



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3052

Introduced 2/17/2023, by Rep. Jawaharial Williams

#### SYNOPSIS AS INTRODUCED:

105 ILCS 126/15  
105 ILCS 126/18 new

Amends the Childhood Hunger Relief Act. Provides that for all schools operating a school breakfast program, the State Board of Education shall collect information about whether the school is operating a breakfast after the bell program and, if so, what breakfast after the bell model the school operates, including breakfast in the classroom, second chance breakfast, and grab and go breakfast. Provides that the State Board of Education shall make this data publicly available annually. Provides that, subject to appropriation, the State Board of Education shall award grants of up to \$7,000 per school site on a competitive basis to eligible schools, school districts, or entities approved by the State Board of Education for nonrecurring expenses incurred in initiating a school breakfast after the bell program. Sets forth what the grants may be used for and who gets preference for a grant.

LRB103 30040 RJT 56461 b

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 changing Section 15 and by adding Section 18 as follows:

6 (105 ILCS 126/15)

7 Sec. 15. School breakfast program.

8 (a) The board of education of each school district in this  
9 State shall implement and operate a school breakfast program  
10 in the next school year, if a breakfast program does not  
11 currently exist, in accordance with federal guidelines in each  
12 school building within its district in which at least 40% or  
13 more of the students are eligible for free or reduced-price  
14 lunches based upon the current year's October claim (for those  
15 schools that participate in the National School Lunch Program)  
16 or in which at least 40% or more of the students are classified  
17 as low-income according to the Fall Housing Data from the  
18 previous year (for those schools that do not participate in  
19 the National School Lunch Program).

20 (b) School districts may charge students who do not meet  
21 federal criteria for free school meals for the breakfasts  
22 served to these students within the allowable limits set by  
23 federal regulations.

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

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

1 program, the estimated reimbursement from State and federal  
2 sources, and any unique circumstances the school district can  
3 verify that exist that would cause the implementation and  
4 operation of such a program to be cost prohibitive.

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

19 If the regional superintendent of schools does not grant  
20 an exemption, then the school district shall implement and  
21 operate a school breakfast program in accordance with this  
22 Section by the first student attendance day of the next school  
23 year. However, the school district or a resident of the school  
24 district may by April 15 appeal the decision of the regional  
25 superintendent to the State Superintendent of Education. The  
26 State Superintendent shall hear appeals on the decisions of

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

14 A school district may not attempt to opt out a school or  
15 schools from the school breakfast program requirement of this  
16 Section by requesting a waiver under Section 2-3.25g of the  
17 School Code.

18 (e) For all schools operating a school breakfast program,  
19 the State Board of Education shall collect information about  
20 whether the school is operating a breakfast after the bell  
21 program under Section 16 and, if so, what breakfast after the  
22 bell model the school operates, including breakfast in the  
23 classroom, second chance breakfast, and grab and go breakfast.  
24 The State Board of Education shall make this data publicly  
25 available annually.

26 (Source: P.A. 96-158, eff. 8-7-09.)

1 (105 ILCS 126/18 new)

2 Sec. 18. Breakfast after the bell grant program.

3 (a) Subject to appropriation, the State Board of Education  
4 shall award grants of up to \$7,000 per school site on a  
5 competitive basis to eligible schools, school districts, or  
6 entities approved by the State Board of Education for  
7 nonrecurring expenses incurred in initiating a school  
8 breakfast program under Section 16.

9 Grants awarded under this Section shall be used for  
10 nonrecurring costs of initiating a breakfast after the bell  
11 program, including, but not limited to, the acquisition of  
12 equipment, training of staff in new capacities, outreach  
13 efforts to publicize new or expanded school breakfast  
14 programs, minor alterations to accommodate new equipment,  
15 computer point-of-service systems for food service, and the  
16 purchase of vehicles for transporting food to schools.

17 (b) In making grant awards under this Section, the State  
18 Board of Education shall give a preference to grant applicants  
19 that do all of the following:

20 (1) Submit to the State Board of Education a plan to  
21 start or expand school breakfast programs in the school  
22 district or the educational service region, including a  
23 description of the following:

24 (A) a description of each eligible school site's  
25 breakfast program under Section 16, including which

1 school and school district stakeholders have been  
2 engaged in the development of the program, including  
3 but not limited to superintendent, principal, business  
4 manager, school food service personnel, school nurse,  
5 teachers, and janitorial staff;

6 (B) a budget outlining the nonrecurring expenses  
7 needed to initiate a program at each school site; and

8 (C) any public or private resources that have been  
9 assembled to carry out expansion of school breakfast  
10 programs during the school year.

11 (2) Agree to operate a school breakfast program under  
12 Section 16 for a period of not less than 3 school years.

13 (3) Have higher rates of free or reduced-price  
14 eligible students.