

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.