

**SCHOOL BREAKFAST PROGRAM**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: David Litvack**

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**LONG TITLE**

**General Description:**

This bill modifies the State System of Public Education Code by requiring certain schools to participate in the School Breakfast Program.

**Highlighted Provisions:**

This bill:

► requires each local school board to require each school in its district that is eligible for severe need assistance to participate in the School Breakfast Program.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2005.

**Utah Code Sections Affected:**

AMENDS:

**53A-19-301**, as enacted by Chapter 268, Laws of Utah 1996

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-19-301** is amended to read:

**53A-19-301. School Breakfast Program -- Review of nonparticipants.**

(1) ~~H→~~ [f] (a) [f] ~~←H~~ Each local school board shall ~~[, at least once every three years, review] require~~

each ~~[elementary] school in its district [that does not] that is eligible for severe need assistance to participate in the School Breakfast Program [as to the school's reasons for nonparticipation]~~

~~H→~~ except as provided in Subsection (1)(b) ←H .



- 27b            ~~H~~→ **(b) A local school board may exempt the following from participating in the School**
- 27c            **Breakfast Program:**
- 27d            **(i) alternative schools; or**
- 27e            **(ii) schools at which the School Breakfast Program would not operate effectively or**
- 27f            **efficiently.** ←~~H~~

28           ~~[(b) (i) If the school board determines that there are valid reasons for the school's~~  
29 ~~nonparticipation, no further action is needed.]~~

30           ~~[(ii) Reasons for nonparticipation may include a recommendation from the school~~  
31 ~~community council authorized under Section 53A-1a-108 or a similar group of parents and~~  
32 ~~school employees that the school should not participate in the program.]~~

33           ~~[(2) (a) After two nonparticipation reviews, a local school board may, by majority vote,~~  
34 ~~waive any further reviews of the nonparticipatory school.]~~

35           ~~[(b) A waiver of the review process under Subsection (2)(a) does not prohibit~~  
36 ~~subsequent consideration by the local school board of an individual school's nonparticipation~~  
37 ~~in the School Breakfast Program.]~~

38           ~~[(3)]~~ (2) The requirements of this section shall be nullified by the termination of the  
39 entitlement status of the School Breakfast Program by the federal government.

40           Section 2. **Effective date.**

41           This bill takes effect on July 1, 2005.

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**Legislative Review Note**  
**as of 12-23-04 9:35 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**State Impact**

The provisions outlined in this bill can be handled within existing budgets.

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**Individual and Business Impact**

Enactment of this bill could result in implementation costs to some school districts with schools that do not currently provide a school breakfast program. These start up costs are undeterminable at this time. Schools that do not have kitchen facilities or other associated necessities to accommodate breakfast food services would need to expend funds to provide for these services. Individual students and parents could benefit from services provided by a school breakfast program.

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**Office of the Legislative Fiscal Analyst**