

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1672

4
5 By: Representative Adcock
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR BREAKFAST AND
10 LUNCH COPAYMENTS FOR REDUCED-PRICE LUNCH ELIGIBLE
11 STUDENTS AND OPERATING AND EQUIPPING COSTS OF
12 PUBLIC SCHOOL FOOD PROGRAMS FOR THE DEPARTMENT OF
13 EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30,
14 2010; AND FOR OTHER PURPOSES.
15

Subtitle

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17
18 AN ACT FOR THE DEPARTMENT OF EDUCATION
19 - BREAKFAST AND LUNCH COPAYMENTS AND
20 OPERATING AND EQUIPPING COSTS OF PUBLIC
21 SCHOOL FOOD PROGRAMS APPROPRIATION FOR
22 THE 2009-2010 FISCAL YEAR.
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24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. APPROPRIATION - BREAKFAST AND LUNCH COPAYMENTS/OPERATING AND
28 EQUIPPING COSTS. There is hereby appropriated, to the Department of
29 Education, to be payable from the Department of Education Public School Fund
30 Account, for payment of required breakfast and lunch copayments for
31 reimbursable meals for reduced-price lunch eligible students and operating
32 and equipping costs of public school food programs for the fiscal year ending
33 June 30, 2010, the following:
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35 ITEM	FISCAL YEAR
36 NO.	2009-2010



1 (01) BREAKFAST AND LUNCH COPAYMENTS/
2 OPERATING AND EQUIPPING COSTS \$ 5,713,724

3
4 SECTION 2. SPECIAL LANGUAGE. Arkansas Code Title 6, Chapter 18,
5 Subchapter 7 is amended to add an additional section to read as follows:

6 6-18-708. Copayments for reduced-price lunch eligible students.

7 (a) As used in this section, "reduced-price lunch eligible student" means
8 an Arkansas public school student who is eligible for a reduced-price lunch
9 under the National School Lunch Act, 42 U.S.C. § 1751 et seq.

10 (b) The State Board of Education shall administer a program to provide
11 the required copayments for breakfast and lunch meals for reduced-price lunch
12 eligible students.

13 (c) Funds specifically appropriated for breakfast and lunch copayments
14 for reduced-price lunch eligible students and operating and equipping costs
15 of public school food programs shall be administered as follows:

16 (1) Funds shall first be administered and distributed to public school
17 districts in the same manner as federal funds are administered and
18 distributed under § 6-18-705 and § 6-20-701 et seq. to eliminate any
19 copayment required to be paid by reduced-price lunch eligible students in
20 grades kindergarten through twelve (K-12) for reimbursable breakfast meals
21 and reimbursable lunch meals; and

22 (2)(A) After funding subdivision (c)(1) of this section, the state
23 board shall distribute any remaining funds to public school districts pro
24 rata based on the number of reduced-price lunch eligible students in each
25 public school district.

26 (B) A public school district shall use the funds distributed to it
27 under subdivision (c)(2)(A) of this section exclusively for operating and
28 equipping public school food programs.

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30 SECTION 3. SPECIAL LANGUAGE. Arkansas Code § 6-18-705 is amended to read
31 as follows:

32 6-18-705. Breakfast program.

33 ~~(a)(1) Beginning with the 1991-1992 school year, any schools located in a~~
34 ~~school district in which forty percent (40%) or more of the students enrolled~~
35 ~~in the school on October 1 of the preceding school year were eligible for~~
36 ~~free or reduced-price meals shall establish a school breakfast program.~~

1 ~~(2) Beginning with the 1992-1993 school year, any schools located in a~~
 2 ~~school district in which thirty five percent (35%) or more of the students~~
 3 ~~enrolled in the school on October 1 of the preceding school year were~~
 4 ~~eligible for free or reduced price meals shall establish a school breakfast~~
 5 ~~program.~~

6 ~~(3)(a) Beginning with the 1993-1994 school year, any~~ Any schools located
 7 in a school district in which twenty percent (20%) or more of the students
 8 enrolled in the school on October 1 of the preceding school year were
 9 eligible for free or reduced-price meals shall establish a school breakfast
 10 program.

11 (b) Nothing in this section shall be interpreted to prevent a school
 12 district not covered herein from implementing a school breakfast program or
 13 to prevent a school district from implementing a school breakfast program
 14 during an earlier year than required under this section.

15 (c) The Department of Education may promulgate rules and regulations
 16 necessary for implementation of this section in compliance with federal
 17 guidelines.

18 (d)(1) The State Board of Education may grant a one-year waiver of the
 19 requirements of this section to a school covered by this section that lacks
 20 facilities or equipment to offer a school breakfast program and in which the
 21 acquisition of such by the school district would work an extreme hardship
 22 during the required year. However, such waiver shall expire and may not be
 23 renewed at the beginning of the following school year.

24 (2) In any high school under the requirements of this section, if
 25 fifty percent (50%) or more of the eligible students refuse to participate in
 26 the school breakfast program during any year of the program as demonstrated
 27 by sufficient proof to the department, the state board may grant a waiver
 28 from the requirements of this section to the high school.

29 (e) The department is hereby authorized to withhold state ~~equalization~~
 30 foundation funding aid from any school district that fails to comply with the
 31 provisions of this section.

32 (f) The General Assembly is authorized to appropriate such sums as may be
 33 necessary to enable the state board to provide for the establishment,
 34 maintenance, operation, and expansion of school breakfast programs, including
 35 without limitation:

36 (1) The payment of administrative expenses and the matching or

1 supplementing of federal funds; and

2 (2) The funding of copayments for reimbursable breakfast meals under
3 this section.

4
5 SECTION 4. SPECIAL LANGUAGE. Arkansas Code § 6-20-708 is amended to read
6 as follows:

7 6-20-708. Appropriation of state funds authorized.

8 ~~There~~ The General Assembly is authorized to ~~be appropriated from time to~~
9 ~~time out of money in the State Treasury not otherwise appropriated~~
10 appropriate such sums as may be necessary to enable the State Board of
11 Education to provide for the establishment, maintenance, operation, and
12 expansion of school lunch programs, including, ~~but not limited to,~~ without
13 limitation:

14 (1) ~~the~~ The payment of administrative expenses and the matching or
15 supplementing of federal funds; and

16 (2) The funding of copayments for reimbursable lunch meals under
17 § 6-18-708.

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19 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
20 by this act shall be limited to the appropriation for such agency and funds
21 made available by law for the support of such appropriations; and the
22 restrictions of the State Procurement Law, the General Accounting and
23 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
24 Procedures and Restrictions Act, or their successors, and other fiscal
25 control laws of this State, where applicable, and regulations promulgated by
26 the Department of Finance and Administration, as authorized by law, shall be
27 strictly complied with in disbursement of said funds.

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29 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
30 that any funds disbursed under the authority of the appropriations contained
31 in this act shall be in compliance with the stated reasons for which this act
32 was adopted, as evidenced by the Agency Requests, Executive Recommendations
33 and Legislative Recommendations contained in the budget manuals prepared by
34 the Department of Finance and Administration, letters, or summarized oral
35 testimony in the official minutes of the Arkansas Legislative Council or
36 Joint Budget Committee which relate to its passage and adoption.

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SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009.