S T A T E O F N E W Y O R K

4268

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

Introduced by M. of A. ORTIZ, COOK, GLICK, ENGLEBRIGHT, HOYT -- Multi-Sponsored by -- M. of A. CLARK, ROBINSON, SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend chapter 537 of the laws of 1976, relating to a breakfast program for eligible pupils in certain school districts, in relation to establishing the school breakfast incentive program

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

Section 1. Chapter 537 of the laws of 1976, relating to a breakfast program for eligible pupils in certain school districts, is amended by adding a new section 3-a to read as follows:

S 3-A. THE SCHOOL BREAKFAST INCENTIVE PROGRAM (SBIP). A. THE COMMISSIONER OF EDUCATION IS HEREBY AUTHORIZED TO ESTABLISH THE SCHOOL BREAKFAST INCENTIVE PROGRAM TO PROVIDE GRANTS, SUBJECT TO AVAILABLE APPROPRIATIONS, TO ELIGIBLE SCHOOL BUILDINGS OR DISTRICTS THAT INCREASE PARTICIPATION IN THE SCHOOL BREAKFAST PROGRAM BY REMOVING BARRIERS TO PARTICIPATION. AN ELIGIBLE SCHOOL BUILDING OR DISTRICT IS ANY SCHOOL BUILDING OR DISTRICT THAT OFFERED A BREAKFAST PROGRAM FOR AT LEAST ONE YEAR PRIOR TO APPLYING FOR A GRANT UNDER THIS PROGRAM. ALL ELIGIBLE SCHOOLS MAY APPLY FOR SBIP GRANTS, BUT PREFERENCE WILL BE GIVEN TO SCHOOLS WITH A HIGH PERCENTAGE OF FREE AND REDUCED PRICE ELIGIBLE STUDENTS AND A LOW PERCENTAGE OF ELIGIBLE STUDENTS PARTICIPATING IN THE SCHOOL BREAKFAST PROGRAM.

B. THE COMMISSIONER OF EDUCATION SHALL DEVELOP REGULATIONS AND CRITERIA FOR AWARDING GRANTS UNDER THIS PROGRAM BASED ON THE LEVEL OF INCREASED PARTICIPATION IN THE APPLICANT'S SCHOOL BREAKFAST PROGRAM AND THE REDUCTION IN BARRIERS TO PARTICIPATION, INCLUDING BUT NOT LIMITED TO ENHANCING THE QUALITY OF MEALS SERVED, CONDUCTING PUBLIC INFORMATION CAMPAIGNS, AND IMPLEMENTING INNOVATIVE STRATEGIES DESIGNED TO INCREASE PARTICIPATION.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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C. I. SCHOOL DISTRICTS SEEKING SBIP FUNDS MUST SUBMIT AN ANNUAL APPLICATION FOR FUNDS UNDER THE SCHOOL BREAKFAST INCENTIVE PROGRAM ON FORMS PRESCRIBED BY THE COMMISSIONER OF EDUCATION.

II. SCHOOLS MAY RECEIVE INCENTIVE PROGRAM FUNDS MORE THAN ONCE CONTINGENT UPON THEIR ABILITY TO INCREASE THEIR PUPIL PARTICIPATION IN THE BREAKFAST PROGRAM WITH SUCH FUNDS AND UPON THE AVAILABILITY OF SUCH FUNDS.

D. FUNDS RECEIVED BY A SCHOOL DISTRICT UNDER THIS PROGRAM SHALL BE CONSIDERED SEPARATE AND APART FROM ANY STATE FUNDS RECEIVED FOR THE REIMBURSEMENT OF MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM OR BREAKFAST PROGRAM AND SEPARATE FROM THE PROVISIONS OF CHAPTER 798 OF THE LAWS OF 1980 RELATING TO FULL COST STATE REIMBURSEMENT FOR BREAKFAST PROGRAMS.

S 2. This act shall take effect immediately.