

No. 87. An act relating to improving nutrition programs.

(H.408)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FEDERAL OPTIONS IN THE SUPPLEMENTAL NUTRITION
PROGRAM

(a)(1) It is the intent of the general assembly that the department for children and families will implement the federal options described in this subsection by July 1, 2012.

(2) The department for children and families may implement federal options in 3SquaresVT or seek federal waivers in the supplemental nutrition program to:

(A) expand participation in 3SquaresVT by individuals applying for and receiving Supplemental Security Income (SSI), such as through the combined application project (CAP), through direct communication with potentially eligible individuals known to the department, or through other methods designed to simplify the application process or facilitate access to the program; and

(B) increase participation in 3SquaresVT by individuals age 60 or older through a simplified application process.

(b) Annually, by March 1, the department for children and families shall provide a progress report through testimony to the house committee on human services and the senate committee on health and welfare on implementation of

any federal options or waivers that would simplify the administration of 3SquaresVT, simplify the application or recertification process, or increase enrollment in the program. The department's progress report shall include an explanation of any legislative, administrative, or technical challenges encountered that may affect timely implementation.

Sec. 2. AFTER-SCHOOL SNACK PROGRAM

(a) By October 1, 2010, the department of education shall require that every after-school program funded in whole or in part by a grant under the 21st Century Community Learning Center program create an after-school snack program using federal funds from the national school lunch after-school snack program or the child and adult care food program.

(b) By October 1, 2010, the department of education shall require that one or more schools in districts with organizations receiving a grant under the 21st Century Community Learning Center program for an after-school snack program provide fiscal sponsorship of the national school lunch after-school snack program for these organizations. The department shall only require the school to provide fiscal sponsorship if requested by the organization in the district providing an after-school snack program.

(c) The school board or the after-school program may apply to the department of education for a waiver of the requirements in this section. The commissioner shall grant the requested waiver if he or she finds that it is

unduly difficult for the school district or after-school program to provide a snack, and if he or she finds that the school district or after-school program has exercised due diligence in its efforts to avoid the situation that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed a school year.

Sec. 3. AFTER-SCHOOL SNACK PROGRAM; WORKGROUP

(a) By July 1, 2010, the interagency council on hunger established by Executive Order No. 11-09 shall convene a meeting, including interested parties, in order to create a plan to maximize the availability of after-school snack programs using federal funds from the national school lunch after-school snack program or the child and adult care food program. The council shall focus its efforts to expand after-school snack programs in areas where at least 50 percent of the students in a school were eligible for free or reduced-price meals under 16 V.S.A. § 1264 for at least one month in the preceding academic year.

(b) The council shall report to the house committees on education and on human services and the senate committees on education and on health and welfare on January 15, 2011, on its progress in expanding availability of after-school snack programs.

Sec. 4. 16 V.S.A. § 1264 is amended to read:

§ 1264. FOOD PROGRAM

(a)(1) Each school board ~~actually~~ operating a public school shall cause to operate within the school district a food program ~~which~~ that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending pupil every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) At least 50 percent of the students in a school were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;

(B) The district operates or funds the summer educational or recreational program or camp; and

(C) The summer educational or recreational program or camp is offered 15 or more hours per week.

(b) In the event of an emergency, the school board may apply to the department for a temporary waiver of ~~this daily operating requirement~~ the requirements in subsection (a) of this section. The commissioner shall grant

the requested waiver if he or she finds that it is unduly difficult for the school district to ~~serve~~ provide a school lunch ~~or~~, breakfast, or ~~both~~ summer meals program, or any combination of the three, and if he or she finds that the school district has exercised due diligence in its efforts to avoid the emergency situation ~~which~~ that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed 20 school days or, in the case of a summer meals program, the remainder of the summer vacation.

~~(b)~~(c) The state shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a reduced price breakfast under the federal school breakfast program.

Sec. 4a. SUMMER EDUCATIONAL PROGRAMS; CAMPS

On or before October 1, 2010, the department of education shall report to the house committee on human services, the senate committee on health and welfare, and the house and senate committees on appropriations and on education regarding the number of school districts that operated or funded summer educational or recreational programs or camps.

Sec. 5. DIRECT CERTIFICATION FOR SCHOOL MEALS PROGRAMS

The department for children and families and the department of education shall continue to improve the monthly direct certification process through the use of automated data matches in order to certify children receiving 3SquaresVT or other programs or benefits deemed by federal law to make

those children eligible for school breakfast, lunch, and summer meals programs.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

Approved: April 28, 2010