

FIRST REGULAR SESSION

HOUSE BILL NO. 794

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MACKEY.

0344H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to breakfast served in schools.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.820, to read as follows:

191.820. 1. As used in this section, "breakfast after the bell" means any food served after the instructional day has officially begun but before any lunch period in the school begins.

2. Except as provided in subsections 5 and 9 of this section, in school year 2023-24 and each school year thereafter, the following schools shall offer breakfast after the bell to each student in such school, including any student who arrives late or who arrives by a different mode of transportation than most students:

(1) Any public school, including any charter school, in which seventy percent or more of students enrolled in the school in the immediately preceding school year were eligible for free or reduced price meals through the National School Lunch Program or School Breakfast Program; and

(2) Any public school, including any charter school, that has an individual site percentage for free or reduced price meals of seventy percent or more and that is a Provision 2 school as described in 7 CFR Section 245.9 or that uses the United States Department of Agriculture Community Eligibility Option.

3. Nothing in this section shall be construed to prohibit schools from providing breakfast before the instructional day has officially begun.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 **4. Each school required to offer breakfast after the bell under this section may**
19 **use any service model that best suits such school's students. Service models include, but**
20 **are not limited to, breakfast in the classroom, breakfast after first period, and breakfast**
21 **to be picked up by students so that such students can eat where and when such students**
22 **want.**

23 **5. A public school, including any charter school, in which seventy percent or**
24 **more of such school's students who are eligible for free or reduced price meals**
25 **participate in the School Breakfast Program shall not be required to offer breakfast**
26 **after the bell under this section.**

27 **6. A school initially required to offer breakfast after the bell but that later falls**
28 **below the seventy percent threshold described in subsection 2 of this section shall**
29 **continue to offer breakfast after the bell for two consecutive years beginning with the**
30 **year in which the school does not meet the requirements to serve breakfast after the bell**
31 **under subsection 2 of this section. If during the second year of the two-year period the**
32 **school still does not meet the requirements to serve breakfast after the bell under**
33 **subsection 2 of this section, the school shall not be required to offer breakfast after the**
34 **bell at the conclusion of the two-year period. A school no longer required to offer**
35 **breakfast after the bell under this subsection shall be required to again offer breakfast**
36 **after the bell if such school becomes subject to subsection 2 of this section. Nothing in**
37 **this section shall be construed to prevent a school from continuing to offer breakfast**
38 **after the bell even if not required to do so.**

39 **7. The department of elementary and secondary education shall:**

40 **(1) Notify, on or before July first of each year, those schools required to offer**
41 **breakfast after the bell under this section of such schools' duties under this section;**

42 **(2) Develop and distribute procedures and guidelines for the implementation of**
43 **this section, which shall comply with federal regulations governing the School Breakfast**
44 **Program;**

45 **(3) Offer technical assistance to public schools and school districts regarding the**
46 **implementation of this section;**

47 **(4) If requested by a school subject to this section, recognize time spent by**
48 **students consuming breakfast as instructional time if students consume the breakfast in**
49 **the classroom and are receiving instruction while consuming breakfast. No more than**
50 **fifteen minutes shall be recognized as instructional time while students are consuming**
51 **breakfast;**

52 **(5) Annually collect information about the breakfast-after-the-bell delivery**
53 **models implemented at each school and make the information publicly available;**

54 **(6) Assist schools subject to this section that demonstrate breakfast enrollment**
55 **increases of less than ten percent annually in developing a plan for increased**
56 **participation; and**

57 **(7) Prepare and submit to the general assembly, on or before December thirty-**
58 **first of each year, a report on the implementation and effectiveness of this section.**

59 **8. In fulfilling the department's responsibilities under this section, the**
60 **department of elementary and secondary education shall collaborate with nonprofit**
61 **organizations knowledgeable about equity, the opportunity gap, hunger and food**
62 **security issues, and best practices for improving student access to school breakfast. The**
63 **department shall maintain a list of opportunities for philanthropic support of school**
64 **breakfast programs and make the list available to schools interested in breakfast-after-**
65 **the-bell programs.**

66 **9. If the federal per-meal reimbursements for free or reduced price breakfasts**
67 **are decreased below 2023 levels or eliminated by Congress, schools shall not be required**
68 **to offer breakfast after the bell under this section.**

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