

**ADOPTED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R082-15

Effective June 21, 2017

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 387.1175; §2, NRS 387.1155 and 387.1175.

A REGULATION relating to education; providing procedures for certain public schools to request to opt out of participation in the Breakfast After the Bell Program; providing procedures for certain public schools to request a waiver for the purpose of participating in the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public schools to participate in the Breakfast After the Bell Program, which provides breakfast to pupils after the instructional day has officially begun, unless a school has submitted to the State Department of Agriculture a request not to participate, along with certain information. (NRS 387.1145) **Section 1** of this regulation sets forth the information a public school must submit to the Department to be allowed to opt out of participation in the Program. **Section 2** of this regulation provides a procedure whereby a public school that is not required to participate in the Program may request a waiver to be allowed to participate.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a public school which is required by subsection 2 of NRS 387.1145 to participate in the Breakfast After the Bell Program but which is seeking to opt out of participating in the Program pursuant to subsection 3 of NRS 387.1145 must submit to the State Department of Agriculture a request to opt out of participating in the Program, accompanied by the following information for each of the 2 school years

immediately preceding the school year for which the public school is seeking to opt out of participating in the Program:

(a) The number of enrolled pupils in the school and the number of pupils eligible for free and reduced-price lunches under the National School Lunch Act, 42 U.S.C. §§ 1751 et seq., as of October 31 of the school year; or

(b) The percentage of pupils eligible for free or reduced-price lunches under the National School Lunch Act, 42 U.S.C. §§ 1751 et seq., who participated in the Program and the total cost to the public school or school district for the food and labor used in the Program at that public school.

2. If the State Department of Agriculture determines that sufficient money is not available to fund a public school's participation in the Program pursuant to NRS 387.1155, that public school is not required to participate in the Program.

Sec. 2. *A public school which is not required by NRS 387.1145 to participate in the Breakfast After the Bell Program but which is seeking a waiver for the purpose of participating in the Program pursuant to subsection 3 of NRS 387.1155 must submit to the State Department of Agriculture a grant application to participate in the Program. The grant application must be made on the form made available by the Department on its Internet website at <https://breakfast.nv.gov>.*