

Childhood Hunger Relief Act
P.A. 096-0158
School Breakfast Program
Section 15(d) – Petition for Exemption

Public Act 96-0158 (<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0158&print=true&write=>) requires that the board of education of each school district in this State shall implement and operate a School Breakfast Program in the next school year in accordance with federal guidelines in each school building within its district in which at least 40 percent or more of the students are eligible for free or reduced-price lunches.

Using the following timeline, a school district may request a school or schools from the school breakfast program be exempted from the breakfast program if it is determined that, due to circumstances specific to that school district, the expense reimbursement would not fully cover the costs of implementing and operating a breakfast program.

Between November–February:

- Determine whether or not a school must operate a breakfast program in the next school year based on most recent October data. For assistance, go to:
http://www.isbe.net/nutrition/pdf/schools_mandated_operate_sbp.pdf

By February 15:

- School district shall petition its regional superintendent to request an exemption from operating a school breakfast program in the upcoming school year for a given school. Petition must include:
 - o all legitimate costs associated with implementing and operating a school breakfast program,
 - o the estimated reimbursement from State and federal sources (for assistance, go to http://www.isbe.net/nutrition/pdf/school_reimbursement.pdf), and
 - o any unique circumstances the school district can verify that exist that would cause the implementation and operation of such a program to be cost prohibitive.

By March 15:

- Regional Superintendent shall convene a public hearing in accordance with Open Meetings Act, then inform the school district and the IL State Board of Education (e-mail: cnp@isbe.net) of his/her decision in writing. For provisions of the Open Meetings Act, go to:
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=84&ChapAct=5%26nbsp%3BILCS%26nbsp%3B120%2F&ChapterID=2&ChapterName=GENERAL+PROVISIONS&ActName=Open+Meetings+Act%2E&Print=True>
 - o If the regional superintendent grants an exemption, school district is not required to operate a breakfast program in the upcoming school year in the school(s) noted.
 - o If the regional superintendent does not grant an exemption, school district must operate a breakfast program in the upcoming school year in the school(s) noted - OR - the district (or a resident of the district) may appeal the decision to the State Superintendent of Education by April 15.

By April 15 (if desired):

- School district or a resident of the school district may appeal the decision of the regional superintendent to the State Superintendent of Education.

By May 15:

- State Superintendent of Education shall hear appeals on the decision of the regional superintendents. Final decision shall be made at the conclusion of the hearing.
 - o If State Superintendent of Education grants an exemption, school district is not required to operate a breakfast program in the upcoming school year in the school(s) noted.
 - o If State Superintendent of Education does not grant an exemption, school district must operate a breakfast program in the upcoming school year in the school(s) noted.