



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB2010

Introduced 2/26/2007, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

105 ILCS 125/2.5

105 ILCS 125/4

105 ILCS 126/15

from Ch. 122, par. 712.4

Amends the School Breakfast and Lunch Program Act and the Childhood Hunger Relief Act. Makes changes concerning the breakfast incentive program with respect to the maximum percentage of appropriated funds that a school district may receive, prorating claims if there are insufficient funds, the reimbursement of sponsors and school boards, and grants to school boards and welfare centers. Makes changes concerning the information contained in the annual report that the State Board of Education provides to the Governor and the General Assembly with respect to school breakfast and lunch programs. Makes changes concerning the school breakfast program with respect to how the number of students that are eligible for free or reduced-price lunches is determined, allowing a school (not just a school district) to opt out of the school breakfast program requirement, the timeline of the exemption process, and requiring regional superintendents of schools to send notification to the State Board of Education's Nutrition Programs and Support Services Division detailing which schools requested an exemption and the results. Effective July 1, 2007.

LRB095 04823 NHT 24883 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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

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 of
9 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. To ensure equitable distribution of funds among all
16 school districts, each district shall receive no more than 5%
17 of the total appropriation allocated under paragraph (1), (2),
18 or (3) of this Section. If the amount of the appropriation
19 ~~allocated under paragraph (1), (2), or (3) of this Section~~ is
20 insufficient to fund all claims submitted under this Section
21 ~~that particular paragraph~~, the claims ~~under that paragraph~~
22 shall be prorated.

23 (1) The State Board of Education may reimburse each

1 sponsor of a school breakfast program at least an
2 additional \$0.10 for each free, reduced-price, and paid
3 breakfast served over and above the number of such
4 breakfasts served in the same month during the preceding
5 year, ~~provided that the number of breakfasts served in a~~
6 ~~participating school building in that month is at least 10%~~
7 ~~greater than the number of breakfasts served in the same~~
8 ~~month during the preceding year.~~

9 (2) The State Board of Education may make grants to
10 school boards and welfare centers that agree to start a
11 school breakfast program in one or more schools or other
12 sites. ~~First priority for these grants shall be given to~~
13 ~~schools in which 40% or more of their students are eligible~~
14 ~~for free and reduced price meals under the National School~~
15 ~~Lunch Act (42 U.S.C. 1751 et seq.). Depending on the~~
16 ~~availability of funds and the rate at which funds are being~~
17 ~~utilized, the State Board of Education is authorized to~~
18 ~~allow additional schools or other sites to receive these~~
19 ~~grants. In making additional grants, the State Board of~~
20 ~~Education shall provide for priority to be given to schools~~
21 ~~with the highest percentage of students eligible for free~~
22 ~~and reduced price lunches under the National School Lunch~~
23 ~~Act.~~ The amount of the grant shall be \$3,500 for each
24 qualifying school or site in which a school breakfast
25 program is started. Grants must be awarded to school boards
26 and welfare centers in the order that applications are

1 received by the State Board of Education until funds are
2 exhausted. The grants shall be used to pay the start-up
3 costs for the school breakfast program, including
4 equipment, supplies, and program promotion, but shall not
5 be used for food, labor, or other recurring operational
6 costs. Applications for the grants shall be made to the
7 State Board of Education on forms designated by the State
8 Board of Education. Any grantee that fails to operate a
9 school breakfast program for at least 3 years after receipt
10 of a grant shall refund the amount of the grant to the
11 State Board of Education.

12 (3) The State Board of Education may reimburse a school
13 board for each free, reduced-price, or paid breakfast
14 served in a school breakfast program located in a school in
15 which 80% or more of the students are eligible to receive
16 free or reduced price lunches under the National School
17 Lunch Act (42 U.S.C. 1751 et seq.) in an amount equal to
18 the difference between (i) the current amount reimbursed by
19 the federal government for a free breakfast and (ii) the
20 amount actually reimbursed by the federal government for
21 that free, reduced-price, or paid breakfast, provided that
22 the school board provides all meals to all students without
23 charge. A school board that receives reimbursement under
24 this paragraph (3) shall not be eligible in the same year
25 to receive reimbursement under paragraph (1) of this
26 Section.

1 (Source: P.A. 93-1086, eff. 2-15-05; 94-981, eff. 6-30-06.)

