



Senate

General Assembly

File No. 593

February Session, 2008

Substitute Senate Bill No. 339

Senate, April 14, 2008

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CHILD NUTRITION PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 10-266w of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2008*):

4 (a) For each fiscal year, each local and regional board of education
5 having at least one school building designated as a severe need school,
6 as defined by federal law governing school nutrition programs, in the
7 fiscal year two years prior to the grant year, shall [be eligible to receive
8 a grant to assist in providing school breakfasts to all students in each
9 eligible severe need school, provided any local or regional board
10 having at least one school building so designated shall] participate in
11 the federal school breakfast program on behalf of [all] each severe need
12 [schools] school in the district with grades eight or under, [in which at
13 least eighty per cent of the lunches served are served to students who
14 are eligible for free or reduced price lunches pursuant to federal law
15 and regulations.]

16 (b) Grants under this section shall be contingent on documented
17 direct costs of a school breakfast program which exceed the federal aid
18 and cash income received by a school breakfast program. Eligible
19 boards of education shall submit applications, on behalf of each of
20 their severe need schools, for grants under this section to the
21 Commissioner of Education. Applications shall be submitted in such
22 form and at such times as the commissioner shall prescribe.

23 (c) Within the limits of available funds, the amount to which each
24 eligible local or regional board of education is entitled for each fiscal
25 year under this section shall be the sum of (1) three thousand dollars
26 for each severe need school in the school district which provides a
27 school breakfast program prorated per one hundred eighty days of the
28 school year; and (2) ten cents per breakfast served in each severe need
29 school. If the amount due eligible boards of education exceeds the
30 amount of funds available, the grants calculated under subdivision (2)
31 of this subsection shall be reduced proportionately. In each fiscal year,
32 grants calculated under subdivision (1) of this subsection shall be paid
33 in October, and grants calculated under subdivision (2) of this
34 subsection shall be paid in equal installments in January and May.
35 Based on verification of the data used to calculate such grants, any
36 underpayment or overpayment may be calculated and adjusted by the
37 Department of Education in any subsequent year's grant.
38 Notwithstanding the provisions of this subsection, for the fiscal year
39 ending June 30, 2009, and for each fiscal year thereafter, no eligible
40 local or regional board of education shall receive a grant in an amount
41 that is less than it received for the fiscal year ending June 30, 2008.

42 (d) Each local and regional board of education participating in the
43 grant program shall prepare a financial statement of expenditures
44 which shall be submitted to the department on or before September
45 first of the fiscal year immediately following each fiscal year in which
46 the school district participates in the grant program. If the
47 commissioner finds that any school breakfast grant recipient uses such
48 grant for purposes which are not in conformity with the purposes of
49 this section, the commissioner may require repayment of the grant to

50 the state.

51 Sec. 2. Section 10-215g of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective July 1, 2008*):

53 (a) There is established an in-classroom school breakfast [pilot]
54 program. The Department of Education [may] shall, within available
55 appropriations, maintain a competitive grant program for the purpose
56 of assisting [up to ten] severe need schools, as defined by federal law
57 governing school nutrition programs, to establish universal in-
58 classroom school breakfast programs where all students can eat
59 breakfast free of charge.

60 (b) Applicants for grants provided pursuant to subsection (a) of this
61 section shall apply annually to the Commissioner of Education at such
62 time and in such manner as the commissioner prescribes. In
63 determining whether to award an applicant a grant for an in-classroom
64 school breakfast program, the commissioner shall consider, at a
65 minimum, the following factors: (1) The specific objectives and
66 description of the proposed program, (2) the cost of the proposed
67 program, (3) the number of children who will benefit from the
68 proposed program, and (4) whether the proposed program is likely to
69 increase the number of students receiving nutritious breakfasts.

70 Sec. 3. (NEW) (*Effective July 1, 2008*) The Department of Education
71 shall administer, within available appropriations, a child nutrition
72 outreach program to increase participation in the federal School
73 Breakfast Program, federal Summer Food Service Program and federal
74 Child and Adult Care Food Program. The outreach program shall: (1)
75 Encourage schools to (A) participate in the School Breakfast Program,
76 (B) employ innovative breakfast service methods where students eat
77 their breakfast in their classrooms or elsewhere after school starts,
78 rather than only before school and only in the cafeteria, and (C) apply
79 to the in-classroom breakfast grant program established pursuant to
80 section 2 of this act; (2) (A) encourage local and regional school
81 districts to sponsor Summer Food Service Program sites, (B) recruit
82 other sponsors of such sites, and (C) make grants to site sponsors to

83 assist them in increasing child participation; (3) encourage day care
84 centers to participate in the Child and Adult Care Food Program, and
85 (4) publicize the availability of federally funded child nutrition
86 programs throughout the state.

