

State Breakfast Initiatives

Breakfast RANK	Breakfast 2012-2013 PARTICIPATION	State	State mandate requiring all or some schools to offer SBP and/or NSLP	Additional State Funding	Other Legislation
1	46.30%	New Mexico	All elementary schools with 85 percent or more of free or reduced-price certified students during the prior school year are required to establish a "breakfast after the bell" program unless the school is granted a waiver. The state appropriated \$1.92 million to support the program for the 2011-2012 school year. Participating schools are required to operate a "breakfast after the bell" program throughout the school year and provide instruction while breakfast is served or consumed. [N.M. STAT. ANN. § 22-13-13.2].	None	None
2	45.64%	District of Columbia	All public schools and public charter schools are required to offer free breakfast to all students. All schools with 40 percent or more free and reduced-price certified students are required to implement breakfast in the classroom. Middle and high schools may use alternative serving methods in addition to serving breakfast in the classroom. A waiver may be granted if the school's breakfast participation rate exceeds 75 percent of average daily attendance without offering breakfast in the classroom. [D.C. Code § 38-821.01 et seq. Sec. 203].	The district provides funding to eliminate the reduced-price fee of \$0.40 for lunch. [D.C. Code § 38-821.01 et seq. Sec. 102] The district provides an additional reimbursement of \$0.10 per breakfast and lunch that meet the requirements of the Healthy Schools Act (including enhanced nutritional requirements). The district provides an additional reimbursement of \$0.05 per breakfast or lunch each day when at least one component is comprised of locally-grown, unprocessed foods in either breakfast or lunch. [D.C. Code § 38-821.01 et seq. Sec. 102].	None
3	44.45%	Mississippi	None	None	None
4	39.52%	Georgia	All K-8 schools with 25 percent or more free and reduced-price certified students and all other schools with 40 percent or more free and reduced-price certified students are required to establish and support an SBP. [GA. CODE ANN. § 20-2-66].	The state supplements funding for salaries and benefits for local school nutrition employees. This funding has been reduced by 45 percent since the 2009-2010 school year due to state budget shortfalls. [GA. CODE ANN. § 20-2-187].	None
5	37.79%	West Virginia	All schools are required to operate a school breakfast and lunch program. Beginning in the 2015-2016 school year, all schools are required to adopt a delivery system approved by the state agency that ensures all students are given an adequate opportunity to eat breakfast, including but not limited to, Grab-And-Go, Breakfast in the Classroom, or Breakfast After First Period. [W. VA. CODE § 18-5D-1 to 5].	Public-Private Partnerships will be developed to help cover additional costs for schools to offer universal free breakfast and/or lunch. The state agency will create a nonprofit foundation to help county boards of education raise funds to cover the cost. [W. VA. CODE § 18-5D-1 to 5].	The board of education requires that students be afforded at least 10 minutes to eat after receiving their breakfast. [W. VA. C.S.R. § 126-86-7].
6	35.99%	South Carolina	All public schools are required to operate an SBP. A waiver may be granted by the state board of education if the school lacks necessary equipment or facilities, if the program is not cost-effective, or if implementation creates substantial scheduling difficulties. [S.C. CODE ANN. §§ 59-63-790 and 59-63-800].	None	None
7	35.58%	Kentucky	None	None	All school districts are required to arrange bus schedules so buses arrive in sufficient time for schools to serve breakfast prior to the instructional day. [KY. REV. STAT. ANN. § 158.070]. In schools that participate in NSLP and/or SBP, schools are required to make meals available to all children attending each school and offer free and reduced-price meals to certified students. Schools may not have physical segregation or other discrimination against any child because of inability to pay the full cost of a meal. [702 KY. ADMIN. REG. § 6:050].

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8	34.65%	Louisiana	All schools are required to establish NSLP. All schools with 25 percent or more free and reduced price certified students are required to participate in SBP. [LA. STAT. ANN. §17:192]	None	If a public school system has a policy of denying meals to children in elementary schools for non- payment of meal fees, the school board must implement procedures relative to denying meals. Prior to denying a meal, public elementary schools are required to: a) notify the child's parent or legal guardian as to the date and time after which meals may be denied, the reason for such denial, any action needed to prevent further denial of meals, and the consequences of the failure to take appropriate actions to prevent such denial; and b) verify that the child does not have an Individual Education Plan that requires the child to receive school meals. The school must provide a substitute for the denied meal. School boards must report annually on the number of denied meals and students whose meals were denied. [LA. STAT. ANN. §17:192.1].
