

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. 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 the
23 number of such breakfasts served in the same month during

1 the preceding year, ~~provided that the number of breakfasts~~
2 ~~served in a participating school building in that month is~~
3 ~~at least 10% greater than the number of breakfasts served~~
4 ~~in the same month during the preceding year.~~

5 (2) Start-up incentive. The State Board of Education
6 may make grants to school boards and welfare centers that
7 agree to start a school breakfast program in one or more
8 schools or other sites. First priority for these grants
9 shall be given through August 15 to schools in which 40% or
10 more of their students are eligible for free and reduced
11 price meals, based on the school district's previous year's
12 October claim, under the National School Lunch Act (42
13 U.S.C. 1751 et seq.). Depending on the availability of
14 funds and the rate at which funds are being utilized, the
15 State Board of Education is authorized to allow additional
16 schools or other sites to receive these grants in the order
17 in which they are received by the State Board of Education.

18 ~~In making additional grants, the State Board of Education~~
19 ~~shall provide for priority to be given to schools with the~~
20 ~~highest percentage of students eligible for free and~~
21 ~~reduced price lunches under the National School Lunch Act.~~

22 The amount of the grant shall be \$3,500 for each qualifying
23 school or site in which a school breakfast program is
24 started. The grants shall be used to pay the start-up costs
25 for the school breakfast program, including equipment,
26 supplies, and program promotion, but shall not be used for

1 food, labor, or other recurring operational costs.
2 Applications for the grants shall be made to the State
3 Board of Education on forms designated by the State Board
4 of Education. Any grantee that fails to operate a school
5 breakfast program for at least 3 years after receipt of a
6 grant shall refund the amount of the grant to the State
7 Board of Education.

8 (3) Non-traditional breakfast incentive. Understanding
9 that there are barriers to implementing a school breakfast
10 program in a traditional setting such as in a cafeteria,
11 the State Board of Education may make grants to school
12 boards and welfare centers to offer the school breakfast
13 program in non-traditional settings or using
14 non-traditional methods. Priority will be given to
15 applications through August 15 of each year from schools
16 that are on the Early Academic Warning List. Depending on
17 the availability of funds and the rate at which funds are
18 being utilized, the State Board of Education is authorized
19 to allow additional schools or other sites to receive these
20 grants in the order in which they are received by the State
21 Board of Education. The State Board of Education may
22 ~~reimburse a school board for each free, reduced price, or~~
23 ~~paid breakfast served in a school breakfast program located~~
24 ~~in a school in which 80% or more of the students are~~
25 ~~eligible to receive free or reduced price lunches under the~~
26 ~~National School Lunch Act (42 U.S.C. 1751 et seq.) in an~~

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

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

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, 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 2010 ~~2001~~ and in each subsequent year, the State Board
25 of Education shall provide to the Governor and the General

1 Assembly, by a date not later than ~~April~~ March 1, a report that
2 provides all of the following:

3 (1) A list by school district of (i) all schools
4 participating in the school breakfast program, (ii) all
5 schools' ~~the~~ total student enrollment, (iii) all schools'
6 ~~and the~~ number of children eligible for free, reduced
7 price, and paid breakfasts and lunches, (iv) all schools'
8 incentive moneys received, and (v) all schools'
9 participation in Provision Two or Provision Three under the
10 Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

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

17 (3) A list of schools that have ~~used the school~~
18 ~~breakfast program option outlined in this Act, a list of~~
19 ~~schools that have exercised Provision Two or Provision~~
20 ~~Three under the Child Nutrition Act of 1966 (42 U.S.C. 1771~~
21 ~~et seq.), a list of schools that have dropped a either~~
22 ~~school lunch or school breakfast program ~~programs~~ during~~
23 ~~the past year and the reason or reasons why. ~~, and~~~~

24 (3.5) A ~~a~~ list of school districts and schools granted
25 an exemption from a regional superintendent of schools for
26 operating a school breakfast program in the next year and

1 the reason or reasons why.

