



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Mitchell Smith

S.B. 191

132nd General Assembly
(As Introduced)

Sens. Schiavoni, Lehner, Yuko, Tavares, Thomas, Williams, Sykes, Brown

BILL SUMMARY

- Establishes the Breakfast After the Bell program, which generally requires public schools with high percentages of low-income students to offer breakfast to all enrolled students.
 - Requires the Department of Education to determine each school's participation in the Breakfast After the Bell program at the end of each school year and to offer technical assistance in implementing the program and in seeking reimbursement under the federal school breakfast program.
 - Requires the Department to prepare a report on the implementation and effectiveness of the Breakfast After the Bell program and submit it to the General Assembly and the Governor by December 31 of each school year.
 - Requires the Department to include on each school's state report card its participation rate of enrolled students in the Breakfast After the Bell program.
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CONTENT AND OPERATION

Breakfast After the Bell program

The bill establishes the Breakfast After the Bell program, which requires qualifying schools to offer breakfast to all enrolled students, beginning in the 2018-2019 school year.

Eligibility

The program applies to any public school in which 70% or more of the enrolled students during the previous year were eligible for free or reduced-price meals. It

applies to schools operated by school districts, community schools (except an e-school), or STEM schools.¹ The bill requires the Department to publish a list of schools that qualify for the program by April 1, 2018, and each April 1 thereafter. The bill, however, exempts schools under either of the following conditions:

(1) The number of enrolled students eligible for free or reduced-price meals comprised less than 70% of the total school enrollment for each of the second preceding and third preceding school years;

(2) The school's governing body determines that the school cannot financially comply with the program and justifies this reasoning to the Department of Education. In this case, the school is not required to participate until the Department determines that sufficient funds are available.²

Local administration and costs

The bill requires participating schools to determine the model for serving breakfast under the program, which may include breakfast served in the classroom, grab-and-go breakfasts, and breakfast served in the cafeteria during or after the first period of school or during a morning recess. Each breakfast served in the program must comply with federal meal patterns and state and federal nutritional standards. The school may charge students for meals, based on family income in accordance with federal requirements, to cover all or part of the costs incurred in operating the program.

Duties of Department of Education

The bill requires the Department of Education to annually determine each school's student participation in the program, at the end of each school year, and to monitor the school's compliance with its provisions. It also must offer technical assistance to schools in implementing the program, including helping them submit claims for reimbursement under the federal law.³

In cases when student participation in the program has not increased by 10% from the previous year or total participation is less than 70%, the Department must provide written notice of its findings to that school. Schools are then required to submit

¹ Conforming changes in R.C. 3314.03(A)(10)(d) and 3326.11.

² R.C. 3313.818(C)(1) and (2).

³ R.C. 3313.818(A)(2) and (B).

a plan for increased participation to the Department within 30 days after receiving the notice.⁴

Additionally, the Department must prepare a report on the implementation and effectiveness of the program and submit it to the General Assembly and to the Governor, by December 31 of each school year.⁵

Finally, the bill requires the Department to include on each school's state report card its participation rate of enrolled students in the program.⁶

Miscellaneous

The bill defines "grab-and-go breakfast" as breakfast in which all components of the breakfast are packaged in a bag that is made available to students at sites throughout the school during the first period of school or during a break after first period.⁷

Background

The Ohio Department of Education, in conjunction with the U.S. Department of Agriculture (USDA), administers the National School Lunch and School Breakfast programs under the federal "National School Lunch Act" and "Child Nutrition Act of 1966."⁸ Under current federal guidelines, students from families with incomes at or below 185% of the federal poverty guidelines are eligible for reduced-price meals, and students from families with incomes at or below 130% of the federal poverty guidelines are eligible for free meals. Children who receive Temporary Assistance for Needy Families, Food Stamps, or who are homeless, runaways, or migrants are also eligible for free lunch.⁹

If a student qualifies for free or reduced-price lunches, the federal government provides cash subsidies and USDA food commodities for the school district or school in

⁴ R.C. 3313.818(D).

⁵ R.C. 3313.818(E).

⁶ R.C. 3302.03(M).

⁷ R.C. 3313.818(G).

⁸ 42 U.S.C. 1751 *et seq* and 1771 *et seq*.

⁹ 42 U.S.C. 1758(b)(12).



order to offset the cost of students paying less for lunches. These students must receive lunches at the rate at which they qualified (either free or reduced).¹⁰

School districts

State law requires each school district to establish and maintain a school breakfast program in every school where at least $\frac{1}{5}$ of the students qualify for free breakfast, and a lunch program in every school where at least $\frac{1}{5}$ of the students qualify for free lunch under federal law. However, if the district board determines that it cannot afford to offer a school breakfast or lunch program, the board may opt to not offer either program, but must communicate this decision publicly to residents of the district.¹¹

Nevertheless, this opt-out is not available with respect to any school where at least $\frac{1}{3}$ of the students qualify for free breakfast or free lunch. In that case, the district must provide the program at that school, though it may charge for reduced price or paid breakfasts to cover incurred costs. School districts also must establish breakfast programs in schools where the parents of at least $\frac{1}{2}$ of enrolled students have requested one. In this case, schools may charge for each breakfast to cover costs incurred from the program. If a school district for good cause (including economic impossibility of compliance) cannot provide meals under the $\frac{1}{3}$ requirement or by parent request, the State Board must grant an extension of time to comply.¹²

Community schools

Community schools also must provide a breakfast program if at least $\frac{1}{3}$ of the students qualify for free breakfast, and a lunch program if at least $\frac{1}{3}$ of the students qualify for free lunch under federal law. The governing authority of a community school may charge for each reduced price or paid breakfast to help cover costs. However, if the governing authority determines that it cannot provide meals due to financial reasons, it may choose not to, but must communicate this choice to all parents of its students in the manner it deems appropriate. Internet- or computer-based community schools (e-schools) are not required to provide meal programs.¹³

¹⁰ <https://fns-prod.azureedge.net/sites/default/files/cn/NSLPFactSheet.pdf>.

¹¹ R.C. 3313.813(C).

¹² R.C. 3313.813(C)(2) and (5)(b) and (c).

¹³ R.C. 3314.18.



HISTORY

ACTION

DATE

Introduced

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