

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 15-0262.01 Jane Ritter x4342

**HOUSE BILL 15-1080**

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**A BILL FOR AN ACT**

101      **CONCERNING THE PERCENTAGE OF STUDENTS ELIGIBLE FOR FREE AND**  
102                    **REDUCED-COST LUNCH THAT TRIGGERS REQUIRED**  
103                    **PARTICIPATION BY A PUBLIC SCHOOL IN THE BREAKFAST AFTER**  
104                    **THE BELL PROGRAM.**

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**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>.)*

Currently, beginning in the 2014-2015 school year, the breakfast after the bell nutrition program (program) provides that school districts must provide a free breakfast to all students if the public school in the

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.*

district has 80% or more students who are eligible for free or reduced-cost lunch under the school lunch program (eligible students). Current law changes this percentage beginning with the 2015-2016 school year to require schools with 70% or more eligible students to participate in the program. The bill removes the language requiring the change to 70% in the 2015-2016 school year so that the requirement for a school to participate in the program remains at 80% of eligible students.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-82.8-103, **amend**  
3 (3) (a); and **repeal** (3) (b) as follows:

4 **22-82.8-103. Breakfast after the bell nutrition program -**  
5 **creation - objectives - requirements - administration.** (1) There is  
6 hereby created the breakfast after the bell nutrition program. The purpose  
7 of the program is to offer a free breakfast to each student enrolled in a  
8 public school that has seventy percent or more students who are eligible  
9 for free or reduced-cost lunch under the school lunch program.

10 (2) The objectives of the program are to:

11 (a) Increase the total number of children eating breakfast on  
12 school days;

13 (b) Increase the consumption of high-nutrition foods, making  
14 breakfast programs more effective;

15 (c) Improve academic performance by preparing children to learn;

16 (d) Improve the overall health of the children of Colorado; and

17 (e) Generate additional revenue for school nutrition programs  
18 through federal and state reimbursements.

19 (3) (a) Beginning in the 2014-2015 school year, ~~except as~~  
20 ~~provided for in paragraph (d) of this subsection (3)~~ and EACH YEAR  
21 THEREAFTER, EXCEPT AS PROVIDED FOR IN subsection (4) of this section,  
22 each public school in the state that has eighty percent or more students

1 who are eligible for free or reduced-cost lunch under the school lunch  
2 program in the prior school year shall offer a free breakfast to each  
3 student in the school. If a public school falls below the eighty percent  
4 threshold for two consecutive years, it has the option to continue  
5 participating in the program but is not required to do so. A public or  
6 charter school that does not participate in the school lunch program is not  
7 required to participate.

8 (b) ~~Beginning in the 2015-2016 school year, and each year~~  
9 ~~thereafter, except as provided for in this subsection (3) and subsection (4)~~  
10 ~~of this section, each public school in the state that has seventy percent or~~  
11 ~~more students who are eligible for free or reduced-cost lunch under the~~  
12 ~~school lunch program in the prior school year shall offer a free breakfast~~  
13 ~~to each student in the school. If a public school falls below the seventy~~  
14 ~~percent threshold for two consecutive years, it has the option to continue~~  
15 ~~participating in the program but is not required to do so. A public school~~  
16 ~~or charter school that does not participate in the school lunch program is~~  
17 ~~not required to participate.~~

18 **SECTION 2. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly (August  
21 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
22 referendum petition is filed pursuant to section 1 (3) of article V of the  
23 state constitution against this act or an item, section, or part of this act  
24 within such period, then the act, item, section, or part will not take effect  
25 unless approved by the people at the general election to be held in  
26 November 2016 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.