2 ~~In 2007, 2009, and 2011 the report required by this Section~~
3 ~~shall also include information that documents the results of~~
4 ~~surveys designed to identify parental interest in school~~
5 ~~breakfast programs and documents barriers to establishing~~
6 ~~school breakfast programs. To develop the surveys for school~~
7 ~~administrators and for parents, the State Board of Education~~
8 ~~shall work with local committees that involve parents,~~
9 ~~teachers, principals, superintendents, business, and~~
10 ~~anti hunger advocates, organized by the State Board of~~
11 ~~Education to foster community involvement. The State Board of~~
12 ~~Education is authorized to distribute the surveys in all~~
13 ~~schools where there are no school breakfast programs.~~

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

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

17 (105 ILCS 126/15)

18 Sec. 15. School breakfast program.

19 (a) ~~The~~ Within 90 days after the effective date of this
20 ~~amendatory Act of the 93rd General Assembly and then each~~
21 ~~school year thereafter,~~ the board of education of each school
22 district in this State shall implement and operate a school
23 breakfast program in the next school year, if a breakfast
24 program does not currently exist, in accordance with federal

1 guidelines in each school building within its district in which
2 at least 40% or more of the students are eligible for free or
3 reduced-price lunches based upon the current year's ~~count on~~
4 October claim ~~31 of the previous year~~ (for those schools that
5 participate in the National School Lunch Program) or in which
6 at least 40% or more of the students are classified as
7 low-income according to the Fall Housing Data from the previous
8 year (for those schools that do not participate in the National
9 School Lunch Program).

10 ~~Using the data from the previous school year, the board of~~
11 ~~education of each school district in the State shall determine~~
12 ~~which schools within their districts will be required to~~
13 ~~implement and operate a school breakfast program.~~

14 (b) School districts may charge students who do not meet
15 federal criteria for free school meals for the breakfasts
16 served to these students within the allowable limits set by
17 federal regulations.

18 (c) School breakfast programs established under this
19 Section shall be supported entirely by federal funds and
20 commodities, charges to students and other participants, and
21 other available State and local resources, including under the
22 School Breakfast and Lunch Program Act. Allowable costs for
23 reimbursement to school districts, in accordance with the
24 United States Department of Agriculture, include compensation
25 of employees for the time devoted and identified specifically
26 to implement the school breakfast program; the cost of

1 materials acquired, consumed, or expended specifically to
2 implement the school breakfast program; equipment and other
3 approved capital expenditures necessary to implement the
4 school breakfast program; and transportation expenses incurred
5 specifically to implement and operate the school breakfast
6 program.

7 (d) A school district shall be allowed to opt out a school
8 or schools from ~~of~~ the school breakfast program requirement of
9 this Section if it is determined that, due to circumstances
10 specific to that school district, the expense reimbursement
11 would not fully cover the costs of implementing and operating a
12 school breakfast program. The school district shall petition
13 its regional superintendent of schools by February ~~November~~ 15
14 of each year to request to be exempt from operating the school
15 breakfast program in the school or schools in the next school
16 year ~~requirement~~. The petition shall include all legitimate
17 costs associated with implementing and operating a school
18 breakfast program, the estimated reimbursement from State and
19 federal sources, and any unique circumstances the school
20 district can verify that exist that would cause the
21 implementation and operation of such a program to be cost
22 prohibitive.

23 The regional superintendent of schools shall review the
24 petition. In accordance with the Open Meetings Act, he or she
25 shall convene a public hearing to hear testimony from the
26 school district and interested community members. The regional

1 superintendent shall, by ~~March~~ December 15 of each year, inform
2 the school district of his or her decision, along with the
3 reasons why the exemption was granted or denied, in writing.
4 The regional superintendent must also send notification to the
5 State Board of Education detailing which schools requested an
6 exemption and the results. If the regional superintendent
7 grants an exemption to the school district, then the school
8 district is relieved from the requirement to establish and
9 implement a school breakfast program in the school or schools
10 granted an exemption for the next ~~that~~ school year.

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

1 the requirement to implement and operate a school breakfast
2 program in the school or schools granted an exemption for the
3 next ~~that~~ school year. If the State Superintendent does not
4 grant an exemption ~~to the school district~~, then the school
5 district shall implement and operate a school breakfast program
6 in accordance with this Section by the first student attendance
7 day ~~September 1~~ of the next ~~subsequent~~ school year.

8 A school district may not attempt to opt out a school or
9 schools from ~~of~~ the school breakfast program requirement of
10 this Section by requesting a waiver under Section 2-3.25g of
11 the School Code.

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

13 Section 99. Effective date. This Act takes effect July 1,
14 2009.