

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/SB 144a

52nd Legislature, 2nd Session, 2016

Tracking Number: .204044.1

Short Title: Rename “Breakfast After the Bell Program”

Sponsor(s): Senators Gay G. Kernan and Mimi Stewart

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**SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 144a**

AS AMENDED

The Senate Education Committee amendment adds language that schools may provide students the opportunity to eat on the bus after the instructional day begins.

Original Bill Summary:

CS/SB 144a amends the *Public School Code* to clarify provisions of the Breakfast After the Bell Program to include flexibility for schools to serve breakfast before the instructional day begins provided the school also offers breakfast after the start of the instructional day in a location of the school’s choice.

Fiscal Impact:

SB 144 does not include an appropriation.

House Appropriations and Finance Committee Substitute for HB 2 & 4, which was adopted by the House, appropriates \$1.9 million for Breakfast After the Bell Program for FY17. Current program funding of \$1.9 million only supports elementary school programs.

At a Glance:

- School districts and charter schools would have flexibility to serve breakfast before and after the instructional day begins which will ensure that the maximum number of students have the opportunity to eat breakfast under the program.

Substantive Issues:

The Public Education Department (PED) noted language in the *General Appropriation Act of 2015* that allowed schools the option to serve breakfast before or after the bell. PED directed schools that those students who did not eat breakfast before the bell would have breakfast made available to them after the bell.

According to PED, feeding as many students as possible is the goal of the department's School Nutrition Program, and in order to feed more students, multiple opportunities should be considered.

PED also noted that amending this section of statute supports its strategic lever that all students are ready to learn by reinforcing the linkage between health and academic success.

Provisions in current statute require school districts and charter schools to establish a program to provide free breakfast, *after the instructional day has begun*, to students attending any public school in which at least 85 percent of students were eligible for free or reduced-price lunch under the *National School Lunch Act* during the prior school year.¹ PED rule further requires, "Each school district and charter school that implements a breakfast after the bell program shall ensure that instruction occurs simultaneously when breakfast is served or consumed."

Testimony to the Legislative Education Study Committee, as well as committee discussion, has underscored the difficulty in providing meaningful instruction to students while they are distracted by food and associated refuse.

Background:

Federal Nutrition Programs

According to the PED Student Nutrition Bureau website, the federal government funds and oversees the following school nutrition programs through the US Department of Agriculture (USDA), which are then administered by PED in accordance with USDA regulations and guidance on these programs for the state-level administrator to follow. These programs include:

- the National School Lunch Program, which includes the Afterschool Snack Program and the Seamless Summer Program;
- the School Breakfast Program; and
- the Fresh Fruit and Vegetable Program.

State Nutrition Programs

In addition to administering the federal nutrition programs listed above, the state has modified the core, federal school breakfast program through Breakfast After the Bell Program and provided \$364,300 for locally sourced produce in school lunches in FY16.

¹ Schools in which fewer than 85 percent of students are eligible for free or reduced-price lunch may establish such a program but are not required to do so.