

72-5125. School breakfast programs. (a) As used in this section, the term "school breakfast program" means a food service program under which breakfasts are made available by a board of education on a nonprofit basis to pupils in attendance at school, and for which such board receives assistance from funds appropriated by the congress of the United States; and the term "food service program" has the meaning ascribed thereto in K.S.A. 72-5112, and amendments thereto.

(b) The board of education of each school district may enter into an agreement with the state board of education for the establishment and maintenance of a school breakfast program under which breakfasts are made available to pupils in attendance at school. Such breakfasts may be made available in any one or more school buildings operated or used for pupil attendance purposes by the board of education. The provisions of this subsection shall expire on June 30, 1993.

(c) On or before July 1, 1993, the board of education of each school district shall enter into an agreement with the state board of education for the establishment and maintenance of a school breakfast program under which breakfasts are made available to pupils in attendance at school. Subject to the provisions of subsection (d), such breakfasts shall be made available in each school building operated or used for pupil attendance purposes by the board of education.

(d) The state board of education may waive the requirement that breakfasts be made available in each school building operated or used for pupil attendance purposes, subject to the following:

(1) No waiver shall be granted which releases a board of education from the requirement that breakfasts be made available in a school building in which 35% or more of the pupils in attendance at school in such building during the month of March of the preceding school year were pupils who were eligible for free or reduced price meals under the national school lunch act.

(2) A waiver releasing a board of education from the requirement that breakfasts be made available in a school building, other than a school building designated in provision (1), may be granted by the state board of education upon application for such waiver by the board. The application shall include the reason or reasons for which the waiver is being requested. The state board shall evaluate the application for waiver, determine the validity of the reason or reasons for which the waiver is being requested, and grant or deny the application for waiver. The state board shall establish criteria for determination of the validity of reasons for waiver of the requirement that breakfasts be made available in each school building operated or used for pupil attendance purposes.

(e) The provisions of subsections (c) and (d) shall expire upon failure of the congress of the United States to reauthorize funding for the school breakfast program.

History: L. 1992, ch. 181, § 1; July 1.