9	34.54%	Oklahoma	None	None	None
10	34.28%	Texas	All public schools and open-enrollment charter schools with 10 percent or more free and reduced-price certified students are required to participate in SBP. All schools with 80 percent or more free and reduced-price certified students are required to offer breakfast free to all students. [TEX EDUC. CODE ANN. § 33.901].	None	The state department of agriculture administers a nutrition outreach program The state appropriated \$810,000 for the 2011-2012 school year for grants. No grant funds were appropriated for the 2012-2013 school year.
11	34.06%	Arkansas	All schools located in a school district with 20 percent or more free and reduced-price certified students are required to participate in SBP. [ARK. CODE ANN. § 6-18-705].	The state appropriated \$1,000,000 for SBP start-up grants in schools. The Arkansas Meals for Achievement pilot program will provide grants to schools choosing to implement an alternative breakfast delivery model as part of the school day to all students at no charge, regardless of family income. The grants complement federal funding and will cover the cost of providing a free meal to students who normally pay for school breakfast. [Act 383 of 2013].	School districts may use state education funding to eliminate the reduced-price fee of \$0.30 for breakfast and \$0.40 for lunch, and to offer free breakfast to all students in schools implementing Provision 2. [ARK. CODE ANN. § 6-20-2305].
12	31.22%	Tennessee	All schools are required to operate NSLP. All K–8 schools in which 25 percent or more of the students and all other schools in which 40 percent or more of the students received a free or reduced price lunch are required to operate an SBP. [TENN. CODE ANN. § 49-6-2302].	None	None
12	13.26%	Utah	None	None	Local school boards are required to review the reasons for a school's nonparticipation in SBP at least every three years. After two reviews, a local school board may, by majority vote, waive any further reviews of the non-participating school. [UTAH CODE ANN. § 53A-19-301].
13	30.84%	Alabama	None	None	None
14	30.39%	Idaho	None	None	None
15	28.74%	Missouri	All schools with 35 percent or more free and reduced-price certified students in the preceding school year are required to participate in SBP. A waiver may be granted if a majority of the school board votes to opt out. [MO. REV. STAT. § 191.803].	The state provides supplemental hardship grant funding for SBP, subject to appropriation. Any school that participates in SBP can apply and grants are awarded to schools with the highest need. [MO. REV. STAT. ANN. § 191.805].	Agencies responsible for administering food programs, including SBP, are required to collaborate in designing and implementing outreach programs focused on populations at risk of hunger that effectively describe the programs, their purposes, and how to apply for them. These outreach programs must be culturally and linguistically appropriate for the populations most at risk. [MO. REV. STAT. § 191.813].

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16	28.56%	Arizona	All K-8 schools are required to participate in NSLP. A waiver may be granted for school districts with fewer than 100 students if the school board determines at a public meeting to not participate. [ARIZ. REV. STAT. § 15-242].	None	None
17	28.06%	North Carolina	None	The state provides funding to eliminate the reduced-price fee of \$0.30 for breakfast. The state annually appropriates \$2.2 million to cover the cost to school districts since the 2011-2012 school year. [SESSION LAW 2011-342]. The state provides breakfast grants to support the start-up of innovative SBPs (breakfast in the classroom, grab and go breakfast, second chance breakfast, etc.).	The State Board of Education passed a resolution that breakfast may be included in the instructional day as long as appropriate educational activity is taking place while students are eating breakfast.
