

PROPOSED REGULATION OF THE STATE DEPARTMENT OF AGRICULTURE

LCB File No. R082-15

Statutory Authority: Senate Bill 503 Breakfast After the Bell

Regulatory Authority – Director

NAC 387--- Waiver for Breakfast After the Bell

- 1. A public school may request a waiver to not participate in the Breakfast After the Bell Program in any school year after the 2016-17 school year if the school can demonstrate to the satisfaction of the State Department of Agriculture:*
 - a. The number of enrolled pupils in the school who were eligible for free or reduced-price lunches under the National School Lunch Act comprised less than 70 percent of the total number of enrolled pupils at the school for each of the two immediately preceding school years; or*
 - b. Proof of financial hardship due to the costs associated with providing Breakfast After the Bell within the Food Service Enterprise Account; or*
 - c. Federal per meal reimbursement for free or reduced-price breakfast pursuant to the School Breakfast Program is eliminated or reduced to an amount that is less than that amount which was in effect on December 31, 2013.*
- 2. The State Department of Agriculture determines if sufficient money is not available to fund the public school's participation in the program.*
- 3. Schools requesting a waiver must provide the following information to the State Department of Agriculture:*
 - a. Total pupil enrollment for the school, number of eligible pupils for free and reduced-price lunches as of October 31 for each of the two immediately preceding school years; or*
 - b. Percentage of free and reduced-price pupil participation for the two immediately preceding school years and the total cost of labor and food for the Breakfast After the Bell Program for the two immediately preceding school years.*