87 Sec. 4. (NEW) (*Effective July 1, 2008*) (a) Each local and regional
88 board of education, having at least one school building in which at
89 least fifty per cent of the lunches served are served to students who are
90 eligible for free or reduced price lunches pursuant to federal law and
91 regulations, shall develop a plan by April 15, 2009, to sponsor at least
92 one summer food service program for the duration of thirty-five
93 consecutive days, beginning in the summer of 2009.

94 (b) (1) A local or regional board of education may be exempt from
95 the requirement to sponsor a summer food service program pursuant
96 to subsection (a) of this section. A board seeking such exemption shall
97 conduct a public hearing on the issue and vote on whether to exempt
98 itself from the requirement. The board shall notify the Commissioner
99 of Education no later than ten days after such vote of its decision to
100 become exempt from such requirement.

101 (2) In each year following such an exemption vote, the board of
102 education shall reconsider such exemption and shall vote on whether
103 to continue the exemption for the following year.

104 (3) If a board of education elects to be exempt from sponsoring a
105 summer food service program under this subsection, the board of
106 education may encourage nonprofit entities to sponsor the program.
107 The Commissioner of Education shall provide to each local and
108 regional board of education, by February fifteenth of each year, a list of
109 local organizations that have filed letters of intent to participate in the
110 summer food service program. If a nonprofit entity chooses to sponsor
111 the summer food service program but fails to perform with regard to
112 the program, the board of education and the Department of Education
113 are not required to continue the program and shall be held harmless
114 from any liability arising from the discontinuation of such summer
115 food service program.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008</i>	10-266w(a)
Sec. 2	<i>July 1, 2008</i>	10-215g
Sec. 3	<i>July 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section

KID *Joint Favorable C/R* ED

ED *Joint Favorable Subst. C/R* APP

APP *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Education, Dept.	GF - Cost	350,000	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	STATE MANDATE - See Below	See Below	See Below

Explanation

Section 1 of the bill requires additional school districts to participate in the federal school breakfast program. Currently participating school districts with a combination of state, federal and other funds operate these programs at cost or at a net profit. sHB 5021, as passed by the Appropriations Committee, contains \$100,000 to accommodate the projected new required school districts and provide them sufficient funds to operate the programs. In the absence of such funding the bill would result in a net cost to the newly required participants, as the bill does not allow currently participating districts to receive less funding than they received in FY 08.

Section 2 of the bill results in a potential revenue gain to school districts choosing to participate in the In-classroom School Breakfast program by removing the limit on the program to ten participating districts. sHB 5021, contains \$250,000 for the purposes of the expanded program.

Section 3 of the bill results in a potential future revenue gain to local and regional school districts as it establishes a new grant program for

child nutrition outreach. No funding is provided in sHB 5021 for this program.

Section 4 of the bill results in a cost to various local and regional school districts by requiring that they develop a plan to sponsor a summer food service program. Other costs to the districts would occur through the section's requirement that a public hearing be held to decide whether a waiver for having such a program be sought from the Commissioner of Education.

The Out Years

The fiscal impact identified above would continue into the future as stated above as long as state funding continued at approximately the same levels as provided in sHB 5021.

OLR Bill Analysis**sSB 339*****AN ACT CONCERNING CHILD NUTRITION PROGRAMS.*****SUMMARY:**

This bill increases participation in the federal School Breakfast Program by requiring local and regional school boards to serve breakfast at each severe needs school with students in grades eight and under. Federal law defines severe needs school as one in which at least 40% of the lunches served in the fiscal year that is two years prior to the program year were free or reduced-price. Under current law, school boards must participate on behalf of only those schools in which at least 80% of lunches served are free or reduced- price.

Currently, the boards qualify for state Department of Education (SDE) grants when a breakfast program's costs exceed the federal and cash income it generates. It appears that, under the bill, the grant program will be open to schools that meet the 40% threshold.

