

**ACCEPTANCE OF FEDERALLY FUNDED
BREAKFAST PROGRAM FOR CHILDREN**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Paula F. Julander

LONG TITLE

General Description:

This bill modifies the State System of Public Education Code by requiring all 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**

PARTICIPATES IN THE NATIONAL SCHOOL LUNCH PROGRAM § to participate in the School Breakfast Program **§ ; AND**

► **PROVIDES AN EXEMPTION FROM THE PARTICIPATION REQUIREMENT § .**

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2004.

Utah Code Sections Affected:

AMENDS:

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

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) [(a)] Each local school board shall[, at least once every three years, review] require each [elementary] school in its district **§ THAT PARTICIPATES IN THE NATIONAL SCHOOL LUNCH PROGRAM §** [that does not] to participate in the School Breakfast



Program [as to the school's reasons for nonparticipation].

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

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

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

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

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

§ (3) A LOCAL SCHOOL BOARD MAY, BY MAJORITY VOTE, EXEMPT AN INDIVIDUAL SCHOOL FROM THE REQUIREMENTS UNDER THIS SECTION IF THE BOARD FINDS THAT:
(a) THERE IS INSUFFICIENT STUDENT PARTICIPATION IN THE SCHOOL BREAKFAST PROGRAM AT THE SCHOOL TO JUSTIFY ITS CONTINUATION; OR
(b) THE SCHOOL IS NOT OPEN DURING THE BREAKFAST HOUR. §

Section 2. **Effective date.**

This bill takes effect on July 1, 2004.

Legislative Review Note
as of 2-4-04 7:59 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0061

Acceptance of Federally Funded Breakfast Program for Children 13-Feb-04
10:42 AM

State Impact

Provisions of this legislation can be handled within existing budgets.

Individual and Business Impact

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

Office of the Legislative Fiscal Analyst