

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 Childhood Hunger Relief Act is amended by  
5 changing Section 20 as follows:

6 (105 ILCS 126/20)

7 Sec. 20. Summer food service program.

8 (a) The State Board of Education shall promulgate a State  
9 plan for summer food service programs, in accordance with 42  
10 U.S.C. Sec. 1761 and any other applicable federal laws and  
11 regulations, by February 1, 2008 ~~January 15, 2006~~.

12 (b) On or before February 15, 2008, a school district must  
13 promulgate a plan to have a summer breakfast or lunch (or both)  
14 food service program for each school (i) in which at least 50%  
15 of the students are eligible for free or reduced-price school  
16 meals and (ii) that has a summer school program. The plan must  
17 be implemented during the summer of 2008. Each summer food  
18 service program must operate for the duration of the school's  
19 summer school program. If the school district has one or more  
20 elementary schools that qualify, the summer food service  
21 program must be operated in a manner that ensures all eligible  
22 students receive services. If a school in which at least 50% of  
23 the students are eligible for free or reduced-price school

1 meals is not open during the summer months, the school shall  
2 provide information regarding the number of children in the  
3 school who are eligible for free or reduced-price school meals  
4 upon request by a not-for-profit entity. ~~By the summer of 2006~~  
5 ~~and then each summer thereafter, it is strongly encouraged that~~  
6 ~~the board of education of each school district in this State in~~  
7 ~~which at least 50% of the students are eligible for free or~~  
8 ~~reduced price school meals operate a summer food service~~  
9 ~~program or identify a non profit or private agency to sponsor a~~  
10 ~~summer food service program within the school district's~~  
11 ~~boundaries.~~

12 (c) Summer food service programs established under this  
13 Section shall ~~may~~ be supported by federal funds and commodities  
14 and other available State and local resources.

15 (d) A school district shall be allowed to opt out of the  
16 summer food service program requirement of this Section if it  
17 is determined that, due to circumstances specific to that  
18 school district, the expense reimbursement would not fully  
19 cover the costs of implementing and operating a summer food  
20 service program. The school district shall petition its  
21 regional superintendent of schools by January 15 to request to  
22 be exempt from the summer food service program requirement. The  
23 petition shall include all legitimate costs associated with  
24 implementing and operating a summer food service program, the  
25 estimated reimbursement from State and federal sources, and any  
26 unique circumstances the school district can verify that exist

1 that would cause the implementation and operation of such a  
2 program to be cost prohibitive.

3 The regional superintendent of schools shall review the  
4 petition. He or she shall convene a public hearing to hear  
5 testimony from the school district and interested community  
6 members. The regional superintendent shall, by March 1, inform  
7 the school district of his or her decision, along with the  
8 reasons why the exemption was granted or denied, in writing. If  
9 the regional superintendent grants an exemption to the school  
10 district, then the school district is relieved from the  
11 requirement to establish and implement a summer food service  
12 program.

13 If the regional superintendent of schools does not grant an  
14 exemption to the school district, then the school district  
15 shall implement and operate a summer food service program in  
16 accordance with this Section the summer following the current  
17 school year. However, the school district or a resident of the  
18 school district may appeal the decision of the regional  
19 superintendent to the State Superintendent of Education. No  
20 later than April 1 of each year, the State Superintendent shall  
21 hear appeals on the decisions of regional superintendents of  
22 schools. The State Superintendent shall make a final decision  
23 at the conclusion of the hearing on the school district's  
24 request for an exemption from the summer food service program  
25 requirement. If the State Superintendent grants an exemption to  
26 the school district, then the school district is relieved from

1 the requirement to implement and operate a summer food service  
2 program. If the State Superintendent does not grant an  
3 exemption to the school district, then the school district  
4 shall implement and operate a summer food service program in  
5 accordance with this Section the summer following the current  
6 school year.

7 (Source: P.A. 93-1086, eff. 2-15-05.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.