

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2058

By: Inman

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7 AS INTRODUCED

8 An Act relating to schools; requiring public school
9 districts to promulgate plan for food service program
10 for certain schools; permitting school district to
11 opt out of program if approved by State
12 Superintendent of Public Instruction; providing
13 ability to appeal certain decision; providing for
14 codification; and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-116.4 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 A. No later than January 15, 2014, each public school district
20 in this state shall promulgate a plan to have a summer breakfast or
21 lunch, or both, food service program for each school:

22 1. In which at least eighty-five percent (85%) of the students
23 are eligible for free or reduced-price school meals; and
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1 2. That has a summer school program. The plan shall be
2 implemented during the summer of 2014. Each summer food service
3 program shall operate for the duration of the school's summer school
4 program.

5 B. If the school district has one or more elementary schools
6 that qualify, the summer food service program shall be operated in a
7 manner that ensures all eligible students receive services. If a
8 school in which at least eighty-five percent (85%) of the students
9 are eligible for free or reduced-price school meals is not open
10 during the summer months, the school shall provide information
11 regarding the number of children in the school who are eligible for
12 free or reduced-price school meals upon request by a not-for-profit
13 entity. Summer food service programs established under this section
14 shall be supported by federal funds and commodities and other
15 available state and local resources.

16 C. A school district may opt out of the summer food service
17 program if it is determined that, due to circumstances specific to
18 that school district, the expense reimbursement would not fully
19 cover the costs of implementing and operating a summer food service
20 program. The school district shall petition the State
21 Superintendent of Public Instruction by January 15 to request to be
22 exempt from the summer food service program requirement. The
23 petition shall include all legitimate costs associated with
24 implementing and operating a summer food service program, the

1 estimated reimbursement from state and federal sources, and any
2 unique circumstances the school district can verify that exist that
3 would cause the implementation and operation of such a program to be
4 cost prohibitive. The State Superintendent of Public Instruction or
5 designee shall review the petition. A public hearing shall be held
6 to hear testimony from the school district and interested community
7 members. The State Superintendent of Public Instruction shall, by
8 March 1, inform the school district of the decision, along with the
9 reasons why the exemption was granted or denied, in writing. If the
10 State Superintendent of Public Instruction grants an exemption to
11 the school district, the school district is relieved from the
12 requirement to establish and implement a summer food service
13 program.

14 D. If the State Superintendent of Public Instruction does not
15 grant an exemption to the school district, the school district shall
16 implement and operate a summer food service program in accordance
17 with this section the summer following the current school year.
18 However, the school district or a resident of the school district
19 may appeal the decision of the State Superintendent of Public
20 Instruction. If the appeal is granted, the school district is
21 relieved from the requirement to implement and operate a summer food
22 service program. If the appeal is not granted, the school district
23 shall implement and operate a summer food service program in
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1 accordance with this section the summer following the current school
2 year.

3 SECTION 2. This act shall become effective November 1, 2013.

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