

Morgan School District
FDC School Breakfast Program

Definitions—

1. “Alternative breakfast service model” means a method of serving breakfast to a student after the instructional day begins.
2. “National School Lunch Program” means the same as that term is defined in [7 CFR § 210.2](#).
3. “School Breakfast Program” means the same as that term is defined in [7 CFR § 220.2](#).
4. “Traditional breakfast service model” means a method of serving breakfast to a student before the instructional day begins.

[Utah Code § 53G-9-205.1 \(2020\)](#)

Participation in School Breakfast Program—

Unless granted an undue hardship waiver by the State Board of Education, each school in the District that participates in the National School Lunch Program shall also participate in the School Breakfast Program.

[Utah Code § 53G-9-205.1\(2\), \(3\) \(2020\)](#)

Alternative Breakfast Service Model

The following requirements apply to District schools who participate in the School Breakfast program but do not apply to a school in which 70% or more of the students who qualify for free or reduced lunch participate in the School Breakfast Program.

Beginning with the 2020-21 school year, a school in which 70% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.

Beginning with the 2021-22 school year, a school in which 50% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.

Beginning with the 2022-23 school year, a school in which 30% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.

A school which is required to use an alternative breakfast service model may also, in addition to that service model, use a traditional breakfast service model.

[Utah Code § 53G-9-205.1\(2\) \(2020\)](#)

Effective 5/12/2020

53G-9-205.1. Start Smart Utah Program.

- (1) As used in this section:
 - (a) "Alternative breakfast service model" means a method of serving breakfast to a student after the instructional day begins.
 - (b) "National School Lunch Program" means the same as that term is defined in 7 C.F.R. Sec. 210.2.
 - (c) "Public school" means:
 - (i) a school under the control of a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
 - (d) "School Breakfast Program" means the same as that term is defined in 7 C.F.R. Sec. 220.2.
 - (e) "Start Smart Utah Program" or "program" means the Start Smart Utah Program created in Subsection (2).
 - (f) "Traditional breakfast service model" means a method of serving breakfast to a student before the instructional day begins.
- (2)
 - (a) There is created the Start Smart Utah Program.
 - (b) Except as provided in Subsection (3), a public school that participates in the National School Lunch Program shall participate in the School Breakfast Program.
 - (c)
 - (i) Beginning with the 2020-21 school year, a public school in which 70% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.
 - (ii) Beginning with the 2021-22 school year, a public school in which 50% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.
 - (iii) Beginning with the 2022-23 school year, a public school in which 30% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.
 - (d) Notwithstanding Subsection (2)(c):
 - (i) a public school that is subject to the requirements described in Subsection (2)(c) may use a traditional breakfast service model in addition to an alternative breakfast service model; and
 - (ii) a public school in which 70% or more of the students who qualify for free or reduced lunch participate in the School Breakfast Program is exempt from the requirements described in Subsection (2)(c).
- (3)
 - (a) A public school may apply to the state board for a waiver of the requirements described in Subsection (2), if the requirements cause undue hardship.

- (b) The state board shall make rules in accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#), to create a waiver application, submission, review, and approval process.
- (4) The state board shall:
 - (a) administer the program in accordance with this section and in conjunction with the state board's duties as the administering agency of federal child nutrition programs;
 - (b) track implementation of alternative breakfast service models in public schools; and
 - (c) provide guidance and technical assistance to public schools related to implementing the Start Smart Utah Program in accordance with the requirements of this section, including assistance with soliciting parent feedback on the program.
- (5) The requirements of this section shall be nullified by the termination of the entitlement status of the School Breakfast Program by the federal government.

Enacted by Chapter [96](#), 2020 General Session

Effective 5/12/2020

53G-9-205. School Breakfast Program -- Review of nonparticipants -- Reporting.

- (1) (a) Beginning with the 2020-21 academic year, each LEA governing board shall annually review each school in the LEA governing board's authority that does not participate in the School Breakfast Program as to the school's reasons for nonparticipation.
- (b) Reasons for nonparticipation may include a recommendation from the respective school community council authorized under Section [53G-7-1202](#) or charter trust land council established under Section [53G-7-1205](#).
- (2) The requirements of this section shall be nullified by the termination of the entitlement status of the School Breakfast Program by the federal government.

Amended by Chapter [21](#), 2020 General Session