

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 Childhood Hunger Relief Act is amended by
5 adding Section 16 as follows:

6 (105 ILCS 126/16 new)

7 Sec. 16. Breakfast after the bell program.

8 (a) For the purposes of this Section, "breakfast after the
9 bell" means breakfast is provided to children after the
10 instructional day has officially begun. This term does not
11 prohibit schools from also providing breakfast before the
12 instructional day begins.

13 (b) The board of education of each school district in this
14 State shall implement and operate a breakfast after the bell
15 program by the first school day of the next academic year after
16 the effective date of this amendatory Act of the 99th General
17 Assembly, if a breakfast after the bell program does not
18 currently exist, in each school building within its district
19 (1) in which at least 70% or more of the students are eligible
20 for free or reduced-price lunches based upon the previous
21 year's October claim (for those schools that participate in the
22 National School Lunch Program); (2) in which at least 70% or
23 more of the students are classified as low-income according to

1 the Fall Housing Data from the previous year (for those schools
2 that do not participate in the National School Lunch Program);
3 or (3) that has an individual site percentage for free or
4 reduced-price meals of 70% or more (for those schools using
5 Provision 2 under Section 11(a)(1) of the federal Richard B.
6 Russell National School Lunch Act or the Community Eligibility
7 Provision under Section 104(a) of the federal Healthy,
8 Hunger-Free Kids Act of 2010 to provide universal meals). If a
9 school falls below the applicable 70% threshold for 2
10 consecutive years, it has the option to continue participating
11 in the program, but is not required to do so.

12 (c) Each school under this Section may determine the
13 breakfast after the bell service model that best suits its
14 students. Service models include, but are not limited to,
15 breakfast in the classroom, grab and go breakfast, and
16 second-chance breakfast.

17 (d) A school district is allowed to petition for an
18 exemption of a school or schools from the breakfast after the
19 bell program requirement if it is determined that, due to
20 circumstances specific to that school district, the expense
21 reimbursement would not fully cover the costs of implementing
22 and operating a breakfast after the bell program. The school
23 district shall petition its regional superintendent of schools
24 by February 15 of each year to request to be exempt from
25 operating the breakfast after the bell program in the school or
26 schools in the next school year. The petition shall include all

1 legitimate costs associated with implementing and operating a
2 breakfast after the bell program, the estimated reimbursement
3 from State and federal sources, and any unique circumstances
4 the school district can verify that exist that would cause the
5 implementation and operation of such a program to be cost
6 prohibitive.

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

21 If the regional superintendent of schools does not grant an
22 exemption, then the school district shall implement and operate
23 a breakfast after the bell program in accordance with this
24 Section by the first student attendance day of the next school
25 year. However, the school district or a resident of the school
26 district may, by April 15, appeal the decision of the regional

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

16 A school district may not attempt to exempt a school or
17 schools from the breakfast after the bell program requirement
18 of this Section by requesting a waiver under Section 2-3.25g of
19 the School Code.

20 (e) Before the beginning of the next academic year after
21 the effective date of this amendatory Act of the 99th General
22 Assembly, the State Board of Education shall develop and
23 distribute procedures and guidelines for the implementation of
24 this Section, which must be in compliance with federal
25 regulations governing the school breakfast program.

26 (f) The State Board of Education shall annually collect

1 information about breakfast after the bell delivery models
2 implemented at each school and make the information publicly
3 available.

4 (g) In fulfilling its responsibilities under this Section,
5 the State Board of Education shall collaborate with nonprofit
6 organizations knowledgeable about equity, the opportunity gap,
7 hunger and food security issues, and best practices for
8 improving student access to school breakfast. The State Board
9 of Education shall collaborate with nonprofit organizations
10 knowledgeable about food security issues and best practices for
11 improving access to school breakfast to create and post a list
12 of opportunities for philanthropic support of school breakfast
13 programs on its website.