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SECOND REPRINT

A.B. 137

ASSEMBLY BILL NO. 137—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

FEBRUARY 11, 2011

Referred to Concurrent Committees on
Education and Ways and Means

SUMMARY—Revises provisions governing programs of nutrition
in public schools. (BDR 34-191)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to education; requiring the implementation of a school breakfast program at certain public schools; requiring the Department of Education to report on the school breakfast program for each public school; requiring school districts to report on school nutrition programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The Child Nutrition Act enacted in 1966 established the School Breakfast
2 Program which provides grants to the states to establish school breakfast programs
3 in public schools. (42 U.S.C. §§ 1771 et. seq.) Federal regulations provide that a
4 public school may elect to operate a school breakfast program pursuant to one of
5 three alternative Provisions and prescribe the requirements by which a public
6 school may operate the program pursuant to one of those Provisions. (7 C.F.R. §
7 245.9) If a school provides a school breakfast program pursuant to Provision 2 of
8 the federal regulations, the school serves those meals free of charge to all pupils
9 enrolled in the school. Under existing law, the boards of trustees of school districts
10 and the governing bodies of charter schools are authorized to operate or provide for
11 the operation of programs of nutrition in the public schools under their jurisdiction.
12 (NRS 387.090) **Section 1** of this bill requires the implementation of a school
13 breakfast program to provide breakfast to pupils enrolled in each public school,
14 including a charter school, that is eligible to operate a program of nutrition in
15 accordance with the requirements of Provision 2 set forth in the federal regulations
16 and as authorized by the Department of Education. **Section 1** also requires the
17 Department, on a biennial basis, to prepare a written report on the school breakfast
18 program for each public school in this State and requires the board of trustees of



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each school district, on a biennial basis, to submit to the Department a report containing certain information concerning nutrition programs. **Section 1** further requires the Department to submit compilations of the reports, on or before January 1 of each odd-numbered year, to the Legislative Committee on Health Care, the Interim Finance Committee and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Effective on July 1, 2013, **section 3.5** of this bill provides that the school breakfast program implemented by a school district or charter school must provide for the serving of breakfast after the school day has commenced in the following order of priority: (1) the classroom; (2) a transportable manner; or (3) the cafeteria.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a public school is eligible to operate a program of nutrition in accordance with the requirements of Provision 2 set forth in 7 C.F.R. § 245.9, and as authorized by the Department, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall implement a breakfast program at the school.

2. The board of trustees of a school district in a county whose population is less than 55,000 may submit a request to the State Board for an exemption from the requirements of subsection 1 on a form prescribed by the Department. The State Board shall grant such an exemption if the State Board determines that a fiscal hardship exists for the school district.

3. The Department shall, on a biennial basis, prepare a written report on the school breakfast program, for each public school in this State, including, without limitation:

(a) The percentage of pupils enrolled in the school who participate in the program, which must be reported for the immediately preceding 4 years as that data is available;

(b) A comparison between the:

(1) Number of pupils who are eligible to receive free or reduced-priced breakfasts;

(2) Number of pupils who participate in the school breakfast program; and

(3) Total enrollment of pupils in the school;

(c) An identification of the method by which the school provides breakfast to pupils;

(d) The average daily participation in the school breakfast program of pupils who are eligible to receive free or reduced-price breakfasts; and



1 (e) *The percentage of pupils who are eligible to receive free or*
2 *reduced-price breakfasts and who participate in the school*
3 *breakfast program.*

4 4. *The board of trustees of each school district shall, on a*
5 *biennial basis, submit to the Department a written report on*
6 *school nutrition programs within the school district, which must*
7 *be reported for the immediately preceding 4 years as that data is*
8 *available, including, without limitation:*

9 (a) *The percentage of pupils enrolled in the school district who*
10 *participate in the school breakfast program and the progress made*
11 *by the school district in increasing that participation;*

12 (b) *The percentage of public schools within the school district*
13 *that participate in the school breakfast program and the progress*
14 *made by the school district in increasing that participation;*

15 (c) *The percentage of pupils who participate in each program*
16 *of nutrition offered by the school district and the progress made by*
17 *the school district in increasing that participation;*

18 (d) *A list of each public school in the school district that*
19 *operates a program of nutrition during the summer, including,*
20 *without limitation:*

21 (1) *A list of each sponsor of such a program;*

22 (2) *The number of sites at which the sponsor offers the*
23 *program; and*

24 (3) *The number of meals served at each site; and*

25 (e) *The amount of money the school district is eligible to*
26 *receive from the Federal Government and from other sources for*
27 *the school breakfast program offered by the school district and the*
28 *amount of money the school district receives for that program.*

29 5. *On or before November 1 of each even-numbered year, the*
30 *Department shall compile the data for each school district from*
31 *the reports prepared pursuant to subsections 3 and 4 and submit*
32 *each school district's compilation to the board of trustees of that*
33 *school district for review. Upon review, the board of trustees of*
34 *each school district shall, on or before December 15 of each even-*
35 *numbered year, submit to the Department a written explanation of*
36 *any decrease in the number of pupils participating in the school*
37 *breakfast program and a plan to improve the number of pupils*
38 *participating.*

