



# HOUSE BILL No. 4055

January 11, 1995, Introduced by Reps. Dalman, Horton, Crissman, Jaye, Geiger, Sikkema, DeLange, Bullard and Green and referred to the Committee on Education.

A bill to amend sections 1272a and 1272d of Act No. 451 of the Public Acts of 1976, entitled as amended "The school code of 1976," as amended by Act No. 335 of the Public Acts of 1993, being sections 380.1272a and 380.1272d of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1272a and 1272d of Act No. 451 of the  
2 Public Acts of 1976, as amended by Act No. 335 of the Public Acts  
3 of 1993, being sections 380.1272a and 380.1272d of the Michigan  
4 Compiled Laws, are amended to read as follows:

5 Sec. 1272a. (1) The board of a K to 12 school district  
6 shall, and the board of a primary school district or a fourth  
7 class school district that does not operate a K to 12 program  
8 may, establish and operate a program under which lunch is made

1 available to all full-time pupils enrolled and in regular daily  
2 attendance at each public school of the school district.

3       (2) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,  
4 THE board of a K to 12 school district shall establish and oper-  
5 ate a program under which breakfast is made available to all  
6 full-time pupils enrolled and in regular daily attendance at each  
7 public school BUILDING of the school district ~~unless no more~~  
8 ~~than~~ IN WHICH AT LEAST 20% of the ~~lunches served the immedi-~~  
9 ~~ately preceding year were~~ TOTAL PUPILS ENROLLED IN THAT BUILDING  
10 RECEIVED free or reduced price lunches provided pursuant to sec-  
11 tion 1272b(c) ~~and,~~ IN THE IMMEDIATELY PRECEDING SCHOOL YEAR.  
12 THE BOARD OF A SCHOOL DISTRICT MAY EXEMPT THE ENTIRE SCHOOL DIS-  
13 TRICT FROM THE REQUIREMENTS OF THIS SUBSECTION IF, after a public  
14 hearing on the issue, which shall be held annually with notice to  
15 parents and pupils, the board decides not to operate ~~such~~ a  
16 BREAKFAST program UNDER THIS SUBSECTION and publishes a public  
17 justification report explaining its decision. THE BOARD OF A  
18 SCHOOL DISTRICT MAY EXEMPT 1 OR MORE HIGH SCHOOL BUILDINGS FROM  
19 THE REQUIREMENTS OF THIS SUBSECTION BY ADOPTING A RESOLUTION TO  
20 THAT EFFECT. The board of a primary school district or a fourth  
21 class school district that does not operate all of grades K to 12  
22 may establish and operate a school breakfast program.

23       (3) To the extent permitted by federal law, the department  
24 shall encourage innovative cost effective models of breakfast  
25 distribution designed to maximize pupil participation.

1 Sec. 1272d. The department ~~of education~~ shall do all of  
2 the following WITH RESPECT TO FREE AND REDUCED PRICE MEAL  
3 PROGRAMS:

4 (a) Prescribe a uniform reporting system for the collection,  
5 compilation, and analysis of data relative to the administration  
6 of this section and section 1272a.

7 (b) Pay a school district for each free meal served pursuant  
8 to section 1272b(c) an amount calculated by subtracting the fed-  
9 eral reimbursement rate for a free meal from the actual cost of  
10 the meal, but not to exceed 5 cents per meal.

11 (c) Pay a school district for each reduced price meal served  
12 pursuant to section 1272b(c) an amount calculated by subtracting  
13 the sum of the federal reimbursement rate for a reduced price  
14 meal and the fee charged from the actual average cost of the  
15 meal, but not to exceed 2 cents per meal.

16 (d) For 1982-83 and thereafter, payments required by subdi-  
17 visions (b) and (c) to a school district shall be credited to the  
18 state's matching share required by section 7 of the national  
19 school lunch act, 42 U.S.C. 1756.

20 (e) Designate a reimbursable cost per breakfast equal to the  
21 lesser of the school district's actual costs or 100% of the cost  
22 of a breakfast served by an efficiently operated breakfast pro-  
23 gram, as determined by the department. The department shall  
24 allocate, and the legislature shall appropriate as part of the  
25 annual department appropriations and allocations, all reasonable  
26 and necessary direct and indirect costs of an efficiently  
27 operated breakfast program or the school district's actual costs,

1 whichever is less, incurred by a school district in the operation  
2 of a breakfast program, which costs would not have been incurred  
3 without the operation of a breakfast program, to any extent that  
4 ~~they~~ THE COSTS exceed state and federal breakfast subsidies and  
5 permissible pupil breakfast fees. These costs shall be reim-  
6 bursed on a per-breakfast-served basis and may include, but shall  
7 not be limited to, compensation for needed additional personnel  
8 and supervision of both participating and nonparticipating  
9 pupils. In a school year in which the total amount of reimburse-  
10 ments under this subsection, as determined by the department, are  
11 not appropriated, the requirements of section 1272a(2) shall not  
12 apply to the affected school district.