

1 **START SMART UTAH BREAKFAST PROGRAM AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Dan N. Johnson**

5 Senate Sponsor: Lincoln Fillmore

6

7 **LONG TITLE**

8 **General Description:**

9 This bill delays the dates by which certain public schools are required to serve breakfast
10 to a student after the instructional day begins.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ delays the dates by which certain public schools are required to serve breakfast to a
14 student after the instructional day begins.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **53G-9-205.1**, as enacted by Laws of Utah 2020, Chapter 96

22

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

24 Section 1. Section **53G-9-205.1** is amended to read:

25 **53G-9-205.1. Start Smart Utah Program.**

26 (1) As used in this section:

27 (a) "Alternative breakfast service model" means a method of serving breakfast to a



28 student after the instructional day begins.

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

31 (c) "Public school" means:

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

33 (ii) a charter school; or

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

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

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

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

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

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

44 (c) (i) Beginning with the [~~2020-21~~] 2021-22 school year, a public school in which
45 70% or more of the students qualify for free or reduced lunch shall use an alternative breakfast
46 service model.

47 (ii) Beginning with the [~~2021-22~~] 2022-23 school year, a public school in which 50%
48 or more of the students qualify for free or reduced lunch shall use an alternative breakfast
49 service model.

50 (iii) Beginning with the [~~2022-23~~] 2023-24 school year, a public school in which 30%
51 or more of the students qualify for free or reduced lunch shall use an alternative breakfast
52 service model.

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

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

57 (ii) a public school in which 70% or more of the students who qualify for free or
58 reduced lunch participate in the School Breakfast Program is exempt from the requirements

59 described in Subsection (2)(c).

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

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

65 (4) The state board shall:

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

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

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

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