
ASSEMBLY BILL NO. 137—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

FEBRUARY 11, 2011

Referred to Concurrent Committees on
Education and Ways and Means

SUMMARY—Revises provisions governing programs of nutrition
in public schools. (BDR 34-191)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to education; requiring the implementation of a school breakfast program at each public school designated as demonstrating need for improvement for 3 consecutive years or more; requiring school districts and certain public schools to report on school nutrition programs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Child Nutrition Act enacted in 1966 established the School Breakfast
2 Program which provides grants to the states to establish school breakfast programs
3 in public schools. (42 U.S.C. §§ 1771 et. seq.) Under existing law, the boards of
4 trustees of school districts and the governing bodies of charter schools are
5 authorized to operate or provide for the operation of programs of nutrition in the
6 public schools under their jurisdiction. (NRS 387.090) Existing law also requires
7 the Department of Education to determine whether a public school is making
8 adequate yearly progress in the achievement and proficiency of pupils and a public
9 school that does not make adequate yearly progress is designated as demonstrating
10 need for improvement. (NRS 385.3613, 385.3623) **Section 1** of this bill requires
11 the implementation of a school breakfast program to provide breakfast to pupils
12 enrolled in each public school, including a charter school, that is designated as
13 demonstrating need for improvement for 3 consecutive years or more. **Section 1**
14 also requires the public schools that are required to implement a school breakfast
15 program and each school district to report annually certain information concerning
16 nutrition programs to the Legislative Committee on Health Care and the Interim
17 Finance Committee.



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

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

3 1. *If a public school is designated as demonstrating need for*
4 *improvement pursuant to NRS 385.3623 for 3 or more consecutive*
5 *years, the board of trustees of the school district in which the*
6 *school is located or the governing body of the charter school, as*
7 *applicable, shall implement a breakfast program at the school*
8 *which offers pupils, including, without limitation, pupils who are*
9 *eligible for free or reduced-price meals, breakfast after the school*
10 *day has commenced. The program must provide for the serving of*
11 *breakfast in:*

- 12 (a) *The classroom;*
13 (b) *The cafeteria; or*
14 (c) *A transportable manner.*

15 2. *The principal of each public school at which a school*
16 *breakfast program is implemented shall prepare a written report*
17 *on the program, including, without limitation:*

18 (a) *The percentage of pupils enrolled in the school who*
19 *participate in the program, which must be reported for the*
20 *immediately preceding 4 years as that data is available;*

21 (b) *A comparison between the:*

22 (1) *Number of pupils who are eligible to receive free or*
23 *reduced-priced breakfasts;*

24 (2) *Number of pupils who participate in the school*
25 *breakfast program; and*

26 (3) *Total enrollment of pupils in the school;*

27 (c) *An identification of the method by which the school*
28 *provides breakfast to pupils;*

29 (d) *The percentage of pupils enrolled in the school who*
30 *participate in each method for serving breakfast if the school*
31 *provides breakfast by more than one method; and*

32 (e) *The number of years that the school has been designated as*
33 *demonstrating need for improvement pursuant to NRS 385.3623.*

34 3. *The board of trustees of each school district shall prepare a*
35 *written report on school nutrition programs within the school*
36 *district, including, without limitation:*

37 (a) *The percentage of pupils enrolled in the school district who*
38 *participate in the school breakfast program and the progress made*
39 *by the school district in increasing that participation;*

40 (b) *The percentage of public schools within the school district*
41 *that participate in the school breakfast program and the progress*
42 *made by the school district in increasing that participation;*



1 (c) *The percentage of pupils who participate in each program*
2 *of nutrition offered by the school district and the progress made by*
3 *the school district in increasing that participation;*

4 (d) *A list of each public school that operates a program of*
5 *nutrition during the summer;*

6 (e) *If the school district offers a program of nutrition during*
7 *the summer, a comparison between the:*

8 (1) *Number of pupils who are eligible to participate in the*
9 *program of nutrition offered during the summer;*

10 (2) *Number of pupils who participate in the program of*
11 *nutrition offered during the summer; and*

12 (3) *Total enrollment of pupils in each public school*
13 *identified in paragraph (d);*

14 (f) *If the school district offers a program of nutrition during*
15 *the summer, the amount of money the school district is eligible to*
16 *receive from the Federal Government and from other sources for*
17 *the program and the amount of money the school district receives*
18 *for that program, if any; and*

19 (g) *The amount of money the school district is eligible to*
20 *receive from the Federal Government and from other sources for*
21 *each program of nutrition offered by the school district and the*
22 *amount of money the school district receives for those programs.*

23 4. *On or before August 1 of each year, the principal of each*
24 *public school, the board of trustees of each school district and the*
25 *governing body of each charter school shall submit the report*
26 *prepared pursuant to subsection 2 or 3, as applicable, to the:*

27 (a) *Legislative Committee on Health Care; and*

28 (b) *Interim Finance Committee.*

29 **Sec. 2.** NRS 387.070 is hereby amended to read as follows:

30 387.070 As used in NRS 387.070 to 387.105, inclusive, *and*
31 *section 1 of this act*, “program of nutrition” means a program under
32 which food is served to or nutritional education and assistance are
33 provided for children and adults by any public school, private school
34 or public or private institution on a nonprofit basis, including any
35 such program for which assistance may be made available out of
36 money appropriated by the Congress of the United States. The term
37 includes, but is not limited to, a school lunch program.

38 **Sec. 3.** NRS 387.090 is hereby amended to read as follows:

39 387.090 ~~[The]~~ *In addition to the school breakfast program*
40 *required by section 1 of this act, the* board of trustees of each
41 school district and the governing body of each charter school may:

42 1. Operate or provide for the operation of programs of nutrition
43 in the public schools under their jurisdiction.

44 2. Use therefor money disbursed to them pursuant to the
45 provisions of NRS 387.070 to 387.105, inclusive, *and section 1 of*



1 *this act*, gifts, donations and other money received from the sale of
2 food under those programs.

3 3. Deposit the money in one or more accounts in one or more
4 banks or credit unions within the State.

5 4. Contract with respect to food, services, supplies, equipment
6 and facilities for the operation of the programs.

7 **Sec. 4.** 1. Each school district shall increase by 15 percent
8 the number of pupils who are enrolled in the school district and
9 participating in a school breakfast program on or before June 30,
10 2013, and annually thereafter, so that the school district achieves
11 100-percent participation in the school breakfast program.

12 2. The report submitted by each school district on or before
13 August 1, 2013, pursuant to section 1 of this act must indicate
14 whether the school district attained the 15 percent increase required
15 by subsection 1 during the 2011-2013 biennium.

16 **Sec. 5.** This act becomes effective on July 1, 2011.

