

**PROPOSED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R082-15

October 1, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets [~~emitted-material~~] is material to be omitted.

AUTHORITY: §1, section 12 of Senate Bill No. 503, chapter 544, Statutes of Nevada 2015, at page 3855; §2, section 8 of Senate Bill No. 503, chapter 544, Statutes of Nevada 2015, at page 3853, and section 12 of Senate Bill No. 503, chapter 544, Statutes of Nevada 2015, at page 3855.

A REGULATION relating to education; providing procedures for certain public schools to request to opt out of participation in the Breakfast After the Bell Program; providing procedures for certain public schools to request a waiver for the purpose of participating in the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public schools to participate in the Breakfast After the Bell Program, which provides breakfast to pupils after the instructional day has officially begun, unless a school has submitted to the State Department of Agriculture a request to not participate, along with certain information. (Section 6 of Senate Bill No. 503, chapter 544, Statutes of Nevada 2015, at page 3852) **Section 1** of this regulation sets forth the information a public school must submit to the Department to be allowed to opt out of participation in the Program. **Section 2** of this regulation provides a procedure whereby a public school that is not required to participate in the Program may request a waiver to be allowed to participate.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a public school which is required by subsection 2 of section 6 of Senate Bill No. 503, chapter 544, Statutes of Nevada 2015, at page

3852, to participate in the Breakfast After the Bell Program but which is seeking to opt out of participating in the Program pursuant to subsection 3 of section 6 of Senate Bill No. 503, chapter 544, Statutes of Nevada 2015, at page 3852, must submit to the State Department of Agriculture a request to opt out of participating in the Program, accompanied by the following information for each of the 2 school years immediately preceding the school year for which the public school is seeking to opt out of participating in the Program:

(a) The number of enrolled pupils in the school and the number of pupils eligible for free and reduced-price lunches under the National School Lunch Act as of October 31 of the school year; or

(b) The percentage of pupils eligible for free or reduced-price lunches under the National School Lunch Act who participated in the Program and the total cost to the public school or school district for the food and labor used in the Program at that public school.

2. If the State Department of Agriculture determines that sufficient money is not available to fund a public school's participation in the Program pursuant to section 8 of Senate Bill No. 503, chapter 544, Statutes of Nevada 2015, at page 3853, that public school is not required to participate in the Program.

Sec. 2. A public school which is not required by section 6 of Senate Bill No. 503, chapter 544, Statutes of Nevada 2015, at page 3852, to participate in the Breakfast After the Bell Program but which is seeking a waiver for the purpose of participating in the Program pursuant to subsection 3 of section 8 of Senate Bill No. 503, chapter 544, Statutes of Nevada 2015, at page 3853, must submit to the State Department of Agriculture a grant application to

participate in the Program. The grant application must be made on the form made available by the Department on its Internet website at <https://breakfast.ny.gov>.