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FISCAL IMPACT REPORT

SPONSOR Kernan ORIGINAL DATE 02/10/15
LAST UPDATED _____ HB _____

SHORT TITLE Breakfast After the Bell Name & Changes SB 230

ANALYST Gudgel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 230 amends the Public School Code to rename the “breakfast after the bell program” to the “school breakfast program” and eliminate the requirement that breakfast pursuant to the program must be served after school starts. Breakfast provided pursuant to the statute may be provided either before or after the instructional day begins effective with the 2015-2016 school year.

FISCAL IMPLICATIONS

The bill does not have any direct fiscal implications. The program received \$1.9 million in FY15 for elementary schools. Provisions related to middle and high schools enacted during the 2014 legislative session were contingent on funding. The executive budget recommendation includes \$2.9 million to implement the program statewide in elementary, middle, and high schools.

The LFC recommendation continued flat funding for the elementary school breakfast program.

SIGNIFICANT ISSUES

PED Analysis

PED's analysis notes allowing students to eat breakfast either before or after the bell will ensure that the maximum number of students eat breakfast.

With the addition of middle schools and high schools for FY16 a unique situation is added to the breakfast program. To some extent, middle schools and particularly in high schools the number of instructional contact hours required for earning credit is significant. Additionally, school district bus schedules are developed to deliver elementary student first and then middle school and high school students. These two situations may not lend themselves to serving breakfast in the classroom after the school day begins. **PED states giving schools flexibility to implement breakfast programs that work best for them should be allowed.**

The federal Community Eligibility Provision (CEP) implemented under the Healthy and Hunger Free Kids Act of 2010, does not specify that school breakfast programs must be part of the instructional day. However, the law requires that breakfast and lunch be served. Therefore, federal and state language are in conflict and it is unclear whether state appropriations for the breakfast after the bell program could be used for schools participating in CEP. There are currently 53 school districts participating in CEP and 343 schools in this program statewide.

By amending Section 22-13-13-13.2 NMSA, state and federal statutes regarding the implementation of school breakfast programs would be aligned.

RSG/aml/bb