



General Assembly

**Substitute Bill No. 339**

February Session, 2008

\* \_\_\_\_\_SB00339APP\_\_040108\_\_\_\_\_\*

**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2 repealed and the following is substituted in lieu thereof (*Effective July*  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.

