

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. Findings.

(a) The General Assembly finds that:

(1) no Illinois child should experience hunger, and every student should benefit from access to healthy, locally procured, and freshly prepared meals during the school day;

(2) healthy school meals are necessary for all students for effective learning, and the State's investment in education should include healthy school meals for all students to support the nourishment students need to achieve academic success;

(3) access to healthy school meals should not cause stigma or stress for any student seeking an education;

(4) Illinois' healthy school meals program should support Illinois' food systems, including historically underserved producers and processors;

(5) Illinois' healthy school meals program must support students' nutrition and provide quality meals to boost the health and well-being of Illinois students;

(6) during the COVID-19 pandemic, the United States Department of Agriculture allowed schools to serve free

meals to all students via a waiver, ensuring that all students facing hunger had access to food while in school; and

(7) now that the waiver is no longer in place, but strategies exist to prevent hunger for all students during the school day, it is imperative that the State embrace these strategies to move toward the goal of ending child hunger.

(b) The General Assembly finds that it is in the best interests of the students of Illinois and their families to implement the Healthy School Meals for All Program to provide free breakfast and lunch in schools for all students.

Section 10. The School Breakfast and Lunch Program Act is amended by changing Section 2 and by adding Section 2.3 as follows:

(105 ILCS 125/2) (from Ch. 122, par. 712.2)

Sec. 2. Reimbursement of sponsors. The State Board of Education is authorized to reimburse school boards and welfare centers that operate free breakfast programs, school breakfast programs, free lunch programs, or school lunch programs for a portion of the costs of food served in balanced, nutritious breakfasts or lunches and served to students in non-profit public or private schools and non-profit welfare centers.

The State Board of Education shall reimburse not less than

\$0.15 or the actual cost, whichever is less, to School Boards and non-profit welfare centers for each free lunch and not less than \$0.15 or the actual cost, whichever is less, for each free breakfast supplied by them. This appropriation shall be in addition to any federal contributions.

(Source: P.A. 91-843, eff. 6-22-00.)

(105 ILCS 125/2.3 new)

Sec. 2.3. Healthy School Meals for All Program.

(a) In this Section:

"Community Eligibility Provision" means the federal program created in 42 U.S.C. 1759a(a) (1) (F) that allows school districts to choose to receive federal special assistance payments for school meals in exchange for providing free school meals to all students enrolled in all or selected schools of the school district.

"Eligible meal" means a lunch or breakfast that meets the nutritional requirements specified in 7 CFR 210.10 or successor regulations for the National School Lunch Program or the National School Breakfast Program.

"Federal free reimbursement rate" means the free reimbursement rate set by the United States Department of Agriculture for meals that qualify for reimbursement under the National School Breakfast Program and the National School Lunch Program.

"Identified student percentage" means the percentage of a

school's, group of schools', or local education agency's enrolled students who are certified as eligible for free meals based on documentation of benefit receipt or categorical eligibility as described in 7 CFR 245.6 and 7 CFR 245.9 or successor regulations.

"National School Breakfast Program" means the federal school breakfast program created in 42 U.S.C. 1773.

"National School Lunch Program" means the federal school lunch program created in the Richard B. Russell National School Lunch Act.

"Participating school board" means the school board of a school district or the governing body of a nonpublic school that chooses to participate in the Healthy School Meals for All Program.

"Special assistance alternative" means a special nutrition assistance alternative federal reimbursement method that is authorized by the United States Department of Agriculture, pursuant to 42 U.S.C. 1759a and 7 CFR Part 245, for eligible schools that serve free meals to all enrolled students.

"Special assistance alternative" includes the Community Eligibility Provision.

(b) Subject to appropriation, the State Board of Education shall establish the Healthy School Meals for All Program to begin on July 1, 2023. Each participating school board that chooses to participate in the Healthy School Meals for All Program shall offer eligible meals, without charge, to all

students enrolled in schools that participate in the National School Breakfast Program and National School Lunch Program.

