

Representative Dan N. Johnson proposes the following substitute bill:

START SMART UTAH BREAKFAST PROGRAM

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill creates the Start Smart Utah Program to expand access to school breakfast in public schools.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Start Smart Utah Program that:
 - requires a public school that participates in the National School Lunch Program to participate in the School Breakfast Program; and
 - requires a public school to use an alternative breakfast service model if a certain percentage of students qualify for free or reduced lunch;
- ▶ permits a public school to apply to the State Board of Education for a waiver of the requirements of the Start Smart Utah Program; and
- ▶ requires the State Board of Education to make rules for a waiver application, submission, review, and approval process.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **53G-9-205.1**, Utah Code Annotated 1953



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

32 Section 1. Section **53G-9-205.1** is enacted to read:

33 **53G-9-205.1. Start Smart Utah Program.**

34 (1) As used in this section:

35 (a) "Alternative breakfast service model" means a method of serving breakfast to a
36 student after the instructional day begins.

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

39 (c) "Public school" means:

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

41 (ii) a charter school; or

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

43 (d) "School Breakfast Program" means the same as that term is defined in 7 C.F.R. Sec
44 220.2.

45 (e) "Start Smart Utah Program" or "program" means the Start Smart Utah Program
46 created in Subsection (2).

47 (f) "Traditional breakfast service model" means a method of serving breakfast to a
48 student before the instructional day begins.

49 (2) (a) There is created the Start Smart Utah Program.

50 (b) Except as provided in Subsection (3), a public school that participates in the
51 National School Lunch Program shall participate in the School Breakfast Program.

52 (c) (i) Beginning with the 2020-21 school year, a public school in which 70% or more
53 of the students qualify for free or reduced lunch shall use an alternative breakfast service
54 model.

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

57 (iii) Beginning with the 2022-23 school year, a public school in which 50% or more of
58 the students qualify for free or reduced lunch shall use an alternative breakfast service model.

59 (d) Notwithstanding Subsection (2)(c):

60 (i) a public school that is subject to the requirements described in Subsection (2)(c)
61 may use a traditional breakfast service model in addition to an alternative breakfast service
62 model; and

63 (ii) a public school in which 70% or more of the students who qualify for free or
64 reduced lunch participate in the School Breakfast Program is exempt from the requirements
65 described in Subsection (2)(c).

66 (3) (a) A public school may apply to the state board for a waiver of the requirements
67 described in Subsection (2), if the requirements cause undue hardship.

68 (b) 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 (4) The state board shall:

72 (a) administer the program in accordance with this section and in conjunction with the
73 state board's duties as the administering agency of federal child nutrition programs;

74 (b) track implementation of alternative breakfast service models in public schools; and

75 (c) provide guidance and technical assistance to public schools related to implementing
76 the Start Smart Utah Program in accordance with the requirements of this section, including
77 assistance with soliciting parent feedback on the program.

78 (5) The requirements of this section shall be nullified by the termination of the
79 entitlement status of the School Breakfast Program by the federal government.