

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 904

By: Senator B. Pierce

## For An Act To Be Entitled

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

## Subtitle

TO ESTABLISH THE BREAKFAST-AFTER-THE-BELL SCHOOL NUTRITION PROGRAM.

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

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

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

~~(a)(1) Beginning with the 1991-1992 school year, any schools located in a school district in which forty percent (40%) 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.~~

~~(2) Beginning with the 1992-1993 school year, any schools located in a school district in which thirty-five percent (35%) 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.~~



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

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

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

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

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

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

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