

1 AN ACT regarding schools.

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

4 Section 1. Short title. This Act may be cited as the
5 Childhood Hunger Relief Act.

6 Section 5. State policy and legislative intent. The General
7 Assembly recognizes that hunger and food security are serious
8 problems in the State of Illinois with as many as one million
9 citizens being affected. These citizens have lost their sense
10 of food security. Food insecurity occurs whenever the
11 availability of nutritionally adequate and safe foods or the
12 ability to acquire acceptable foods in socially acceptable ways
13 is limited or uncertain. Hunger is a painful or uneasy
14 sensation caused by a recurrent or involuntary lack of food and
15 is a potential, although not necessary, consequence of food
16 insecurity. Over time, hunger may result in malnutrition. It is
17 estimated that just under 600,000 Illinois children experience
18 hunger or food insecurity, meaning that they either go without
19 eating meals, or their parents or guardians cannot provide the
20 kinds of food they need. At present, the Illinois economy is
21 steadily experiencing a 6% unemployment rate, people are being
22 laid off who thought they had job security, and the unemployed
23 are remaining unemployed beyond the terms of unemployment
24 benefits. Emergency food providers throughout the State are
25 experiencing an increase in the number of working poor families
26 requesting emergency food. In October 2003, Illinois was ranked
27 48th in the nation in providing school breakfasts to low-income
28 children of families who meet the criteria for free and
29 reduced-price lunches. Because low-income children are not
30 being adequately nourished, even to the point where many are
31 arriving at school hungry, the General Assembly believes it is
32 in the best interest of Illinois to utilize resources available

1 through existing child nutrition programs, to the fullest
2 extent possible.

3 The General Assembly also recognizes a definite
4 correlation between adequate child nutrition and a child's
5 physical, emotional, and cognitive development. There is also a
6 correlation between adequate nutrition and a child's ability to
7 perform well in school. Documented research has proven that
8 school breakfasts improve attendance and increase a child's
9 readiness to learn. In this regard, the General Assembly
10 realizes the importance of the National School Breakfast
11 Program and the Summer Food Service Program as effective
12 measures that must be widely implemented to ensure more
13 adequate nutrition for Illinois children.

14 Section 10. Definitions. In this Act:

15 "Hunger" means a symptom of poverty caused by a lack of
16 resources that prevents the purchasing of a nutritionally
17 adequate diet resulting in a chronic condition of being
18 undernourished.

19 "Food insecurity" means a limited or uncertain
20 availability of nutritionally adequate foods.

21 "Food security" means ensured access to enough food for an
22 active, healthy life.

23 "School Breakfast Program" means the federal child
24 nutrition entitlement program that helps serve nourishing
25 low-cost breakfast meals to school children. In addition to
26 cash assistance, participating schools get foods donated by and
27 technical guidance from the United States Department of
28 Agriculture. Payments to schools are higher for meals served to
29 children who qualify, on the basis of family size and income,
30 for free or reduced-price meals. The program is administered in
31 Illinois by the State Board of Education.

32 "Summer Food Service Program" means the federal child
33 nutrition entitlement program that helps communities serve
34 meals to needy children when school is not in session. The
35 United States Department of Agriculture reimburses sponsors

1 for operating costs of food services up to a specific maximum
2 rate for each meal served. In addition, sponsors receive some
3 reimbursement for planning and supervising expenses. The
4 program in Illinois is administered by the State Board of
5 Education.

6 Section 15. School breakfast program.

7 (a) Within 90 days after the effective date of this
8 amendatory Act of the 93rd General Assembly and then each
9 school year thereafter, the board of education of each school
10 district in this State shall implement and operate a school
11 breakfast program, if a breakfast program does not currently
12 exist, in accordance with federal guidelines in each school
13 building within its district in which at least 40% or more of
14 the students are eligible for free or reduced-price lunches
15 based upon the count on October 31 of the previous year.

16 Using the data from the previous school year, the board of
17 education of each school district in the State shall determine
18 which schools within their districts will be required to
19 implement and operate a school breakfast 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.

