



Sen. Don Harmon

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09900SB2393sam003

LRB099 19267 NHT 47869 a

1 AMENDMENT TO SENATE BILL 2393

2 AMENDMENT NO. _____. Amend Senate Bill 2393, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Childhood Hunger Relief Act is amended by
6 adding Section 16 as follows:

7 (105 ILCS 126/16 new)

8 Sec. 16. Breakfast after the bell program.

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

14 (b) The board of education of each school district in this
15 State shall implement and operate a breakfast after the bell
16 program by the first school day of the next academic year after

1 the effective date of this amendatory Act of the 99th General
2 Assembly, if a breakfast after the bell program does not
3 currently exist, in each school building within its district
4 (1) in which at least 70% or more of the students are eligible
5 for free or reduced-price lunches based upon the previous
6 year's October claim (for those schools that participate in the
7 National School Lunch Program); (2) in which at least 70% or
8 more of the students are classified as low-income according to
9 the Fall Housing Data from the previous year (for those schools
10 that do not participate in the National School Lunch Program);
11 or (3) that has an individual site percentage for free or
12 reduced-price meals of 70% or more (for those schools using
13 Provision 2 under Section 11(a)(1) of the federal Richard B.
14 Russell National School Lunch Act or the Community Eligibility
15 Provision under Section 104(a) of the federal Healthy,
16 Hunger-Free Kids Act of 2010 to provide universal meals). If a
17 school falls below the applicable 70% threshold for 2
18 consecutive years, it has the option to continue participating
19 in the program, but is not required to do so.

20 (c) Each school under this Section may determine the
21 breakfast after the bell service model that best suits its
22 students. Service models include, but are not limited to,
23 breakfast in the classroom, grab and go breakfast, and
24 second-chance breakfast.

25 (d) A school district is allowed to petition for an
26 exemption of a school or schools from the breakfast after the

1 bell program requirement if it is determined that, due to
2 circumstances specific to that school district, the expense
3 reimbursement would not fully cover the costs of implementing
4 and operating a breakfast after the bell program. The school
5 district shall petition its regional superintendent of schools
6 by February 15 of each year to request to be exempt from
7 operating the breakfast after the bell program in the school or
8 schools in the next school year. The petition shall include all
9 legitimate costs associated with implementing and operating a
10 breakfast after the bell program, the estimated reimbursement
11 from State and federal sources, and any unique circumstances
12 the school district can verify that exist that would cause the
13 implementation and operation of such a program to be cost
14 prohibitive.

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

1 breakfast after the bell program in the school or schools
2 granted an exemption for the next school year.

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

24 A school district may not attempt to exempt a school or
25 schools from the breakfast after the bell program requirement
26 of this Section by requesting a waiver under Section 2-3.25g of

1 the School Code.

2 (e) Before the beginning of the next academic year after
3 the effective date of this amendatory Act of the 99th General
4 Assembly, the State Board of Education shall develop and
5 distribute procedures and guidelines for the implementation of
6 this Section, which must be in compliance with federal
7 regulations governing the school breakfast program.

8 (f) The State Board of Education shall annually collect
9 information about breakfast after the bell delivery models
10 implemented at each school and make the information publicly
11 available.

12 (g) In fulfilling its responsibilities under this Section,
13 the State Board of Education shall collaborate with nonprofit
14 organizations knowledgeable about equity, the opportunity gap,
15 hunger and food security issues, and best practices for
16 improving student access to school breakfast. The State Board
17 of Education shall collaborate with nonprofit organizations
18 knowledgeable about food security issues and best practices for
19 improving access to school breakfast to create and post a list
20 of opportunities for philanthropic support of school breakfast
21 programs on its website."