18	27.37%	Colorado	All schools with 80 percent or more free and reduced-price certified students are required to offer breakfast after the bell free to all students in SY 2014-2015. In SY 2015-2016, the requirement extends to all schools with 70 percent or more free and reduced-price certified students. [HB 13- 1006]	The state provides funding to eliminate the reduced-price fee of \$0.30 for breakfast in all K- 12 schools. The state appropriated \$843,495 to cover the cost to school districts for the 2011- 2012 school year. The state provides funding to eliminate the reduced-price fee of \$0.40 for lunch for all pre-K- 2 students. The state appropriated \$850,000 to cover the cost to school districts for the 2011- 2012 school year. [COLO. REV. STAT. § 22-82.7-101]	None
19	27.21%	Ohio	All schools and all chartered or non-chartered nonpublic schools with 20 percent or more students certified for free meals are required to participate in NSLP and SBP. Schools must establish a breakfast program when one half of the parents of children in the school request one. [OHIO REV. CODE ANN. § 3313.81.3].	None	None
20	27.10%	Florida	All public elementary schools are required to implement an SBP. All schools with 80 percent or more free and reduced-price certified students are required to offer universal free breakfast. Schools may opt out of the universal requirement only after receiving public testimony concerning the proposed policy at two or more regular school board meetings. Schools that implement the universal requirement must, to the maximum extent practicable, make breakfast meals available to students at an alternative site location outside the cafeteria. [FLA. STAT. § 570.981].	None	All school districts are required to provide information about SBP prepared by the district's school nutrition department annually to all students. The information must be communicated through school announcements and by written notice sent to all parents. [FLA. STAT. § 570.981].
21	26.91%	Delaware	None	None	None
22	26.59%	Illinois	All public schools with 40 percent or more free and reduced-price certified students in the previous school year are required to participate in SBP. School districts may opt out under certain circumstances. [105 ILL. COMP. STAT. § 126/15] All public schools are required to operate a free lunch program that provides free lunches (and free breakfasts if a school offers breakfast) to students certified for free meals. [23 ILL. ADMIN. CODE § 305.10]	The state provides an additional reimbursement of \$0.15 per free breakfast served. This amount is currently reduced due to limited state funding. [105 ILL. COMP. STAT. §§ 125/2 and 125/6].	None
23	26.45%	Virgin Islands	No Policy		

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24	26.39%	Michigan	All K–12 school districts are required to participate in NSLP. All schools with 20 percent or more free and reduced-price certified students during the preceding school year are required to participate in SBP. [MICH. COMP. LAWS § 380.1272A].	The state provides funds to K-12 public school districts participating in NSLP to supplement federal reimbursements. These payments provide each district up to 6.0127 percent of the necessary costs of operating NSLP. The state provides an additional reimbursement per breakfast served, subject to annual appropriation, to cover any losses schools incur in their SBP (based on actual costs or 100 percent of the cost of an efficiently operated program, whichever is less). [MICH. COMP. LAWS § 380.1272D].	None
25	26.29%	Guam	No Policy		
26	25.94%	Vermont	All public schools are required to participate in NSLP and SBP. A waiver may be granted by the commissioner for one year. [VT. STAT. ANN. §§ 1264 and 1265]	The state annually appropriates \$133,000 for additional per meal reimbursements for breakfasts served. The reimbursement rate is determined by dividing the total funds by the total number of breakfasts served. The state provides funding to eliminate the reduced-price fee of \$0.30 for breakfast. The state annually appropriates \$170,000 to cover the cost to school districts. [VT. STAT. ANN. §§ 1264]. Beginning in the 2013-2014 school year, the state provides funding to eliminate the reduced-price fee of \$0.40 for lunch. For FY 2014, \$322,250.00 was appropriated to cover the cost to school districts. [S. 26 H. 60]	None
27	25.80%	New Jersey	All schools with 20 percent or more free and reduced-price certified students are required to participate in SBP. A one-year waiver may be granted by the state department of agriculture to schools that lack the staff, facilities, or equipment. N.J. STAT. ANN. §§ 18A:33-10 to -12]. All schools with 5 percent or more free and reduced-price certified students are required to offer a lunch program that meets USDA standards and provides free and reduced-price meals to those that qualify.[N.J. STAT. ANN. §§ 18A:33-4 to -5].	The state provides an additional reimbursement of \$0.055 per free or reduced-price lunch served and \$0.04 per paid lunch served for public schools.	None
28	25.04%	Indiana	All public schools with 15 percent or more free and reduced-price certified students are required to participate in SBP. [IND. CODE §§ 20-26-9-2 and 13].	None	None
