

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.

INTERIM STUDY PROPOSAL 2009-120

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1672

By: Representative Adcock

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION
- BREAKFAST AND LUNCH COPAYMENTS AND
OPERATING AND EQUIPPING COSTS OF PUBLIC
SCHOOL FOOD PROGRAMS APPROPRIATION FOR
THE 2009-2010 FISCAL YEAR.

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

SECTION 1. APPROPRIATION - BREAKFAST AND LUNCH COPAYMENTS/OPERATING AND EQUIPPING COSTS. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for payment of required breakfast and lunch copayments for reimbursable meals for reduced-price lunch eligible students and operating and equipping costs of public school food programs for the fiscal year ending June 30, 2010, the following:



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2	ITEM	FISCAL YEAR
3	NO.	2009-2010
4	(01) BREAKFAST AND LUNCH COPAYMENTS/ OPERATING AND EQUIPPING COSTS	\$ <u>5,713,724</u>

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

9 6-18-708. Copayments for reduced-price lunch eligible students.

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

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

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

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

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

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

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

35 6-18-705. Breakfast program.

36 ~~(a)(1) Beginning with the 1991-1992 school year, any schools located in a~~

1 ~~school district in which forty percent (40%) or more of the students enrolled~~
 2 ~~in the school on October 1 of the preceding school year were eligible for~~
 3 ~~free or reduced price meals shall establish a school breakfast program.~~

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

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

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

18 (c) The Department of Education may promulgate rules and regulations
 19 necessary for implementation of this section in compliance with federal
 20 guidelines.

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

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

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

35 (f) The General Assembly is authorized to appropriate such sums as may be
 36 necessary to enable the state board to provide for the establishment,

1 maintenance, operation, and expansion of school breakfast programs, including
2 without limitation:

3 (1) The payment of administrative expenses and the matching or
4 supplementing of federal funds; and

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

7
8 SECTION 4. SPECIAL LANGUAGE. Arkansas Code § 6-20-708 is amended to read
9 as follows:

10 6-20-708. Appropriation of state funds authorized.

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

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

19 (2) The funding of copayments for reimbursable lunch meals under
20 § 6-18-708.

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

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32 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
33 that any funds disbursed under the authority of the appropriations contained
34 in this act shall be in compliance with the stated reasons for which this act
35 was adopted, as evidenced by the Agency Requests, Executive Recommendations
36 and Legislative Recommendations contained in the budget manuals prepared by

1 the Department of Finance and Administration, letters, or summarized oral
2 testimony in the official minutes of the Arkansas Legislative Council or
3 Joint Budget Committee which relate to its passage and adoption.

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

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36 Filed Date: 04/09/2009 By: LEB\VJF