

SCHOOL BREAKFAST PARTICIPATION REQUIREMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill requires a public school that participates in the National School Lunch Program to participate in the School Breakfast Program.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a public school that participates in the National School Lunch Program to participate in the School Breakfast Program;
- ▶ permits a public school to apply to the State Board of Education for a waiver of the requirements in this bill; and
- ▶ requires the State Board of Education to make rules for a waiver application, review, and approval process.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-9-205, as last amended by Laws of Utah 2019, Chapter 293



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

29 Section 1. Section **53G-9-205** is amended to read:

30 **53G-9-205. School Breakfast Program -- Review of nonparticipants.**

31 (1) As used in this section:

32 (a) "Alternative breakfast service style" means a method of serving breakfast to a
33 student after the instructional day begins.

34 (b) "National School Lunch Program" means the same as that term is defined in 7
35 C.F.R. Sec. 210.2.

36 (c) "Public school" means:

37 (i) a school under the control of a school district;

38 (ii) a charter school; or

39 (iii) the Utah Schools for the Deaf and the Blind.

40 (d) "School Breakfast Program" means the same as that term is defined in 7 C.F.R.
41 Sec. 220.2.

42 ~~[(+)]~~ (2) (a) Each local school board shall, at least once every three years, review each
43 elementary school in its district that does not participate in the School Breakfast Program as to
44 the school's reasons for nonparticipation.

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

47 (ii) Reasons for nonparticipation may include a recommendation from the school
48 community council authorized under Section **53G-7-1202** or a similar group of parents and
49 school employees that the school should not participate in the program.

50 ~~[(2)]~~ (3) (a) After two nonparticipation reviews, a local school board may, by majority
51 vote, waive any further reviews of the nonparticipatory school.

52 (b) A waiver of the review process under Subsection ~~[(2)]~~ (3)(a) does not prohibit
53 subsequent consideration by the local school board of an individual school's nonparticipation in
54 the School Breakfast Program.

55 (4) (a) Except as provided in Subsection (5), a public school that participates in the
56 National School Lunch Program shall participate in the School Breakfast Program.

57 (b) Beginning with the 2020-21 school year, a public school in which 70% or more of
58 its students qualify for free or reduced lunch shall use an alternative breakfast service style.

59 (c) Beginning with the 2021-22 school year, a public school in which 60% or more of
60 its students qualify for free or reduced lunch shall use an alternative breakfast service style.

61 (d) Beginning with the 2022-23 school year, a public school in which 50% or more of
62 its students qualify for free or reduced lunch shall use an alternative breakfast service style.

63 (5) (a) A public school may apply to the state board for a waiver of the requirements
64 described in Subsection (4), if the requirements cause undue hardship.

65 (b) To apply for the waiver described in Subsection (5)(a), a public school shall
66 describe the undue hardship caused by the requirements described in Subsection (4), and
67 provide supporting documentation to the state board.

68 (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
69 Administrative Rulemaking Act, to create a waiver application submission, review, and
70 approval process.

71 ~~[(3)]~~ (6) The requirements of this section shall be nullified by the termination of the
72 entitlement status of the School Breakfast Program by the federal government.