

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL DRS35373-NHa-21

Short Title: Free Breakfast for K-12 Students.

(Public)

Sponsors: Senator Mohammed (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE BREAKFAST TO PUBLIC SCHOOL STUDENTS AT NO COST TO  
3 THE STUDENTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) G.S. 115C-263 reads as rewritten:

6 "§ 115C-263. Required provision of services.

7 As a part of the function of the public school system, local boards of education shall provide  
8 ~~to the extent practicable school food~~ school nutrition services in the schools under their  
9 ~~jurisdiction.~~ jurisdiction, including breakfast at no cost to students. All school ~~food~~ nutrition  
10 services made available under this authority shall be provided in accordance with standards and  
11 regulations recommended by the Superintendent of Public Instruction and approved by the State  
12 Board of Education."

13 SECTION 1.(b) G.S. 115C-264 reads as rewritten:

14 "§ 115C-264. Operation.

15 (a) In the operation of their public school nutrition ~~programs,~~ programs pursuant to  
16 G.S. 115C-263, the public schools shall participate in the School Breakfast Program and National  
17 School Lunch Program established by the federal government, ~~government and administered by~~  
18 the Department of Public Instruction. The program shall be under the jurisdiction of ~~the Division~~  
19 ~~of School Support, Child Nutrition Services of~~ the School Nutrition Division of the Department  
20 of Public Instruction and in accordance with federal guidelines as established by the Food and  
21 Nutrition Service of the United States Department of Agriculture.

22 (a1) The Department of Public Instruction shall allocate sufficient funds to public schools  
23 to provide breakfast at no cost to the students who elect to receive breakfast. These funds shall  
24 supplement and not supplant any federal funds provided for the same purposes. No later than  
25 March 15, 2023, and every year thereafter that funds are made available pursuant to this section,  
26 the Department of Public Instruction shall report to the Joint Legislative Education Oversight  
27 Committee, at a minimum, the number of students electing to receive breakfast at no cost, the  
28 number of no-cost breakfasts served, and the cost of implementing the no-cost breakfast program.

29 (b) For nutritional purposes, the public schools shall not (i) use cooking oils in their  
30 school ~~food~~ nutrition programs that contain trans-fatty acids or (ii) sell processed foods  
31 containing trans-fatty acids that were formed during the commercial processing of the foods.

32 (c) All school ~~food~~ nutrition services shall be operated on a nonprofit basis, and any  
33 earnings ~~therefrom~~ over and above the cost of operation as defined herein shall be used to reduce  
34 the cost of food, to serve ~~better~~ healthier food, ~~or~~ to provide free or reduced-price lunches to  
35 indigent children ~~children,~~ or to provide breakfast to students at no cost to the students, and for  
36 no other purpose. The term "cost of operation" means the actual cost incurred in the purchase



1 and preparation of food, the salaries of all personnel directly ~~engaged~~employed in providing  
2 ~~food~~school nutrition services, and the cost of nonfood supplies as outlined under standards  
3 adopted by the State Board of Education. "Personnel" means ~~child nutrition supervisors or~~  
4 ~~directors, bookkeepers directly engaged in food service record keeping and those persons directly~~  
5 ~~involved in preparing and serving food. Child persons directly employed in the operation of the~~  
6 school nutrition program. School nutrition personnel shall be paid from the funds of ~~food services~~  
7 school nutrition services only for services rendered ~~in~~on behalf of the ~~child~~school nutrition  
8 program. ~~Any cost incurred in the provisions and maintenance of school food services over and~~  
9 ~~beyond the cost of operation shall be included in the budget request filed annually by local boards~~  
10 ~~of education with boards of county commissioners. Public schools are not required to comply~~  
11 ~~with G.S. 115C-522(a) in the purchase of supplies and food for such school~~ food ~~nutrition~~  
12 services."

13 **SECTION 2.** There is appropriated from the General Fund to the Department of  
14 Public Instruction the sum of fourteen million seven hundred thousand dollars (\$14,700,000) in  
15 recurring funds for the 2022-2023 fiscal year to provide breakfast to public school students at no  
16 cost to the students in accordance with this act.

17 **SECTION 3.** This act becomes effective July 1, 2022.