

1 AN ACT concerning nutritional services for children.

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

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

6 Section 5. State policy and legislative intent. The
7 General Assembly recognizes that hunger and food security are
8 serious problems in the State of Illinois with as many as one
9 million citizens being affected. These citizens have lost
10 their sense of food security. Food insecurity occurs whenever
11 the availability of nutritionally adequate and safe foods or
12 the ability to acquire acceptable foods in socially
13 acceptable ways is limited or uncertain. Hunger is a painful
14 or uneasy sensation caused by a recurrent or involuntary lack
15 of food and is a potential, although not necessary,
16 consequence of food insecurity. Over time, hunger may result
17 in malnutrition. It is estimated that just under 600,000
18 Illinois children experience hunger or food insecurity,
19 meaning that they either go without eating meals, or their
20 parents or guardians cannot provide the kinds of food they
21 need. At present, the Illinois economy is steadily
22 experiencing a 6% unemployment rate, people are being laid
23 off who thought they had job security, and the unemployed are
24 remaining unemployed beyond the terms of unemployment
25 benefits. Emergency food providers throughout the State are
26 experiencing an increase in the number of working poor
27 families requesting emergency food. In November 2002,
28 Illinois was ranked 49th in the nation in providing school
29 breakfasts to low-income children of families who meet the
30 criteria for free and reduced-price lunches. Because
31 low-income children are not being adequately nourished, even

1 to the point where many are arriving at school hungry, the
2 General Assembly believes it is in the best interest of
3 Illinois to utilize resources available through existing
4 child nutrition programs, to the fullest extent possible.

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

16 Section 10. Definitions. In this Act:

17 "Hunger" means a symptom of poverty caused by a lack of
18 resources that prevents the purchasing of a nutritionally
19 adequate diet resulting in a chronic condition of being
20 undernourished.

21 "Food insecurity" means a limited or uncertain
22 availability of nutritionally adequate foods.

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

25 "School Breakfast Program" means the federal child
26 nutrition entitlement program that helps serve nourishing
27 low-cost breakfast meals to school children. In addition to
28 cash assistance, participating schools get USDA-donated foods
29 and technical guidance. Payments to schools are higher for
30 meals served to children who qualify, on the basis of family
31 size and income, for free or reduced-price meals. The
32 program is administered in Illinois by the State Board of
33 Education.

1 "Summer Food Service Program" means the federal child
2 nutrition entitlement program that helps communities serve
3 meals to needy children when school is not in session. The
4 USDA reimburses sponsors for operating costs of food services
5 up to a specific maximum rate for each meal served. In
6 addition, sponsors receive some reimbursement for planning
7 and supervising expenses. The program in Illinois is
8 administered by the State Board of Education.

9 Section 15. School breakfast program.

10 (a) By September 1, 2003, the board of education of each
11 school district in this State shall implement a school
12 breakfast program if a breakfast program does not currently
13 exist, in accordance with federal guidelines in each school
14 within its district in which at least 40% or more of the
15 students receive free or reduced-price lunches. The school
16 district and the individual schools shall develop a written
17 plan to administer the breakfast program, on forms provided
18 by the State Board of Education, that includes objectives,
19 specific services and activities, and assessment and
20 reporting procedures.

21 During the 2002-2003 school year, the board of education
22 of each school district in the State shall determine which
23 schools within their districts will be required to implement
24 a school breakfast program.

25 (b) By September 1, 2004, the board of education of each
26 school district in this State shall implement a school
27 breakfast program in accordance with federal guidelines in
28 each school within its district in which 20% or more of the
29 students receive free or reduced-price lunches if a breakfast
30 program does not currently exist. The school district and
31 the individual schools shall develop a written plan to
32 administer the breakfast program that includes objectives,
33 specific services and activities, and assessment and

1 reporting procedures.

