

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 16-0692.01 Brita Darling x2241

**HOUSE BILL 16-1463**

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**HOUSE SPONSORSHIP**

**Moreno and Joshi**, Priola, Windholz

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Education

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**A BILL FOR AN ACT**

101 **CONCERNING THE OPTION FOR CERTAIN PUBLIC SCHOOLS TO CHARGE**  
102 **FOR BREAKFAST AFTER THE BELL FOR A STUDENT WHO IS NOT**  
103 **ELIGIBLE FOR FREE OR REDUCED-COST LUNCH UNDER THE**  
104 **NATIONAL SCHOOL LUNCH PROGRAM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill allows a public school that has at least 70% of students, but less than 80% of students, who are eligible for free or reduced-cost lunch under the national school lunch program to charge for breakfast

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
May 6, 2016

HOUSE  
2nd Reading Unamended  
May 5, 2016

after the bell for those students who are not eligible for free or reduced-cost lunch. A public school that charges for breakfast after the bell must do so in a way that does not create an apparent distinction between a student who is being charged for breakfast and a student who is receiving a free breakfast.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 22-82.8-103, **amend**  
3 (1) and (3) (b) as follows:

4           **22-82.8-103. Breakfast after the bell nutrition program -**  
5 **creation - objectives - requirements - administration.** (1) There is  
6 hereby created the breakfast after the bell nutrition program. The purpose  
7 of the program is to offer ~~a free~~ breakfast AFTER THE BELL to each student  
8 enrolled in a public school that has seventy percent or more students who  
9 are eligible for free or reduced-cost lunch under the school lunch  
10 program.

11           (3) (b) (I) ~~Beginning in~~ FOR the 2015-2016 school year ~~and each~~  
12 ~~year thereafter~~, except as provided for in this subsection (3) and  
13 subsection (4) of this section, each public school in the state that has AT  
14 LEAST seventy percent or more students, BUT LESS THAN EIGHTY PERCENT  
15 OF STUDENTS, who are eligible for free or reduced-cost lunch under the  
16 school lunch program in the prior school year shall offer a free breakfast  
17 to each student in the school.

18           (II) BEGINNING IN THE 2016-17 SCHOOL YEAR, EACH PUBLIC  
19 SCHOOL THAT HAS AT LEAST SEVENTY PERCENT OR MORE STUDENTS, BUT  
20 LESS THAN EIGHTY PERCENT OF STUDENTS, WHO ARE ELIGIBLE FOR FREE  
21 OR REDUCED-COST LUNCH UNDER THE SCHOOL LUNCH PROGRAM IN THE  
22 PRIOR SCHOOL YEAR SHALL OFFER FREE BREAKFAST TO EACH STUDENT IN  
23 THE SCHOOL; EXCEPT THAT THE SCHOOL MAY CHARGE A STUDENT FOR

1 BREAKFAST WHO IS NOT ELIGIBLE FOR FREE OR REDUCED-COST LUNCH, SO  
2 LONG AS THE METHOD FOR CHARGING THE STUDENT DOES NOT CREATE AN  
3 APPARENT DISTINCTION BETWEEN A STUDENT WHO IS BEING CHARGED FOR  
4 BREAKFAST AND A STUDENT WHO IS RECEIVING A FREE BREAKFAST.

5 (III) If a public school falls below the seventy percent threshold  
6 for two consecutive years, it has the option to continue participating in the  
7 program but is not required to do so. A public school or charter school  
8 that does not participate in the school lunch program is not required to  
9 participate.

10 **SECTION 2. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.