



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB7039

Introduced 2/9/2004, by Susana Mendoza

SYNOPSIS AS INTRODUCED:

New Act

105 ILCS 125/2.5

105 ILCS 125/4

105 ILCS 125/5

from Ch. 122, par. 712.4

from Ch. 122, par. 712.5

Creates the Childhood Hunger Relief Act and amends the School Breakfast and Lunch Program Act. Requires school districts to implement school breakfast programs. Requires the State Board of Education to promulgate a State plan for summer food service programs. Strongly encourages certain school districts to operate a summer food service program or identify an agency to sponsor a program. Makes changes concerning the breakfast incentive program. Changes the dates in which the State Board of Education must report school breakfast program information. Removes the requirement that applications for participation in school food programs be filed through the regional superintendent of schools. Requires the Department of Human Services to work with the State Board of Education to certify all children that are eligible for participation. Effective immediately.

LRB093 21248 NHT 47390 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning 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 USDA-donated foods
27 and technical guidance. Payments to schools are higher for
28 meals served to children who qualify, on the basis of family
29 size and income, for free or reduced-price meals. The program
30 is administered in Illinois by the State Board of Education.

31 "Summer Food Service Program" means the federal child
32 nutrition entitlement program that helps communities serve
33 meals to needy children when school is not in session. The USDA
34 reimburses sponsors for operating costs of food services up to
35 a specific maximum rate for each meal served. In addition,

1 sponsors receive some reimbursement for planning and
2 supervising expenses. The program in Illinois is administered
3 by the State Board of Education.

4 Section 15. School breakfast program.

5 (a) By September 1, 2004, the board of education of each
6 school district in this State shall implement a school
7 breakfast program if a breakfast program does not currently
8 exist, in accordance with federal guidelines in each school
9 within its district in which at least 40% or more of the
10 students are eligible for free or reduced-price lunches based
11 upon the count on October 31.

12 During the 2003-2004 school year, the board of education of
13 each school district in the State shall determine which schools
14 within their districts will be required to implement a school
15 breakfast program.

16 (b) School districts may charge students who do not meet
17 federal criteria for free or reduced-price school meals for the
18 breakfasts served to these students within the allowable limits
19 set by federal regulations.

20 (c) School breakfast programs established under this
21 Section shall be supported entirely by federal funds and
22 commodities, charges to students and other participants, and
23 other available State and local resources, including under the
24 School Breakfast and Lunch Program Act.

25 Section 20. Summer food service program.

26 (a) The State Board of Education shall promulgate a State
27 plan for summer food service programs in accordance with 42
28 U.S.C. Sec. 1761 and any other applicable federal laws and
29 regulations, by January 15, 2005.

30 (b) By the summer of 2005, it is strongly encouraged that
31 the board of education of each school district in this State in
32 which at least 50% of the students are eligible for free or
33 reduced-price school meals operate a summer food service
34 program or identify a non-profit or private agency to sponsor a

1 summer food service program within the school district's
2 boundaries.

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

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

8 (105 ILCS 125/2.5)

9 Sec. 2.5. Breakfast incentive program. The State Board of
10 Education shall fund a breakfast incentive program comprised of
11 the components described in paragraphs (1), (2), and (3) of
12 this Section, provided that a separate appropriation is made
13 for the purposes of this Section. The State Board of Education
14 may allocate the appropriation among the program components in
15 whatever manner the State Board of Education finds will best
16 serve the goal of increasing participation in school breakfast
17 programs. If the amount of the appropriation allocated under
18 paragraph (1), (2), or (3) of this Section is insufficient to
19 fund all claims submitted under that particular paragraph, the
20 claims under that paragraph shall be prorated.

21 (1) The State Board of Education may reimburse each
22 sponsor of a school breakfast program an additional \$0.10
23 for each free, reduced-price, and paid breakfast served
24 over and above the number of such breakfasts served in the
25 same month during the preceding year, provided that the
26 number of breakfasts served in a participating school
27 building ~~by the sponsor~~ in that month is at least 10%
28 greater than the number of breakfasts served in the same
29 month during the preceding year.