24 (c) School breakfast programs established under this
25 Section shall be supported entirely by federal funds and
26 commodities, charges to students and other participants, and
27 other available State and local resources, including under the
28 School Breakfast and Lunch Program Act. Allowable costs for
29 reimbursement to school districts, in accordance with the
30 United States Department of Agriculture, include compensation
31 of employees for the time devoted and identified specifically
32 to implement the school breakfast program; the cost of
33 materials acquired, consumed, or expended specifically to
34 implement the school breakfast program; equipment and other
35 approved capital expenditures necessary to implement the

1 school breakfast program; and transportation expenses incurred
2 specifically to implement and operate the school breakfast
3 program.

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

18 The regional superintendent of schools shall review the
19 petition. He or she shall convene a public hearing to hear
20 testimony from the school district and interested community
21 members. The regional superintendent shall, by December 15,
22 inform the school district of his or her decision, along with
23 the reasons why the exemption was granted or denied, in
24 writing. If the regional superintendent grants an exemption to
25 the school district, then the school district is relieved from
26 the requirement to establish and implement a school breakfast
27 program.

28 If the regional superintendent of schools does not grant an
29 exemption to the school district, then the school district
30 shall implement and operate a school breakfast program in
31 accordance with this Section by September 1 of the subsequent
32 school year. However, the school district or a resident of the
33 school district may appeal the decision of the regional
34 superintendent to the State Superintendent of Education. No
35 later than February 15 of each year, the State Superintendent
36 shall hear appeals on the decisions of regional superintendents

1 of schools. The State Superintendent shall make a final
2 decision at the conclusion of the hearing on the school
3 district's request for an exemption from the school breakfast
4 program requirement. If the State Superintendent grants an
5 exemption to the school district, then the school district is
6 relieved from the requirement to implement and operate a school
7 breakfast program. If the State Superintendent does not grant
8 an exemption to the school district, then the school district
9 shall implement and operate a school breakfast program in
10 accordance with this Section by September 1 of the subsequent
11 school year.

12 A school district may not attempt to opt out of the school
13 breakfast program requirement of this Section by requesting a
14 waiver under Section 2-3.25g of the School Code.

15 Section 20. Summer food service program.

16 (a) The State Board of Education shall promulgate a State
17 plan for summer food service programs, in accordance with 42
18 U.S.C. Sec. 1761 and any other applicable federal laws and
19 regulations, by January 15, 2006.

20 (b) By the summer of 2006 and then each summer thereafter,
21 it is strongly encouraged that the board of education of each
22 school district in this State in which at least 50% of the
23 students are eligible for free or reduced-price school meals
24 operate a summer food service program or identify a non-profit
25 or private agency to sponsor a summer food service program
26 within the school district's boundaries.

27 (c) Summer food service programs established under this
28 Section may be supported by federal funds and commodities and
29 other available State and local resources.

30 Section 95. The School Breakfast and Lunch Program Act is
31 amended by changing Sections 2.5, 4, and 5 as follows:

32 (105 ILCS 125/2.5)

33 Sec. 2.5. Breakfast incentive program. The State Board of

1 Education shall fund a breakfast incentive program comprised of
2 the components described in paragraphs (1), (2), and (3) of
3 this Section, provided that a separate appropriation is made
4 for the purposes of this Section. The State Board of Education
5 may allocate the appropriation among the program components in
6 whatever manner the State Board of Education finds will best
7 serve the goal of increasing participation in school breakfast
8 programs. If the amount of the appropriation allocated under
9 paragraph (1), (2), or (3) of this Section is insufficient to
10 fund all claims submitted under that particular paragraph, the
11 claims under that paragraph shall be prorated.

12 (1) The State Board of Education may reimburse each
13 sponsor of a school breakfast program an additional \$0.10
14 for each free, reduced-price, and paid breakfast served
15 over and above the number of such breakfasts served in the
16 same month during the preceding year, provided that the
17 number of breakfasts served in a participating school
18 building ~~by the sponsor~~ in that month is at least 10%
19 greater than the number of breakfasts served in the same
20 month during the preceding year.

