

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0578.01 Jane Ritter x4342

HOUSE BILL 13-1006

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING REQUIRING CERTAIN SCHOOLS TO OFFER BREAKFAST TO**
102 **ALL STUDENTS FOLLOWING THE FIRST BELL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates the "Breakfast After the Bell Nutrition Program" (program). The program requires every school with 70% or more students eligible for free or reduced-cost lunch to offer a free breakfast to each student in the school. Individual schools may select a method and time to offer the breakfast, so long as it occurs after the first bell of the school

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

day. Exemptions are made for small schools and school districts and for public and charter schools that do not currently participate in the federal school lunch program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 82.8 to
3 title 22 as follows:

4 **ARTICLE 82.8**

5 **Breakfast After the Bell Nutrition Program**

6 **22-82.8-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "BREAKFAST AFTER THE BELL NUTRITION
8 PROGRAM".

9 **22-82.8-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
12 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

13 (2) "PROGRAM" MEANS THE BREAKFAST AFTER THE BELL
14 NUTRITION PROGRAM CREATED IN SECTION 22-82.8-103.

15 (3) "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL OR CHARTER
16 SCHOOL AS DEFINED IN SECTION 22-1-101 OR AN APPROVED FACILITY
17 SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

18 (4) "SCHOOL BREAKFAST PROGRAM" MEANS THE FEDERAL
19 "SCHOOL BREAKFAST PROGRAM" CREATED IN 42 U.S.C. SEC. 1773.

20 (5) "SCHOOL FOOD AUTHORITY" MEANS:

21 (a) A SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL
22 INSTITUTE;

23 (b) A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO
24 SECTION 22-30.5-603;

1 (c) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
2 ARTICLE 5 OF THIS TITLE THAT ELECTS TO OPERATE AS A SCHOOL FOOD
3 AUTHORITY PURSUANT TO SECTION 22-5-120; OR

4 (d) A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER
5 SCHOOL THAT:

6 (I) THE COMMISSIONER OF EDUCATION OR HIS OR HER DESIGNEE
7 PROVISIONALLY AUTHORIZES AS A SCHOOL FOOD AUTHORITY PURSUANT
8 TO SECTION 22-32-120 (6); OR

9 (II) THE DEPARTMENT AUTHORIZES AS A SCHOOL FOOD AUTHORITY
10 PURSUANT TO SECTION 22-32-120 (5).

11 (6) "SCHOOL LUNCH PROGRAM" MEANS THE FEDERAL "NATIONAL
12 SCHOOL LUNCH ACT" CREATED IN 42 U.S.C. SEC. 1751.

13 **22-82.8-103. Breakfast after the bell nutrition program -**
14 **creation - objectives - requirements - administration.** (1) THERE IS
15 HEREBY CREATED THE BREAKFAST AFTER THE BELL NUTRITION PROGRAM.
16 THE PURPOSE OF THE PROGRAM IS TO OFFER A FREE BREAKFAST TO EACH
17 STUDENT ENROLLED IN A PUBLIC SCHOOL THAT HAS SEVENTY PERCENT OR
18 MORE STUDENTS WHO ARE ELIGIBLE FOR FREE OR REDUCED-COST LUNCH
19 UNDER THE SCHOOL LUNCH PROGRAM.

20 (2) THE OBJECTIVES OF THE PROGRAM ARE TO:

21 (a) INCREASE THE TOTAL NUMBER OF CHILDREN EATING
22 BREAKFAST ON SCHOOL DAYS;

23 (b) INCREASE THE CONSUMPTION OF HIGH-NUTRITION FOODS,
24 MAKING BREAKFAST PROGRAMS MORE EFFECTIVE;

25 (c) IMPROVE ACADEMIC PERFORMANCE BY PREPARING CHILDREN
26 TO LEARN;

27 (d) IMPROVE THE OVERALL HEALTH OF THE CHILDREN OF

1 COLORADO; AND

2 (e) GENERATE ADDITIONAL REVENUE FOR SCHOOL NUTRITION
3 PROGRAMS THROUGH FEDERAL AND STATE REIMBURSEMENTS.

4 (3) (a) BEGINNING IN THE 2014-2015 SCHOOL YEAR, AND EACH
5 YEAR THEREAFTER, EXCEPT AS PROVIDED FOR IN PARAGRAPH (c) OF THIS
6 SUBSECTION (3), EACH PUBLIC SCHOOL IN THE STATE THAT HAS SEVENTY
7 PERCENT OR MORE STUDENTS WHO ARE ELIGIBLE FOR FREE OR
8 REDUCED-COST LUNCH UNDER THE SCHOOL LUNCH PROGRAM IN THE PRIOR
9 SCHOOL YEAR SHALL OFFER A FREE BREAKFAST TO EACH STUDENT IN THE
10 SCHOOL. IF A PUBLIC SCHOOL FALLS BELOW THE SEVENTY PERCENT
11 THRESHOLD FOR TWO CONSECUTIVE YEARS, IT HAS THE OPTION TO
12 CONTINUE PARTICIPATING IN THE PROGRAM BUT IS NOT REQUIRED TO DO
13 SO. A PUBLIC OR CHARTER SCHOOL THAT DOES NOT PARTICIPATE IN THE
14 SCHOOL LUNCH PROGRAM IS NOT REQUIRED TO PARTICIPATE.

15 (b) EACH PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF
16 COOPERATIVE SERVICES MAY DETERMINE THE BREAKFAST SERVING MODEL
17 THAT BEST SUITS ITS STUDENTS. SERVING MODELS MAY INCLUDE, BUT
18 NEED NOT BE LIMITED TO, BREAKFAST IN THE CLASSROOM, GRAB AND GO
19 BREAKFAST, OR A BREAKFAST AFTER FIRST PERIOD. THE BREAKFAST SHALL
20 BE SERVED AT A TIME TO BE DETERMINED BY THE PUBLIC SCHOOL OR
21 SCHOOL DISTRICT, SO LONG AS IT OCCURS AFTER THE FIRST BELL.

22 (c) A PUBLIC SCHOOL WITH FEWER THAN ONE HUNDRED STUDENTS
23 OR A SCHOOL WITHIN A SCHOOL DISTRICT THAT HAS FEWER THAN THREE
24 HUNDRED STUDENTS IS EXEMPT FROM THE PROGRAM BUT MAY
25 PARTICIPATE IF OTHERWISE ELIGIBLE.

26 **22-82.8-104. Procedures - technical assistance.** (1) (a) ON OR
27 BEFORE MAY 1, 2014, THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE

1 PROCEDURES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THIS
2 ARTICLE. SUCH PROCEDURES MUST BE IN COMPLIANCE WITH THE SCHOOL
3 BREAKFAST PROGRAM AND SCHOOL LUNCH PROGRAM.

4 (b) THE DEPARTMENT SHALL OFFER TECHNICAL ASSISTANCE TO
5 PUBLIC SCHOOLS AND SCHOOL DISTRICTS RELATED TO SUBMITTING CLAIMS
6 FOR REIMBURSEMENT TO THE SCHOOL BREAKFAST PROGRAM.

7 (2) THE DEPARTMENT SHALL DEVELOP PROCEDURES TO ALLOCATE
8 AND DISBURSE FEDERAL MONEYS TO PARTICIPATING SCHOOL FOOD
9 AUTHORITIES AND PUBLIC SCHOOLS IN COMPLIANCE WITH THE
10 REQUIREMENTS OF THE SCHOOL BREAKFAST PROGRAM AND SCHOOL LUNCH
11 PROGRAM.

12 **SECTION 2. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2014 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.