

HOUSE BILL No. 2656

By Representatives Wikle, Boatman, Carr, Featherston, Haskins, Hoye, Martinez, Melton, Meyer, Ohaebosim, Oropeza, Osman, Poskin, Simmons, Vaughn, Woodard and Xu

2-3

1 AN ACT concerning education; relating to school districts; establishing
2 the no kid hungry in schools program to be administered by the state
3 board of education; reimbursing school districts that participate in such
4 program for the cost of providing certain meals to students attending
5 public school; amending K.S.A. 72-17,137 and 72-17,145 and
6 repealing the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) (1) The no kid hungry in schools program is
10 hereby established within the state department of education to be
11 administered by the state board of education. To participate in the no kid
12 hungry in schools program, a school district shall apply to the state
13 department of education on a form and in a manner determined by the state
14 board.

15 (2) Subject to appropriation, the state department of education shall
16 provide to each school district participating in the no kid hungry in schools
17 program state aid for each school breakfast and lunch served to each
18 student, which shall not exceed one breakfast and one lunch per student
19 per school day. The state board shall determine the amount of such state
20 aid by subtracting the actual federal reimbursement received by the
21 participating school district for the breakfast and lunch served to the
22 student plus any amount reimbursed for such meal pursuant to K.S.A. 72-
23 17,137(a)(1)(A), and amendments thereto, from the applicable federal
24 reimbursement rate for a free meal at the school site, as determined
25 annually by the United States department of agriculture.

26 (b) Each school district that participates in the national school lunch
27 program and school breakfast program and has an identified student
28 percentage below the federal percentage determined for all meals to be
29 reimbursed at the free rate through the community eligibility provision
30 shall participate in the no kid hungry in schools program. Each school
31 district that participates in the national school lunch program and has an
32 identified percentage at or above the federal percentage determined for all
33 meals to be reimbursed at the free rate shall participate in the federal
34 community eligibility provision in order to participate in the no kid hungry

1 in schools program.

2 (c) Each school district that participates in the no kid hungry in
3 schools program shall:

4 (1) Participate in the school breakfast program and the school lunch
5 program; and

6 (2) provide to all students at no cost up to two federally reimbursable
7 meals per school day, which shall not exceed one free breakfast and one
8 free lunch.

9 (d) As used in this section:

10 (1) "School breakfast program" means the same as defined in K.S.A.
11 72-17,145, and amendments thereto.

12 (2) "School lunch program" means the same as defined in K.S.A. 72-
13 17,132, and amendments thereto.

14 (3) "State board" means the state board of education.

15 Sec. 2. K.S.A. 72-17,137 is hereby amended to read as follows: 72-
16 17,137. (a) (1) Each board shall be entitled to receive, from appropriations
17 from the state general fund, ~~six cents (6¢)~~:

18 (A) ~~\$.06 for each type-A reimbursable meal served under an approved~~
19 ~~school lunch program during each school year commencing with the 1978-~~
20 ~~79 school year. For the purpose of this section paragraph, every type-A~~
21 ~~reimbursable lunch served shall be counted equally; and~~

22 (B) *if the school district participates in the no kid hungry in schools*
23 *program, the amount specified in section 1(a), and amendments thereto.*

24 (2) If the total amount of entitlements of all boards in any school year
25 is more than the amount appropriated for payment thereof, ~~then~~ the entire
26 amount appropriated therefor shall be prorated among all boards in
27 proportion to the amount each board is entitled to receive under this act. *If*
28 *amounts are required to be prorated, the state board of education shall*
29 *prioritize the allocation in the following order:*

30 (A) *The amount of reimbursement provided in paragraph (1)(A);*

31 (B) *reimbursement for reduced price meals; and*

32 (C) *reimbursement for paid meals.*

33 (b) Moneys received by a board from appropriations from the state
34 general fund under the provisions of this section shall not be used for the
35 purchase of identifiable imported meats. "Identifiable imported meats"
36 ~~shall mean means meats which are labeled as being imported.~~

37 Sec. 3. K.S.A. 72-17,145 is hereby amended to read as follows: 72-
38 17,145. (a) As used in this section, ~~the term:~~

39 (1) "Food service program" means the same as defined in K.S.A. 72-
40 17,132, and amendments thereto.

41 (2) "School breakfast program" means a food service program under
42 which breakfasts are made available by a board of education on a
43 nonprofit basis to ~~pupils~~ *students* in attendance at school; and for which

1 such board receives assistance from funds appropriated by the congress of
2 the United States; and the term "food service program" has the meaning
3 ascribed thereto in K.S.A. 72-17,132, and amendments thereto.

4 ~~(b) The board of education of each school district may enter into an~~
5 ~~agreement with the state board of education for the establishment and~~
6 ~~maintenance of a school breakfast program under which breakfasts are~~
7 ~~made available to pupils in attendance at school. Such breakfasts may be~~
8 ~~made available in any one or more school buildings operated or used for~~
9 ~~pupil attendance purposes by the board of education. The provisions of this~~
10 ~~subsection shall expire on June 30, 1993.~~

11 ~~(c) On or before July 1, 1993, The board of education of each school~~
12 ~~district shall enter into an agreement with the state board of education for~~
13 ~~the establishment and maintenance of a school breakfast program under~~
14 ~~which breakfasts are made available to pupils students in attendance at~~
15 ~~school. Subject to the provisions of subsection (d) (c), such breakfasts~~
16 ~~shall be made available in each school building operated or used for pupil~~
17 ~~attendance purposes by the board of education center of the school district.~~

18 ~~(d)(c) The state board of education may waive the requirement that~~
19 ~~breakfasts be made available in each school building operated or used for~~
20 ~~pupil attendance purposes center of the school district, subject to the~~
21 ~~following:~~

22 ~~(1) No waiver shall be granted which that releases a board of~~
23 ~~education from the requirement that breakfasts be made available in a~~
24 ~~school building in which 35% or more of the pupils students in attendance~~
25 ~~at school in such building during the month of March of the preceding~~
26 ~~school year were pupils students who were eligible for free or reduced~~
27 ~~price meals under the national school lunch act.~~

28 ~~(2) A waiver releasing a board of education from the requirement that~~
29 ~~breakfasts be made available in a school building, other than a school~~
30 ~~building designated in provision paragraph (1), may be granted by the~~
31 ~~state board of education upon application for such waiver by the board.~~
32 ~~The application shall include the reason or reasons for which the waiver is~~
33 ~~being requested. The state board shall evaluate the application for waiver,~~
34 ~~determine the validity of the reason or reasons for which the waiver is~~
35 ~~being requested; and grant or deny the application for waiver. The state~~
36 ~~board shall establish criteria for determination of the validity of reasons for~~
37 ~~waiver of the requirement that breakfasts be made available in each school~~
38 ~~building operated or used for pupil attendance purposes center of a school~~
39 ~~district.~~

40 ~~(d) If a school district maintains a breakfast program, has not been~~
41 ~~granted a waiver under subsection (c) and participates in the no kid~~
42 ~~hungry in schools program, such school district shall be entitled to receive~~
43 ~~the amount specified in section 1(a), and amendments thereto, from~~

1 *appropriations from the state general fund.*

2 (e) The provisions of subsections ~~(e) and (d)~~ (b) and (c) shall expire
3 upon failure of the congress of the United States to reauthorize funding for
4 the school breakfast program.

5 Sec. 4. K.S.A. 72-17,137 and 72-17,145 are hereby repealed.

6 Sec. 5. This act shall take effect and be in force from and after its
7 publication in the statute book.