

H.408

Introduced by Representatives Pugh of South Burlington, Donovan of
Burlington, Adams of Hartland, Andrews of Rutland City,
Botzow of Pownal, Browning of Arlington, Burke of
Brattleboro, Clark of Vergennes, Edwards of Brattleboro, Frank
of Underhill, French of Shrewsbury, French of Randolph,
Gilbert of Fairfax, Grad of Moretown, Haas of Rochester, Head
of South Burlington, Howard of Rutland City, Jerman of Essex,
Johnson of South Hero, Klein of East Montpelier, Krawczyk of
Bennington, Leriche of Hardwick, Lorber of Burlington, Marek
of Newfane, Masland of Thetford, McDonald of Berlin,
McFaun of Barre Town, Miller of Shaftsbury, Minter of
Waterbury, Mook of Bennington, Mrowicki of Putney, Nuovo
of Middlebury, O'Brien of Richmond, O'Donnell of Vernon,
Partridge of Windham, Pearce of Richford, Pellett of Chester,
Peltz of Woodbury, Perley of Enosburg, Ram of Burlington,
Reis of St. Johnsbury, Shand of Weathersfield, Spengler of
Colchester, Stevens of Waterbury, Sweaney of Windsor,
Trombley of Grand Isle, Waite-Simpson of Essex, Westman of
Cambridge, Weston of Burlington, Wizowaty of Burlington,
Zenie of Colchester and Zuckerman of Burlington

1 Referred to Committee on

2 Date:

3 Subject: Human services; education; child nutrition; 3SquaresVT; 21st

4 Century Community Learning Centers; federal after-school snack

5 program; food stamps; state nutrition assistance programs;

6 administrative simplification

7 Statement of purpose: This bill proposes to:

8 (1) Maximize eligibility and simplify the enrollment process in

9 3SquaresVT by implementing federal options in the supplemental nutrition
10 assistance program.

11 (2) Require schools in districts receiving 21st Century Community

12 Learning Center grant funds to provide fiscal sponsorship to organizations

13 operating after-school programs in order to access funding for meals and

14 snacks through the federal nutrition programs.

15 (3) Require organizations receiving grant funds under the 21st Century

16 Community Learning Center program and operating after-school programs to

17 provide snacks through a federally funded nutrition program.

18 (4) Require any school offering a summer educational or recreational

19 program or camp to provide federally funded meals to program participants if

20 at least 50 percent of that school's students were eligible for free or reduced

1 meals under the federal school lunch or breakfast programs for at least one
2 month in the preceding academic year.

3 (5) Require the department of education to provide data regarding
4 existence of and level of participation in after-school and summer programs
5 offered by school districts.

6 (6) Require the department for children and families and the department
7 of education to provide monthly direct certification to enroll children receiving
8 3SquaresVT in the federal school breakfast and lunch programs.

9 An act relating to improving nutrition programs

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

11 ~~Sec. 1. FEDERAL OPTIONS IN THE SUPPLEMENTAL NUTRITION~~
12 ~~PROGRAM~~

13 ~~(a) No later than October 1, 2009, the department for children and families~~
14 ~~shall implement in 3SquaresVT the following federal options allowed in the~~
15 ~~supplemental nutrition assistance program in order to increase enrollment in~~
16 ~~3SquaresVT and to simplify the administrative burden on applicants,~~
17 ~~participants, and the department:~~

18 ~~(1) the combined application project (CAP), which allows for a~~
19 ~~simplified application and an automatic enrollment process for individuals~~
20 ~~applying for and receiving Supplemental Security Income (SSI);~~

~~(2) the inclusion of transportation costs as an allowable dependent care
expense; and~~

~~(3) a simplified application process for individuals age 60 or older in
order to increase senior participation in the program.~~

~~(b) No later than October 1, 2009, the department shall provide to the
house committee on human services and the senate committee on health and
welfare a report indicating additional federal options which would simplify the
administration of 3SquaresVT, simplify the application or recertification
process, or increase enrollment in the program with a time line for
implementation of each option.~~

Sec. 2. AFTER-SCHOOL SNACK PROGRAM

~~(a) No later than 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) No later than 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~~

1 ~~after school snack program for these organizations. The department shall only~~
2 require the school to provide fiscal sponsorship if requested by the
3 organization in the district providing an after-school snack program.

4 Sec. 3. 16 V.S.A. § 1264 is amended to read:

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

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

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

17 (B) The district operates or funds the summer educational or
18 recreational program or camp.

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

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

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

11 Sec. 4. STUDY; EXISTENCE OF AND PARTICIPATION IN
12 AFTER-SCHOOL AND SUMMER PROGRAMS

13 On or before October 1, 2009, the department of education shall report to
14 the house committee on human services, the senate committee on health and
15 welfare, and the house and senate committees on appropriations and on
16 education regarding:

17 (1) The number of school districts that operated after-school programs
18 funded at least in part by the 21st Century Community Learning Center.

19 (2) The number of school districts that operated or funded summer
20 educational or recreational programs or camps.

1 ~~(3) Data regarding the level of participation in the programs identified in~~
2 ~~subdivisions (1) and (2) of this section.~~

3 Sec. 5. DIRECT CERTIFICATION FOR SCHOOL MEALS PROGRAMS

4 ~~No later than July 1, 2009, the department for children and families and the~~
5 ~~department of education shall increase to a monthly basis the frequency with~~
6 ~~which direct certification data matches are performed in order to certify~~
7 ~~children receiving 3SquaresVT as eligible for school breakfast, lunch, and~~
8 ~~summer meals programs.~~

9 Sec. 6. EFFECTIVE DATE

10 ~~This act shall take effect on passage.~~

11 *Sec. 1. FEDERAL OPTIONS IN THE SUPPLEMENTAL NUTRITION*
12 *PROGRAM*

13
14 *(a)(1) It is the intent of the general assembly that the department for*
15 *children and families will implement the federal options described in this*
16 *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 as eligible for school breakfast, lunch, and summer meals programs.~~

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.