The bill also:

1. extends SDE's in-classroom school breakfast pilot grant program statewide,
2. requires school boards to sponsor at least one summer food service program if a school serves free or reduced price lunches to more than half of its students, but allows the boards to exempt themselves, and
3. requires SDE to administer a child nutrition outreach program to increase participation in various federal food programs.

EFFECTIVE DATE: July 1, 2008

SDE SCHOOL BREAKFAST PROGRAM GRANTS

Under existing law, grants to school districts are calculated by adding (1) \$3,000 for each participating severe needs school, prorated to reflect a 180-day school year and (2) 10 cents for each breakfast the severe needs schools serve. SDE must proportionally reduce grant amounts if the total amount due to grantees exceeds available funds. The bill specifies that application of the formula in future years cannot reduce grant amounts below the FY 2008 level for school districts that received grants for that fiscal year.

GRANTS FOR IN-CLASSROOM SCHOOL BREAKFAST PROGRAMS

Legislation enacted in 2006 established an in-classroom school breakfast pilot program for up to 10 severe needs schools. Under the program, SDE administers a competitive grant program and awards funding based on a proposed program's objectives, description, cost, the number of children who will benefit, and whether it is likely to increase the number of students receiving nutritious benefits.

The bill opens the grant program to all severe needs schools and requires qualifying in-classroom breakfast programs to provide free breakfasts to all students. Current law does not require that in-classroom meals be free to all.

SUMMER FOOD SERVICE PROGRAMS

The bill generally requires school boards that have at least one school in which at least half of the lunches it serves are free or reduced-price to develop a plan by April 15, 2009 to sponsor at least one summer food service program beginning in the summer of 2009. The program must run for at least 35 consecutive days.

Exempting School Boards

Under the bill, boards that seek to exempt themselves from sponsoring summer programs must hold a public hearing on the issue and take a vote on exemption. It must notify the education commissioner within 10 days of voting an exemption. Each school

board that votes to exempt itself must reconsider its decision every year and vote on whether to continue the exemption for the following year.

Encouraging Other Sponsors

When a school board votes for the exemption, the bill authorizes it to encourage nonprofit entities to sponsor programs. By February 15 each year, the education commissioner must provide school boards a list of local organizations that have filed letters of intent to participate in the Summer Food Service Program (SFS).

If a nonprofit entity sponsors a program but fails to perform its obligations, the bill specifies that neither SDE or a school board is (1) required to take over the program or (2) liable for its discontinuation.

CHILD NUTRITION OUTREACH PROGRAM

The bill directs SDE to administer a child nutrition outreach program within available appropriations. The purpose of the program is to increase participation in the federal School Breakfast, SFS, and Child and Adult Care Food (CACF) programs.

The program must encourage:

1. schools to (a) participate in the School Breakfast Program; (b) use innovative breakfast service methods where students eat breakfast in their classrooms or at some other location after school starts, rather than only before school and in the cafeteria; and (c) apply for state in-classroom breakfast grants;
2. local and regional school districts to (a) sponsor SFS Program sites, (b) recruit other site sponsors, and (c) make grants to site sponsors to assist them in increasing child participation; and
3. day care centers to participate in the CACF Program.

It must also publicize the availability of federally funded child nutrition programs throughout the state.

BACKGROUND
Federal Child Nutrition Programs

SDE administers the School Breakfast, SFS, and CACF programs, under which federal reimbursements are received for each meal served at free, reduced, or paid rates.

The SFS was created to ensure that children in lower-income areas could continue to receive nutritious meals during long school vacations, when they do not have access to school lunch or breakfast. SFS sponsors receive payments for serving healthy meals and snacks to children aged, 18 and younger, at approved sites in low-income areas. Schools, public agencies, and private nonprofit organizations may sponsor the programs.

CACF provides federal reimbursements for meals and snacks served to eligible children and adults who are enrolled for care at participating child care centers, day care homes, and adult day care centers. CACF also provides reimbursements for meals served to children residing in emergency shelters and snacks to youths participating in after school care programs.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 6 Nay 3 (02/28/2008)

Education Committee

Joint Favorable Substitute Change of Reference

Yea 23 Nay 5 (03/14/2008)

Appropriations Committee

Joint Favorable

Yea 41 Nay 13 (03/28/2008)