

AN ACT concerning education.

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

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

(105 ILCS 126/16 new)

Sec. 16. Breakfast after the bell program.

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

(b) The board of education of each school district in this State shall implement and operate a breakfast after the bell program by the first school day of the next academic year after the effective date of this amendatory Act of the 99th General Assembly, if a breakfast after the bell program does not currently exist, in each school building within its district (1) in which at least 70% or more of the students are eligible for free or reduced-price lunches based upon the previous year's October claim (for those schools that participate in the National School Lunch Program); (2) in which at least 70% or more of the students are classified as low-income according to

the Fall Housing Data from the previous year (for those schools that do not participate in the National School Lunch Program); or (3) that has an individual site percentage for free or reduced-price meals of 70% or more (for those schools using Provision 2 under Section 11(a)(1) of the federal Richard B. Russell National School Lunch Act or the Community Eligibility Provision under Section 104(a) of the federal Healthy, Hunger-Free Kids Act of 2010 to provide universal meals). If a school falls below the applicable 70% threshold for 2 consecutive years, it has the option to continue participating in the program, but is not required to do so.

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

(d) School districts required to implement a breakfast after the bell program provided for under this Section that demonstrate that (i) they are delivering school breakfast effectively, as defined by 70% or more of free or reduced-price eligible students participating in the School Breakfast Program, or (ii) due to circumstances specific to that school district, the expense reimbursement would not fully cover the costs of implementing and operating a breakfast after the bell program may be relieved of the delivery model requirement provided for in this Section after a cost analysis is submitted

to the board of education of the district, the board of education holds a public hearing, and the board of education passes a resolution that the district cannot afford to operate a breakfast after the bell program. The district shall post information that sets forth the time, date, place, and general subject matter of the public hearing on its website and notify the State Board of Education at least 14 days prior to the hearing.

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

(f) The State Board of Education shall annually collect information about breakfast after the bell delivery models implemented at each school and make the information publicly available. Final resolutions approving a breakfast after the bell exemption must be submitted by the board of education of the district to the State Board of Education upon passage.

(g) In fulfilling its responsibilities under this Section, the State Board of Education shall collaborate with school districts and nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The State Board of Education shall collaborate with

nonprofit organizations knowledgeable about food security issues and best practices for improving access to school breakfast to create and post a list of opportunities for philanthropic support of school breakfast programs on its website. This information must also be shared with school districts.

Section 99. Effective date. This Act takes effect January 1, 2017.