2 (105 ILCS 125/4) (from Ch. 122, par. 712.4)

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

15 Every public school must have a free lunch program.

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

20 (1) A list by school district of all schools
21 participating in a school breakfast program, indicating
22 (i) total student enrollment, (ii) the number of children
23 eligible for free or reduced-price breakfasts and lunches,
24 and (iii) incentive moneys received, ~~the total student~~
25 ~~enrollment, and the number of children eligible for free,~~

1 ~~reduced price, and paid breakfasts and lunches.~~

2 (2) (Blank). ~~A list of schools that have started~~
3 ~~breakfast programs during the past year along with~~
4 ~~information on which schools have utilized the \$3,500~~
5 ~~start up grants and the additional \$0.10 per meal increased~~
6 ~~participation incentives established under Section 2.5 of~~
7 ~~this Act.~~

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

15 (4) A a list of school districts and schools that have
16 requested an exemption from operating a school breakfast
17 program from their regional superintendent of schools and
18 the results of that petition ~~granted an exemption from a~~
19 ~~regional superintendent of schools.~~

20 In 2007, 2012 ~~2009~~, and 2017 ~~2011~~ the report required by
21 this Section shall also include information that documents the
22 results of surveys designed to identify parental interest in
23 school breakfast programs and documents barriers to
24 establishing school breakfast programs. To develop the surveys
25 for school administrators and for parents, the State Board of
26 Education shall work with local committees that involve

1 parents, teachers, principals, superintendents, business, and
2 anti-hunger advocates, organized by the State Board of
3 Education to foster community involvement. The State Board of
4 Education is authorized to distribute the surveys in all
5 schools where there are no school breakfast programs.

6 (Source: P.A. 93-1086, eff. 2-15-05; 94-981, eff. 6-30-06.)

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

9 (105 ILCS 126/15)

10 Sec. 15. School breakfast program.

11 (a) Within 90 days after the effective date of this
12 amendatory Act of the 93rd General Assembly and then each
13 school year thereafter, the board of education of each school
14 district in this State shall implement and operate a school
15 breakfast program, if a breakfast program does not currently
16 exist, in accordance with federal guidelines in each school
17 building within its district in which at least 40% or more of
18 the students are eligible for free or reduced-price lunches
19 based upon the ~~count on~~ October claim data ~~31~~ of the previous
20 year (for those schools that participate in the National School
21 Lunch Program) or in which at least 40% or more of the students
22 are classified as low-income according to the Fall Housing Data
23 from the previous year (for those schools that do not
24 participate in the National School Lunch Program).

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

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

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

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

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

13 The regional superintendent of schools shall review the
14 petition. In accordance with the Open Meetings Act, he or she
15 shall convene a public hearing to hear testimony from the
16 school district or school and interested community members. The
17 regional superintendent shall, by February 1 ~~December 15~~,
18 inform the school district or school of his or her decision,
19 along with the reasons why the exemption was granted or denied,
20 in writing. If the regional superintendent grants an exemption
21 to the school district or school, then the school district or
22 school is relieved from the requirement to establish and
23 implement a school breakfast program for the next ~~that~~ school
24 year.

25 If the regional superintendent of schools does not grant an
26 exemption to the school district or school, then the school

1 district or school shall implement and operate a school
2 breakfast program in accordance with this Section by the first
3 operating day of the next ~~September 1 of the subsequent~~ school
4 year. Regional superintendents must send notification to the
5 State Board of Education's Nutrition Programs and Support
6 Services Division detailing which schools requested an
7 exemption and the results. ~~The~~ ~~However,~~ the school district or
8 a resident of the school district may appeal the decision of
9 the regional superintendent to the State Superintendent of
10 Education by March 1. No later than May 1 ~~February 15~~ of each
11 year, the State Superintendent shall hear appeals on the
12 decisions of regional superintendents of schools. The State
13 Superintendent shall make a final decision at the conclusion of
14 the hearing on the school district's or school's request for an
15 exemption from the school breakfast program requirement. If the
16 State Superintendent grants an exemption to the school district
17 or school, then the school district or school is relieved from
18 the requirement to implement and operate a school breakfast
19 program for the next ~~that~~ school year. If the State
20 Superintendent does not grant an exemption to the school
21 district or school, then the school district or school shall
22 implement and operate a school breakfast program in accordance
23 with this Section by the first operating day of the next
24 ~~September 1 of the subsequent~~ school year.

25 A school district may not attempt to opt out of the school
26 breakfast program requirement of this Section by requesting a

1 waiver under Section 2-3.25g of the School Code.

2 (Source: P.A. 93-1086, eff. 2-15-05; 94-981, eff. 6-30-06.)

3 Section 99. Effective date. This Act takes effect July 1,
4 2007.