

START SMART UTAH BREAKFAST PROGRAM AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: Lincoln Fillmore

Cosponsor:

Elizabeth Weight

LONG TITLE

General Description:

This bill delays the dates by which certain public schools are required to serve breakfast to a student after the instructional day begins.

Highlighted Provisions:

This bill:

- delays the dates by which certain public schools are required to serve breakfast to a student after the instructional day begins.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-9-205.1, as enacted by Laws of Utah 2020, Chapter 96

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-9-205.1** is amended to read:

53G-9-205.1. Start Smart Utah Program.

(1) As used in this section:

(a) "Alternative breakfast service model" means a method of serving breakfast to a student after the instructional day begins.

(b) "National School Lunch Program" means the same as that term is defined in 7 C.F.R. Sec. 210.2.

(c) "Public school" means:

(i) a school under the control of a school district;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

(d) "School Breakfast Program" means the same as that term is defined in 7 C.F.R. Sec. 220.2.

(e) "Start Smart Utah Program" or "program" means the Start Smart Utah Program created in Subsection (2).

(f) "Traditional breakfast service model" means a method of serving breakfast to a student before the instructional day begins.

(2) (a) There is created the Start Smart Utah Program.

(b) Except as provided in Subsection (3), a public school that participates in the National School Lunch Program shall participate in the School Breakfast Program.

(c) (i) Beginning with the ~~[2020-21]~~ 2021-22 school year, a public school in which 70% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.

(ii) Beginning with the ~~[2021-22]~~ 2022-23 school year, a public school in which 50% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.

(iii) Beginning with the ~~[2022-23]~~ 2023-24 school year, a public school in which 30% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.

(d) Notwithstanding Subsection (2)(c):

(i) a public school that is subject to the requirements described in Subsection (2)(c)

may use a traditional breakfast service model in addition to an alternative breakfast service model; and

(ii) a public school in which 70% or more of the students who qualify for free or reduced lunch participate in the School Breakfast Program is exempt from the requirements described in Subsection (2)(c).

(3) (a) A public school may apply to the state board for a waiver of the requirements described in Subsection (2), if the requirements cause undue hardship.

(b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to create a waiver application, submission, review, and approval process.

(4) The state board shall:

(a) administer the program in accordance with this section and in conjunction with the state board's duties as the administering agency of federal child nutrition programs;

(b) track implementation of alternative breakfast service models in public schools; and

(c) provide guidance and technical assistance to public schools related to implementing the Start Smart Utah Program in accordance with the requirements of this section, including assistance with soliciting parent feedback on the program.

(5) The requirements of this section shall be nullified by the termination of the entitlement status of the School Breakfast Program by the federal government.