2 (c) By September 1, 2005, the board of education of each
3 school district in this State shall implement a school
4 breakfast program in accordance with federal guidelines in
5 each school within its district in which a school lunch
6 program is provided if a breakfast program does not currently
7 exist. The school district and the individual schools shall
8 develop a written plan to administer the breakfast program
9 that includes objectives, specific services and activities,
10 and assessment and reporting procedures.

11 (d) School districts may charge students who do not meet
12 federal criteria for free or reduced-price school meals for
13 the breakfasts served to these students within the allowable
14 limits set by federal regulations.

15 (e) School breakfast programs established under this
16 Section shall be supported entirely by federal funds and
17 commodities, charges to students and other participants, and
18 other available State and local resources, including under
19 the School Breakfast and Lunch Program Act.

20 Section 20. Summer food service program.

21 (a) The State Board of Education shall promulgate a
22 State plan for summer food service programs in accordance
23 with 42 U.S.C. Sec. 1761 and any other applicable federal
24 laws and regulations, by February 15, 2004.

25 (b) By the summer of 2004, the board of education of
26 each school district in this State in which at least 50% of
27 the students receive free or reduced-price school meals shall
28 operate a summer food service program or ensure that a
29 sponsor for a summer food service program operates within
30 that district.

31 (c) Summer school food service programs established
32 under this Section shall be supported by federal funds and
33 commodities, charges to students and other participants, and

1 other available State and local resources, including under
2 the School Free Lunch Program Act.

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

5 (105 ILCS 125/2.5)

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

19 (1) The State Board of Education may reimburse each
20 sponsor of a school breakfast program an additional \$0.10
21 for each free, reduced-price, and paid breakfast served
22 over and above the number of such breakfasts served in
23 the same month during the preceding year, provided that
24 the number of breakfasts served in a participating school
25 building ~~by--the--sponsor~~ in that month is at least 10%
26 greater than the number of breakfasts served in the same
27 month during the preceding year.

28 (2) The State Board of Education may make grants to
29 school boards and welfare centers that agree to start a
30 school breakfast program in one or more schools or other
31 sites. First priority for these grants shall be given to
32 schools in which 40% 50% or more of their students are

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

23 (3) The State Board of Education may reimburse a
24 school board for each free, reduced-price, or paid
25 breakfast served in a school breakfast program located in
26 a school in which 80% or more of the students are
27 eligible to receive free or reduced price lunches under
28 the National School Lunch Act (42 U.S.C. 1751 et seq.) in
29 an amount equal to the difference between (i) the current
30 amount reimbursed by the federal government for a free
31 breakfast and (ii) the amount actually reimbursed by the
32 federal government for that free, reduced-price, or paid
33 breakfast. A school board that receives reimbursement
34 under this paragraph (3) shall not be eligible in the

1 same year to receive reimbursement under paragraph (1) of
2 this Section.

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

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

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

18 Every public school must have a free lunch program.

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

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

27 (2) A list of schools that have started breakfast
28 programs during the past year along with information on
29 which schools have utilized the \$3,500 start-up grants
30 and the additional \$0.10 per meal increased participation
31 incentives established under Section 2.5 of this Act.

32 (3) A list of schools that have used the school
33 breakfast program option outlined in this Act, a list of

1 schools that have exercised Provision Two or Provision
2 Three under the Child Nutrition Act of 1966 (42 U.S.C.
3 1771 et seq.), and a list of schools that have dropped
4 either school lunch or school breakfast programs during
5 the past year and the reasons why.

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

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

21 (105 ILCS 125/5) (from Ch. 122, par. 712.5)

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

29 A school district shall certify any child that is a
30 member of a household receiving food stamps or a member of a
31 family receiving assistance under the Temporary Assistance
32 for Needy Families program as eligible for free meals without
33 any further application process or the consent of the child's

1 parent or guardian. Information about a child's status shall
2 be provided by the Department of Human Services to a school
3 district upon written request. A school district shall not
4 use this information for any purpose other than determining
5 eligibility.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.