21 (2) The State Board of Education may make grants to
22 school boards and welfare centers that agree to start a
23 school breakfast program in one or more schools or other
24 sites. First priority for these grants shall be given to
25 schools in which 40% ~~50%~~ or more of their students are
26 eligible for free and reduced price meals under the
27 National School Lunch Act (42 U.S.C. 1751 et seq.).
28 Depending on the availability of funds and the rate at
29 which funds are being utilized, the State Board of
30 Education is authorized to allow additional schools or
31 other sites to receive these grants. In making additional
32 grants, the State Board of Education shall provide for
33 priority to be given to schools with the highest percentage
34 of students eligible for free and reduced price lunches
35 under the National School Lunch Act. The amount of the
36 grant shall be \$3,500 for each qualifying school or site in

1 which a school breakfast program is started. The grants
2 shall be used to pay the start-up costs for the school
3 breakfast program, including equipment, supplies, and
4 program promotion, but shall not be used for food, labor,
5 or other recurring operational costs. Applications for the
6 grants shall be made to the State Board of Education on
7 forms designated by the State Board of Education. Any
8 grantee that fails to operate a school breakfast program
9 for at least 3 years after receipt of a grant shall refund
10 the amount of the grant to the State Board of Education.

11 (3) The State Board of Education may reimburse a school
12 board for each free, reduced-price, or paid breakfast
13 served in a school breakfast program located in a school in
14 which 80% or more of the students are eligible to receive
15 free or reduced price lunches under the National School
16 Lunch Act (42 U.S.C. 1751 et seq.) in an amount equal to
17 the difference between (i) the current amount reimbursed by
18 the federal government for a free breakfast and (ii) the
19 amount actually reimbursed by the federal government for
20 that free, reduced-price, or paid breakfast. A school board
21 that receives reimbursement under this paragraph (3) shall
22 not be eligible in the same year to receive reimbursement
23 under paragraph (1) of this Section.

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

25 (105 ILCS 125/4) (from Ch. 122, par. 712.4)

26 Sec. 4. Accounts; copies of menus served; free lunch
27 program required; report. School boards and welfare centers
28 shall keep an accurate, detailed and separate account of all
29 moneys expended for school breakfast programs, school lunch
30 programs, free breakfast programs, ~~and~~ free lunch programs, and
31 summer food service programs, and of the amounts for which they
32 are reimbursed by any governmental agency, moneys received from
33 students and from any other contributors to the program. School
34 boards and welfare centers shall also keep on file a copy of
35 all menus served under the programs, which together with all

1 records of receipts and disbursements, shall be made available
2 to representatives of the State Board of Education at any time.

3 Every public school must have a free lunch program.

4 In 2001 and in each subsequent year, the State Board of
5 Education shall provide to the Governor and the General
6 Assembly, by a date not later than March 1, a report that
7 provides all of the following:

8 (1) A list by school district of all schools, the total
9 student enrollment, and the number of children eligible for
10 free, reduced price, and paid breakfasts and lunches.

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

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

23 In 2007, 2009, and 2011 ~~2001, 2003, and 2005~~ the report
24 required by this Section shall also include information that
25 documents the results of surveys designed to identify parental
26 interest in school breakfast programs and documents barriers to
27 establishing school breakfast programs. To develop the surveys
28 for school administrators and for parents, the State Board of
29 Education shall work in coordination with the State Board of
30 Education's Child Nutrition Advisory Council and local
31 committees that involve parents, teachers, principals,
32 superintendents, business, and anti-hunger advocates,
33 organized by the State Board of Education to foster community
34 involvement. The State Board of Education is authorized to
35 distribute the surveys in all schools where there are no school
36 breakfast programs.

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

2 (105 ILCS 125/5) (from Ch. 122, par. 712.5)

3 Sec. 5. Application for participation in programs.
4 Applications for participation in the school breakfast
5 program, the school lunch program, the free breakfast program,
6 ~~and~~ the free lunch program, and the summer food service program
7 shall be made on forms provided by the State Board of Education
8 and filed with the State Board, ~~through the Regional~~
9 ~~Superintendent of Schools.~~

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

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