

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 904

4
5 By: Senator B. Pierce
6

7 For An Act To Be Entitled

8 AN ACT TO AMEND THE SCHOOL BREAKFAST PROGRAM; TO
9 ESTABLISH THE BREAKFAST-AFTER-THE-BELL SCHOOL
10 NUTRITION PROGRAM FOR PUBLIC SCHOOLS AND PUBLIC
11 CHARTER SCHOOLS WITH A MINIMUM PERCENTAGE OF STUDENTS
12 ELIGIBLE FOR FREE AND REDUCED-PRICE LUNCH PROGRAMS;
13 TO ALLOW SCHOOL BREAKFAST SERVICE DURING
14 INSTRUCTIONAL TIME; AND FOR OTHER PURPOSES.
15
16

17 Subtitle

18 TO ESTABLISH THE BREAKFAST-AFTER-THE-BELL
19 SCHOOL NUTRITION PROGRAM.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-18-705 is amended to read as follows:

25 6-18-705. Breakfast program – Breakfast After the Bell School
26 Nutrition Program.

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

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



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

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

(b)(1) As used in this subsection (b):

(A) "Breakfast-After-the-Bell School Nutrition Program"
means a school breakfast program that provides the free breakfast required by
this section after the first bell of the instructional day to all students
enrolled in the school; and

(B) "School" means a public school or open-enrollment
public charter school.

(2) Beginning with the 2014-2015 school year, a school in which
seventy percent (70%) or more of the students enrolled in the school on
October 1 of the preceding school year were eligible for free or reduced-
price meals shall operate a Breakfast-After-the-Bell School Nutrition
Program.

(3) The school may determine the model of serving the breakfast
based on the needs of its students, including without limitation:

(A) Breakfast in the classroom;

(B) A grab-and-go breakfast; or

(C) A breakfast after first period.

(4)(A) The school may determine the time the breakfast shall be
served, as long as it occurs after the first bell of the instructional day.

(B) The period of time a school designates for student
participation in a Breakfast After the Bell School Nutrition Program is
counted as instructional time.

~~(c) The Department~~ State Board of Education may promulgate rules and
regulations necessary for implementation of this section in compliance with
federal guidelines.

~~(d)(1)~~ The State Board of Education may grant a one-year waiver of the
requirements of this section to a school or school district that:

1 ~~(1)(A) a school covered by this section that lacks~~ Lacks
2 facilities or equipment to offer a school breakfast program and in which the
3 acquisition of ~~such~~ facilities or equipment by the school or school district
4 would ~~work~~ be an extreme hardship during the required year.

5 ~~(B) However, such~~ A waiver under subdivision (d)(1)(A) of
6 this section shall expire and may not be renewed at the beginning of the
7 following school year~~;~~;

8 ~~(2) In any high school under the requirements of this section,~~
9 ~~if~~ Is a high school in which fifty percent (50%) or more of the eligible
10 students ~~refuse to~~ do not participate in the school breakfast program during
11 any year of the program as demonstrated by sufficient proof to the
12 department~~, the state board may grant a waiver from the requirements of this~~
13 ~~section to the high school;~~ or

14 ~~(3) For purposes of the Breakfast-After-the-Bell School~~
15 Nutrition Program only:

16 ~~(A) Has five hundred (500) or fewer students; or~~

17 ~~(B) Falls below the seventy-percent threshold under~~
18 subsection (b) of this section for two (2) consecutive school years.

19 ~~(e) The department is hereby authorized to withhold state equalization~~
20 ~~aid~~ state foundation funding aid from ~~any~~ a school district or school that
21 ~~fails to~~ does not comply with the provisions of this section.