

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

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

10 (105 ILCS 125/4) (from Ch. 122, par. 712.4)

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

23 Every public school must have a free lunch program.

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

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

31 (2) A list of schools that have started breakfast
32 programs during the past year along with information on
33 which schools have utilized the \$3,500 start-up grants and

1 the additional \$0.10 per meal increased participation
2 incentives established under Section 2.5 of this Act.

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

10 In 2007, 2009, and 2011 ~~2001, 2003, and 2005~~ the report
11 required by this Section shall also include information that
12 documents the results of surveys designed to identify parental
13 interest in school breakfast programs and documents barriers to
14 establishing school breakfast programs. To develop the surveys
15 for school administrators and for parents, the State Board of
16 Education shall work in coordination with the State Board of
17 Education's Child Nutrition Advisory Council and local
18 committees that involve parents, teachers, principals,
19 superintendents, business, and anti-hunger advocates,
20 organized by the State Board of Education to foster community
21 involvement. The State Board of Education is authorized to
22 distribute the surveys in all schools where there are no school
23 breakfast programs.

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

25 (105 ILCS 125/5) (from Ch. 122, par. 712.5)

26 Sec. 5. Application for participation in programs.
27 Applications for participation in the school breakfast
28 program, the school lunch program, the free breakfast program,
29 ~~and~~ the free lunch program, and the summer food service program
30 shall be made on forms provided by the State Board of Education
31 and filed with the State Board, ~~through the Regional~~
32 ~~Superintendent of Schools.~~

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".