39 6. *On or before January 1 of each odd-numbered year, the*
40 *Department shall submit the compilations prepared by the*
41 *Department pursuant to subsection 5 and the plans to improve*
42 *prepared by the school districts pursuant to subsection 5 to the:*

43 (a) *Legislative Committee on Health Care.*

44 (b) *Interim Finance Committee.*



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(c) *Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.*

Sec. 2. NRS 387.070 is hereby amended to read as follows:

387.070 As used in NRS 387.070 to 387.105, inclusive, *and section 1 of this act*, "program of nutrition" means a program under which food is served to or nutritional education and assistance are provided for children and adults by any public school, private school or public or private institution on a nonprofit basis, including any such program for which assistance may be made available out of money appropriated by the Congress of the United States. The term includes, but is not limited to, a school lunch program.

Sec. 3. NRS 387.090 is hereby amended to read as follows:

387.090 ~~[The]~~ *In addition to the school breakfast program required by section 1 of this act, the* board of trustees of each school district and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.070 to 387.105, inclusive, *and section 1 of this act*, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 3.5. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a public school is eligible to operate a program of nutrition in accordance with the requirements of Provision 2 set forth in 7 C.F.R. § 245.9, and as authorized by the Department, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall implement a breakfast program at the school. *The program must provide for the serving of breakfast after the school day has commenced in the following order of priority:*

(a) *The classroom;*

(b) *A transportable manner; or*

(c) *The cafeteria.*

2. The board of trustees of a school district in a county whose population is less than 55,000 may submit a request to the State Board for an exemption from the requirements of



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subsection 1 on a form prescribed by the Department. The State Board shall grant such an exemption if the State Board determines that a fiscal hardship exists for the school district.

3. The Department shall, on a biennial basis, prepare a written report on the school breakfast program, for each public school in this State, including, without limitation:

(a) The percentage of pupils enrolled in the school who participate in the program, which must be reported for the immediately preceding 4 years as that data is available;

(b) A comparison between the:

(1) Number of pupils who are eligible to receive free or reduced-priced breakfasts;

(2) Number of pupils who participate in the school breakfast program; and

(3) Total enrollment of pupils in the school;

(c) An identification of the method by which the school provides breakfast to pupils;

(d) The average daily participation in the school breakfast program of pupils who are eligible to receive free or reduced-price breakfasts; and

(e) The percentage of pupils who are eligible to receive free or reduced-price breakfasts and who participate in the school breakfast program.

4. The board of trustees of each school district shall, on a biennial basis, submit to the Department a written report on school nutrition programs within the school district, which must be reported for the immediately preceding 4 years as that data is available, including, without limitation:

(a) The percentage of pupils enrolled in the school district who participate in the school breakfast program and the progress made by the school district in increasing that participation;

(b) The percentage of public schools within the school district that participate in the school breakfast program and the progress made by the school district in increasing that participation;

(c) The percentage of pupils who participate in each program of nutrition offered by the school district and the progress made by the school district in increasing that participation;

(d) A list of each public school in the school district that operates a program of nutrition during the summer, including, without limitation:

(1) A list of each sponsor of such a program;



(2) The number of sites at which the sponsor offers the program; and

(3) The number of meals served at each site; and

(e) The amount of money the school district is eligible to receive from the Federal Government and from other sources for the school breakfast program offered by the school district and the amount of money the school district receives for that program.

5. On or before November 1 of each even-numbered year, the Department shall compile the data for each school district from the reports prepared pursuant to subsections 3 and 4 and submit each school district's compilation to the board of trustees of that school district for review. Upon review, the board of trustees of each school district shall, on or before December 15 of each even-numbered year, submit to the Department a written explanation of any decrease in the number of pupils participating in the school breakfast program and a plan to improve the number of pupils participating.

6. On or before January 1 of each odd-numbered year, the Department shall submit the compilations prepared by the Department pursuant to subsection 5 and the plans to improve prepared by the school districts pursuant to subsection 5 to the:

(a) Legislative Committee on Health Care.

(b) Interim Finance Committee.

(c) Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 4. 1. Each school district shall increase by 10 percent the number of pupils who are enrolled in the school district and participating in a school breakfast program on or before June 30, 2013, and annually thereafter, so that the school district achieves 100-percent participation in the school breakfast program.

2. Each school district shall prepare a report indicating whether the school district attained the 10 percent increase required by subsection 1 during the 2011-2013 biennium. On or before August 1, 2013, each school district shall submit the report to the:

(a) Legislative Committee on Health Care.

(b) Interim Finance Committee.

(c) Legislative Committee on Education.

Sec. 5. 1. This section and sections 1, 2, 3 and 4 of this act become effective on July 1, 2011.

2. Section 3.5 of this act becomes effective on July 1, 2013.