A participating school board shall receive reimbursement for the meals set forth in subsection (c) of this Section. Reimbursement from State funds shall be available only to participating school boards that maximize access to federal funds for the cost of the National School Breakfast Program and National School Lunch Program by participating in the Community Eligibility Provision or another special assistance alternative, if eligible, and operate the National School Breakfast Program and National School Lunch Program in a way that in the opinion of the State Board of Education draws down the most possible federal funding for meals served in the National School Breakfast Program and National School Lunch Program.

(c) It is the intent of the General Assembly that this State, participating school boards, and participating schools use all federal funds, federal programs, and federal provisions in carrying out the Healthy School Meals for All Program. The amount of the State reimbursement provided through the Program to each participating school board for each budget year shall be equal to the federal free reimbursement rate multiplied by the total number of eligible meals that the participating schools serve during the applicable budget year, minus the total amount of reimbursement for eligible meals served during the applicable

budget year that the participating school board receives pursuant to the National School Breakfast Program and the National School Lunch Program.

If at any time the appropriation is insufficient to cover all school boards interested in participating in the Healthy School Meals for All Program as described in this subsection, the State Board of Education shall reimburse school boards participating in the community eligibility provision with higher priority for schools with higher identified student percentages that would not otherwise receive the federal free reimbursement rate for all meals served, and then distribute any remaining appropriation in an equitable manner as determined by the State Board of Education among remaining schools interested in participating in the Healthy School Meals for All Program. If at any time the appropriation is insufficient to cover all school boards interested in participating in the Healthy School Meals for All Program, the State Board of Education shall communicate the implications of the insufficient appropriation with eligible schools in a timely manner to allow schools sufficient time to make informed decisions about their food service administration.

(d) The State Board of Education shall develop procedures to allocate and disburse the money appropriated for reimbursements pursuant to this Section throughout each budget year, in a schedule determined by the State Board of Education, among participating school boards in an equitable

manner and in compliance with the requirements of the National School Breakfast Program and the National School Lunch Program.

(e) A participating school board shall annually give notice to the State Board of Education of the intention to participate in the Healthy School Meals for All Program. At a minimum, if it is eligible to participate, the notice must include evidence that it is participating in the Community Eligibility Provision or another special assistance alternative, as set forth in subsection (b) of this Section.

(f) If the United States Department of Agriculture creates the option for the State, as a whole, to participate in the Community Eligibility Provision, the State Board of Education shall evaluate whether that option would be anticipated to require less State funding than the Healthy School Meals for All Program and provide at least as many free meals to students in this State. If that option is anticipated to require less State funding and provide at least as many free meals as the Healthy School Meals for All Program, then the State Board of Education shall elect that option and work with participating school boards and necessary State and local agencies to collect data and implement the Community Eligibility Provision statewide, and participating school boards shall be reimbursed as set forth in subsection (c) of this Section. Until the State participates in the Community Eligibility Provision as a State, each participating school board, as a condition of

participating in the Healthy School Meals for All Program, must maximize the amount of federal reimbursement it receives as set forth in subsection (b) of this Section.

(g) The State Board of Education shall notify each participating school board that is eligible for participation in the Community Eligibility Provision or another special assistance alternative of its eligibility and that, through the Healthy School Meals for All Program, it will receive a supplemental, State-funded meal reimbursement in addition to any federal meal reimbursement received as set forth in subsection (c) of this Section. The State Board of Education shall support and provide technical assistance to schools and school districts as needed to support their enrollment in the Community Eligibility Program or another special assistance alternative. The Healthy School Meals for All Program shall be open to all eligible schools and school districts.

(h) The State Board of Education shall support schools and school districts to achieve the highest level of student participation in operating their school breakfast and lunch programs, which may include any or all of the following:

(1) providing breakfast meals that can be picked up by students;

(2) making breakfast available to students in classrooms after the start of the school day; and

(3) collaborating with a school's wellness or similar committee in planning school meals.

(i) If the State Board of Education no longer receives federal funding for the United States Department of Agriculture's Local Food for Schools Cooperative Agreement Program, the State Board of Education shall sustain the program, subject to appropriation. The State Board of Education shall use the infrastructure, systems, and eligibility criteria created through the Local Food for Schools Cooperative Agreement Program to sustain school food authorities' ability to purchase and serve local foods.

Section 99. Effective date. This Act takes effect upon becoming law.