30 (2) The State Board of Education may make grants to
31 school boards and welfare centers that agree to start a
32 school breakfast program in one or more schools or other
33 sites. First priority for these grants shall be given to
34 schools in which 40% ~~50%~~ or more of their students are

1 eligible for free and reduced price meals under the
2 National School Lunch Act (42 U.S.C. 1751 et seq.).
3 Depending on the availability of funds and the rate at
4 which funds are being utilized, the State Board of
5 Education is authorized to allow additional schools or
6 other sites to receive these grants. In making additional
7 grants, the State Board of Education shall provide for
8 priority to be given to schools with the highest percentage
9 of students eligible for free and reduced price lunches
10 under the National School Lunch Act. The amount of the
11 grant shall be \$3,500 for each qualifying school or site in
12 which a school breakfast program is started. The grants
13 shall be used to pay the start-up costs for the school
14 breakfast program, including equipment, supplies, and
15 program promotion, but shall not be used for food, labor,
16 or other recurring operational costs. Applications for the
17 grants shall be made to the State Board of Education on
18 forms designated by the State Board of Education. Any
19 grantee that fails to operate a school breakfast program
20 for at least 3 years after receipt of a grant shall refund
21 the amount of the grant to the State Board of Education.

22 (3) The State Board of Education may reimburse a school
23 board for each free, reduced-price, or paid breakfast
24 served in a school breakfast program located in a school in
25 which 80% or more of the students are eligible to receive
26 free or reduced price lunches under the National School
27 Lunch Act (42 U.S.C. 1751 et seq.) in an amount equal to
28 the difference between (i) the current amount reimbursed by
29 the federal government for a free breakfast and (ii) the
30 amount actually reimbursed by the federal government for
31 that free, reduced-price, or paid breakfast. A school board
32 that receives reimbursement under this paragraph (3) shall
33 not be eligible in the same year to receive reimbursement
34 under paragraph (1) of this Section.

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

1 (105 ILCS 125/4) (from Ch. 122, par. 712.4)

2 Sec. 4. Accounts; copies of menus served; free lunch
3 program required; report. School boards and welfare centers
4 shall keep an accurate, detailed and separate account of all
5 moneys expended for school breakfast programs, school lunch
6 programs, free breakfast programs, ~~and~~ free lunch programs, and
7 summer food service programs, and of the amounts for which they
8 are reimbursed by any governmental agency, moneys received from
9 students and from any other contributors to the program. School
10 boards and welfare centers shall also keep on file a copy of
11 all menus served under the programs, which together with all
12 records of receipts and disbursements, shall be made available
13 to representatives of the State Board of Education at any time.

14 Every public school must have a free lunch program.

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

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

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

27 (3) A list of schools that have used the school
28 breakfast program option outlined in this Act, a list of
29 schools that have exercised Provision Two or Provision
30 Three under the Child Nutrition Act of 1966 (42 U.S.C. 1771
31 et seq.), and a list of schools that have dropped either
32 school lunch or school breakfast programs during the past
33 year and the reasons why.

34 In 2005, 2007, and 2009 ~~2001, 2003, and 2005~~ the report
35 required by this Section shall also include information that
36 documents the results of surveys designed to identify parental

1 interest in school breakfast programs and documents barriers to
2 establishing school breakfast programs. To develop the surveys
3 for school administrators and for parents, the State Board of
4 Education shall work in coordination with the State Board of
5 Education's Child Nutrition Advisory Council and local
6 committees that involve parents, teachers, principals,
7 superintendents, business, and anti-hunger advocates,
8 organized by the State Board of Education to foster community
9 involvement. The State Board of Education is authorized to
10 distribute the surveys in all schools where there are no school
11 breakfast programs.

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

13 (105 ILCS 125/5) (from Ch. 122, par. 712.5)

14 Sec. 5. Application for participation in programs.
15 Applications for participation in the school breakfast
16 program, the school lunch program, the free breakfast program,
17 ~~and the free lunch program, and the summer food service program~~
18 shall be made on forms provided by the State Board of Education
19 and filed with the State Board, ~~through the Regional~~
20 ~~Superintendent of Schools.~~ The Department of Human Services
21 shall work with the State Board of Education to certify all
22 children that are eligible for participation.

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

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