

*As Engrossed: 3/7/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representatives McGinnis and Hunton**

**A BILL ACT 1127 OF 1991**  
**HOUSE BILL 1911**

**For An Act To Be Entitled**

8 "AN ACT TO PROVIDE A THREE-YEAR IMPLEMENTATION OF A SCHOOL  
9 BREAKFAST PROGRAM IN CERTAIN PUBLIC SCHOOLS OF THIS STATE;  
10 AND FOR OTHER PURPOSES."

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. (a) (1) Beginning with the 1991-92 school year, any schools  
15 located in a school district in which forty percent (40%) or more of the  
16 students enrolled *in the school* on October 1 of the preceding school year were  
17 eligible for free or reduced price meals, shall establish a school breakfast  
18 program.

19 (2) Beginning with the 1992-93 school year, any schools located  
20 in a school district in which thirty-five percent (35%) or more of the  
21 students enrolled *in the school* on October 1 of the preceding school year were  
22 eligible for free or reduced price meals, shall establish a school breakfast  
23 program.

24 (3) Beginning with the 1993-94 school year, any schools located  
25 in a school district in which twenty percent (20%) or more of the students  
26 enrolled *in the school* on October 1 of the preceding school year were eligible  
27 for free or reduced price meals, shall establish a school breakfast program.

28 (b) Nothing in this act shall be interpreted to prevent a school  
29 district not covered herein from implementing a school breakfast program or to  
30 prevent a school district from implementing a school breakfast program during  
31 an earlier year than required under this act.

32 (c) The State Department of Education may promulgate rules and  
33 regulations necessary for implementation of this act in compliance with  
34 federal guidelines.

35 (d) (1) The State Board of Education may grant a one-year waiver to the  
36 requirements of this act to a school covered by this act which lacks

1 facilities or equipment to offer a school breakfast program and in which the  
2 acquisition of such by the district would work an extreme hardship during the  
3 required year. However, such waiver shall expire and may not be renewed at  
4 the beginning of the following school year.

5       (2) *In any high school under the requirements of this act, if fifty*  
6 *percent (50%) or more of the eligible students refuse to participate in the*  
7 *school breakfast program during any year of the program as demonstrated by*  
8 *sufficient proof to the State Department of Education, the State Board of*  
9 *Education may grant a waiver from the requirements of this act to the high*  
10 *school.*

11       (e) The State Department of Education is hereby authorized to withhold  
12 minimum foundation program aid from any school district which fails to comply  
13 with the provisions of this act.

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15       SECTION 2. All provisions of this act of a general and permanent nature  
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
17 Revision Commission shall incorporate the same in the Code.

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19       SECTION 3. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

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25       SECTION 4. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

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*/s/ Bob McGinnis et al*

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APPROVED: 4/9/91

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