29	25.02%	Maine	All K-8 public schools are required to participate in NSLP. [20-A ME. REV. STAT. ANN. § 6602].	The state provides funding to eliminate the reduced-price fee of \$0.30 for breakfast. The state provides \$1.4 million in funding through the Fund for a Healthy Maine to cover the cost to school districts. [22 ME. REV. STAT. ANN. § 1511] The state provides an additional reimbursement between \$0.03 and \$0.05 per lunch served, depending on participation statewide, totaling approximately \$1.1 million from the general fund. [22 ME. REV. STAT. ANN. § 1511].	None
30	24.99%	Maryland	All public elementary schools are required to operate a free and reduced-price breakfast program. A waiver may be granted for schools with less than 15 percent free and reduced-price certified students. [MD. EDUC. CODE. ANN. §§ 7- 701 and 7-702]. All public schools are required to operate a free and reduced-price lunch program. [MD. EDUC. CODE. ANN. § 7-601].	The state provides an additional \$4.3 million in funding to schools for meals served using a formula-based allocation method. The state also provides funding for Maryland Meals for Achievement, an in-classroom universal free SBP. The state appropriated \$2.82 million annually for the 2011-2012 school year and \$3.38 million for the 2012-2013 school year. [MD. EDUC. CODE. ANN. § 7-704].	None

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31	24.78%	Oregon	All Title I schools and schools with 25 percent or more free and reduced-price certified students are required to participate in SBP. [OR. REV. STAT. §327.535].	The state provides funding to eliminate the reduced-price fee of \$0.30 for breakfast. [OR SB 695].	None
32	24.03%	Puerto Rico	No Policy		
33	23.83%	New York	All elementary schools, school districts with at least 125,000 inhabitants and schools in which 40 percent or more of lunches served are free and reduced-price are required to participate in SBP. [8 N.Y. CODES R. & REGS. § 114.2].	The state provides an additional reimbursement of \$0.1013 per free breakfast served, \$0.1566 per reduced-price breakfast served, and \$0.0023 per paid breakfast served for the 2011-2012 and 2012-2013 school year. The state provides reimbursement of all expenses exceeding revenues in the first year of breakfast implementation in a public school. The state provides an additional reimbursement per lunch served, adjusted annually. For the 2011-2012 and 2012-2013 school years, the state provided \$0.0599 per paid and free lunch served and \$0.1981 per reduced-price lunch served.	None
34	23.75%	Minnesota	All public schools in which 33 percent or more of lunches served in the second preceding school year were free or reduced-price are required to participate in SBP. [MINN. STAT. § 124D.117].	The state provides funding to eliminate the reduced-price fee of \$0.30 for breakfast and provides an additional reimbursement of \$0.55 per paid breakfast served. [MINN. STAT. §124D.1158]. The state provides an additional reimbursement of \$0.12 per lunch served. [MINN. STAT. § 124D.111].	None
35	23.7	California	All public schools (except charter schools) are required to offer at least one meal (breakfast or lunch) on school days to all free and reduced-price certified students. [CAL. EDUC. CODE § 49550].	The state provides an additional reimbursement of \$0.2229 per free and reduced-price breakfast and lunch served. [CAL. EDUC. CODE §§ 49430.5] The state offers Breakfast Grant funding to its eligible school districts, county offices of education and direct-funded charter schools, with an annual allocation of \$1.017 million. The Breakfast Grant is a competitive grant and awards up to \$15,000 per school site for non-recurring expenses incurred in initiating or expanding an SBP using innovative models such as "Breakfast in the Classroom", "Grab-and-Go", and "Second Chance Breakfast". [Cal. Ed. Code Section 49550.3].	None
36	23.67%	North Dakota	None	None	None
37	23.59%	Connecticut	All K-8 schools in which 80 percent of lunches served are free or reduced-price are required to participate in SBP. [CONN. GEN. STAT. § 10-266w]	The state provides an annual grant of \$3,000, and up to \$0.10 per breakfast served, to all schools in which 20 percent or more of lunches served in the second preceding school year were free or reduced-price. [CONN. GEN. STAT. § 10-266w] All public school districts that participate in NSLP are required to certify whether all food items sold to students do or do not meet optional state nutrition standards. The state provides an additional reimbursement of \$0.10 per lunch served in the preceding school year to school districts that meet the state standards. [CONN. GEN. STAT. § 10-215B]	

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38	23.24%	Wisconsin	None	The state provides an additional reimbursement per lunch served and breakfast served. For the 2010-2011 school year, the state provided \$4.07 million for an additional \$0.04142 per lunch served and \$2.51 million for \$0.09492 per breakfast served. For the 2011-2012 school year, the state funding for lunch increased to \$4.12 million, providing an additional \$0.04227 per lunch served and breakfast funding remained at \$2.51 million, which provided an additional \$0.09021 per breakfast served. [WIS. STAT. §115.341].	None
