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SENATE BILL 23

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO PUBLIC EDUCATION; PROVIDING FOR BREAKFAST AFTER THE BELL PROGRAMS FOR STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-13-13.2 NMSA 1978 (being Laws 2011, Chapter 35, Section 5) is amended to read:

"22-13-13.2. BREAKFAST PROGRAM REQUIRED--WAIVER--
DISTRIBUTION OF FUNDS.--

A. School districts and charter schools shall establish a ~~[school]~~ "breakfast after the bell program" ~~[providing]~~ to provide free breakfast, after the instructional day has begun, to all students attending ~~[an elementary]~~ a public school ~~[in that school district]~~ in which eighty-five percent or more of the enrolled students ~~[at the elementary~~

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1 ~~school~~] were eligible for free or reduced-price lunch under the
2 National School Lunch Act [~~of 1946~~] during the prior school
3 year.

4 B. A school district or charter school that
5 includes [~~an elementary~~] a public school in which fewer than
6 eighty-five percent of the enrolled students were eligible for
7 free or reduced-price lunch during the prior school year under
8 the National School Lunch Act [~~of 1946~~] may establish a
9 [~~school~~] breakfast after the bell program [~~providing~~] to
10 provide free breakfast, after the instructional day has begun,
11 to all students attending that [~~elementary~~] public school;
12 provided that the program complies with all applicable
13 department rules relating to the [~~school~~] breakfast after the
14 bell program authorized by this section.

15 C. The school district or charter school may apply
16 to the department for a waiver of the [~~school~~] breakfast after
17 the bell program required under the provisions of Subsection A
18 of this section if the school district or charter school can
19 demonstrate that providing the program will result in undue
20 financial hardship for the school district or charter school.

21 D. The department shall [~~reimburse~~] fund each
22 school district or charter school that establishes a [~~school~~]
23 breakfast after the bell program under the provisions of this
24 section for [~~costs associated with~~] providing free breakfast to
25 students on a per-meal basis at the federal maximum rate of

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1 reimbursement as set forth annually by the federal secretary of
2 agriculture for educational grants awarded under the authority
3 of the secretary. [~~Reimbursement~~] School districts and charter
4 schools do not need to demonstrate their expenses to receive
5 funding pursuant to this section.

6 E. Disbursements for the [~~school~~] breakfast after
7 the bell program shall be paid in sequential order, until the
8 state [~~school~~] breakfast after the bell funds are exhausted.
9 School districts [~~or~~] and charter schools whose [~~elementary~~]
10 public schools have the highest percentage of enrolled students
11 eligible for free or reduced-price lunch under the National
12 School Lunch Act [~~of 1946~~] shall be paid first. School
13 districts [~~or~~] and charter schools whose [~~elementary~~] public
14 schools have the lowest percentage of enrolled students
15 eligible for free or reduced-price lunch under the National
16 School Lunch Act [~~of 1946~~] shall be paid last.

17 F. By June 15 of each year, each school district
18 and charter school seeking state breakfast after the bell funds
19 shall submit to the department the following information:

20 (1) the number of breakfasts served at no
21 charge by each of its public schools during the previous school
22 year; and

23 (2) the federal reimbursement rate for each
24 breakfast served.

25 G. When calculating the amount of breakfast after

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1 the bell program funding that is due a public school, the
2 department shall assume that student participation will remain
3 at the same level as the previous year. If a school district
4 or charter school has not previously received state breakfast
5 after the bell funding, the department shall assume that ninety
6 percent of the student population of an eligible public school
7 will participate in the breakfast after the bell program and
8 shall fund the public school's program accordingly.

9 H. By August 1 of each year, the department shall
10 inform eligible school districts and charter schools of the
11 amount of breakfast after the bell funding they will receive
12 during the upcoming school year.

13 I. If a public school receives breakfast after the
14 bell funding above the amount necessary to pay actual costs of
15 meals served, the leftover funding may be used to fund other
16 breakfast programs at other public schools within the school
17 district.

18 ~~[E.]~~ J. The department shall promulgate rules
19 necessary for implementation of this section, including:

20 (1) standards for ~~[school]~~ breakfast after the
21 bell programs that meet federal school breakfast program
22 standards;

23 (2) procedures for waiver requests and the
24 award of waivers as provided for in Subsection C of this
25 section, including what constitutes financial hardship; and

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(3) procedures for ~~[reimbursement]~~ funding
school districts and charter schools.

~~[F.]~~ K. The provisions of this section ~~[shall not]~~
apply ~~[until the 2011-2012]~~ to the 2014-2015 and succeeding
school ~~[year]~~ years."