



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

##### HB0475

Introduced 2/4/2009, by Rep. Dave Winters

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.13

from Ch. 122, par. 10-20.13

105 ILCS 5/34-21.6

from Ch. 122, par. 34-21.6

Amends the School Code. With respect to the purchase of textbooks for children whose parents are unable to buy them and the waiver of fees assessed on children whose parents are unable to afford them, changes a reference from children eligible for free lunches or breakfasts under the Community School Lunch Program to children living in households that meet the free lunch or breakfast eligibility guidelines established by the federal government pursuant to the federal Richard B. Russell National School Lunch Act, subject to verification. Provides that any school board that participates in a federally funded, school-based child nutrition program and uses a student's application for, eligibility for, or participation in the federally funded, school-based child nutrition program as the basis for waiving fees assessed by the school district must follow the verification requirements of the federally funded, school-based child nutrition program. Provides that a school board that establishes a process for the determination of eligibility for waiver of fees assessed by the school district that is completely independent of a student's application for, eligibility for, or participation in a federally funded, school-based child nutrition program may provide for fee waiver verification no more often than every 60 calendar days, with conditions. Effective September 1, 2009 or immediately, whichever is later.

LRB096 03079 NHT 13095 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 School Code is amended by changing Sections  
5 10-20.13 and 34-21.6 as follows:

6 (105 ILCS 5/10-20.13) (from Ch. 122, par. 10-20.13)

7 Sec. 10-20.13. Textbooks ~~Text books~~ for children of parents  
8 unable to buy them and other fees.

9 (a) To purchase, at the expense of the district, a  
10 sufficient number of textbooks for children whose parents are  
11 unable to buy them, including but not limited to children  
12 living in households that meet the free lunch or breakfast  
13 eligibility guidelines established by the federal government  
14 pursuant to Section 1758 of the federal Richard B. Russell  
15 National School Lunch Act (42 U.S.C. 1758; 7 C.F.R. 245 et  
16 seq.), subject to verification as set forth in subsection (c)  
17 of this Section ~~eligible for free lunches or breakfasts under~~  
18 ~~the Community School Lunch Program~~. Such textbooks shall be  
19 loaned only, and the directors shall require the teacher to see  
20 that they are properly cared for and returned at the end of  
21 each term of school.

22 (b) To waive all fees assessed by the district on children  
23 whose parents are unable to afford them, including but not

1 limited to children living in households that meet the free  
2 lunch or breakfast eligibility guidelines established by the  
3 federal government pursuant to Section 1758 of the federal  
4 Richard B. Russell National School Lunch Act (42 U.S.C. 1758; 7  
5 C.F.R. 245 et seq.), subject to verification as set forth in  
6 subsection (c) of this Section ~~eligible for free lunches or~~  
7 ~~breakfasts under the Community School Lunch Program.~~ The school  
8 board shall adopt written policies and procedures for such  
9 waiver of fees in accordance with regulations promulgated by  
10 the State Board of Education.

11 (c) Any school board that participates in a federally  
12 funded, school-based child nutrition program and uses a  
13 student's application for, eligibility for, or participation  
14 in the federally funded, school-based child nutrition program  
15 (42 U.S.C. 1758; 7 C.F.R. 245 et seq.) as the basis for waiving  
16 fees assessed by the school district must follow the  
17 verification requirements of the federally funded,  
18 school-based child nutrition program (42 U.S.C. 1758; 7 C.F.R.  
19 245.6a).

20 A school board that establishes a process for the  
21 determination of eligibility for waiver of fees assessed by the  
22 school district that is completely independent of a student's  
23 application for, eligibility for, or participation in a  
24 federally funded, school-based child nutrition program may  
25 provide for fee waiver verification no more often than every 60  
26 calendar days. Information obtained during the independent,

1 fee waiver verification process indicating that the student  
2 does not meet free lunch or breakfast eligibility guidelines  
3 may be used to deny the waiver of the student's fees, provided  
4 that any information obtained through this independent process  
5 for determining or verifying eligibility for fee waivers shall  
6 not be used to determine or verify eligibility for any  
7 federally funded, school-based child nutrition program.

8 (Source: P.A. 86-195.)

9 (105 ILCS 5/34-21.6) (from Ch. 122, par. 34-21.6)

10 Sec. 34-21.6. Waiver of fees.

11 (a) The board shall waive all fees assessed by the district  
12 on children whose parents are unable to afford them, including  
13 but not limited to children living in households that meet the  
14 free lunch or breakfast eligibility guidelines established by  
15 the federal government pursuant to Section 1758 of the federal  
16 Richard B. Russell National School Lunch Act (42 U.S.C. 1758; 7  
17 C.F.R. 245 et seq.), subject to verification as set forth in  
18 subsection (b) of this Section ~~eligible for free lunches or~~  
19 ~~breakfasts under the Community School Lunch Program.~~ The board  
20 shall develop written policies and procedures implementing  
21 this Section in accordance with regulations promulgated by the  
22 State Board of Education.

23 (b) If the board participates in a federally funded,  
24 school-based child nutrition program and uses a student's  
25 application for, eligibility for, or participation in the

1 federally funded, school-based child nutrition program (42  
2 U.S.C. 1758; 7 C.F.R. 245 et seq.) as the basis for waiving  
3 fees assessed by the district, then the board must follow the  
4 verification requirements of the federally funded,  
5 school-based child nutrition program (42 U.S.C. 1758; 7 C.F.R.  
6 245.6a).

7 If the board establishes a process for the determination of  
8 eligibility for waiver of fees assessed by the district that is  
9 completely independent of a student's application for,  
10 eligibility for, or participation in a federally funded,  
11 school-based child nutrition program, the board may provide for  
12 fee waiver verification no more often than every 60 calendar  
13 days. Information obtained during the independent, fee waiver  
14 verification process indicating that the student does not meet  
15 free lunch or breakfast eligibility guidelines may be used to  
16 deny the waiver of the student's fees, provided that any  
17 information obtained through this independent process for  
18 determining or verifying eligibility for fee waivers shall not  
19 be used to determine or verify eligibility for any federally  
20 funded, school-based child nutrition program.

21 (Source: P.A. 86-195.)

22 Section 99. Effective date. This Act takes effect on  
23 September 1, 2009 or upon becoming law, whichever is later.