39	22.97%	Kansas	All public schools are required to participate in SBP. A waiver may be granted for schools with less than 35 percent free and reduced-price certified students. [KAN. STAT. ANN. § 72-5125].	None	None
40	22.23%	Virginia	All public schools with 25 percent or more free and reduced-price certified students are required to participate in SBP. [VA. CODE ANN. § 22.1- 207.3].	The state annually appropriates funds for an incentive program to increase student participation in SBP. The funds are available to any school district as a reimbursement for each breakfasts served in excess of the participation baseline set in the 2003–2004 school year. Schools received \$0.22 for the 2010-2011 school year.	None
41	21.79	Nevada	None	None	None
42	21.70%	Montana	None	None	None
43	21.67%	Pennsylvania	None	The state provides an additional reimbursement of no less than \$0.10 per breakfast or lunch served. Schools that participate in both NSLP and SBP receive an additional \$0.02 (\$0.12 total) per lunch, and schools with more than 20 percent of their student enrollment participating in school breakfast receive an additional \$0.04 (\$0.14 total) per lunch. [22 PA. CONSOL. STAT. § 13-1337.1].	None
45	21.03%	Massachusetts	All public schools are required to participate in NSLP. All severe need schools and those where more than 50 children certified for free and reduced-price meals in the preceding school year are required to participate in SBP. [69 MASS. GEN. LAWS § 1C].	The state provides an additional reimbursement to severe need schools for free and reduced-price meals if breakfast costs exceed federal severe need reimbursements. The state annually appropriates \$2 million to fund universal free breakfast in elementary schools with 60 percent or more free and reduced-price certified students. The state requires schools that receive these funds to use Provision 2. Participating schools receive an additional reimbursement per breakfast if costs exceed other reimbursements (this reimbursement is in addition to the payment for mandated severe need schools). [69 MASS. GEN. LAWS § 1C].	None
46	20.91%	Rhode Island	All public schools are required to operate a school breakfast and lunch program. [R.I. GEN. LAWS §§ 16-8-10 to 10.1].	The state provides an additional reimbursement per breakfast served which is distributed based on each district's proportion of the number of breakfasts served in the prior school year relative to the statewide total in the same year. For the 2012-2013 school year, the state appropriated \$270,000, which provided schools with an additional \$0.051310 per breakfast served.	None
47	20.75%	South Dakota	None	None	None
48	20.46%	Hawaii	School lunches must be made available in every school where the students are required to eat lunch at school. [HAW. REV. STAT. §302A-404].	None	None

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49	18.48%	Iowa	All public schools are required to operate NSLP for students who attend public school four or more hours each school day and wish to participate. [IOWA CODE § 283A.2].	The state provides an additional reimbursement of \$0.03 per breakfast and \$0.04 per lunch until appropriated funds are depleted.	None
50	18.25%	Washington	All schools with 25 percent or more free and reduced-price certified students are required to operate NSLP for all K-4 students. [WASH. REV. CODE § 28A.235.160]. All schools with 40 percent or more free and reduced-price certified students are required to operate an SBP. [WASH. REV. CODE § 28A.235.160].	The state provides funding to eliminate the reduced-price fee of \$0.30 for breakfast. The state annually appropriates \$7.11 million to cover the cost to school districts and to provide an additional reimbursement of \$0.17 per free and reduced-price breakfast served. The state provides funding to eliminate the reduced-price fee of \$0.40 for lunch for all K-3 public school students. The superintendent of public instruction may grant additional funds for breakfast start-up and expansion grants, when appropriated. [WASH. REV. CODE § 28A.235.150].	None
51	17.98%	Wyoming	None	None	None
52	15.84%	Nebraska	None	The state provides an additional reimbursement of \$0.05 per breakfast served to public schools that also participate in NSLP. [NEB. REV. STAT. § 79-10,138].	None
54	12.04%	New Hampshire	All schools are required to make a meal available during school hours to every student and are required to provide free and reduced-price meals to any "needy" children. A waiver may be granted by the state school board, but the state is then directed to study and formulate a plan to implement the above requirement in those schools that have been granted waivers. [N.H. REV. STAT. § 189:11-A].	The state provides an additional reimbursement of \$0.03 per breakfast served by districts that have complied with the federal wellness policy requirement. [N.H. REV. STAT. § 189:11-A].	None
	21.35%	Alaska	None	None	None