

1 H.812

2 Introduced by Representatives Rogers of Waterville, Burke of Brattleboro,
3 Carroll of Bennington, Chase of Colchester, Christensen of
4 Weathersfield, Christie of Hartford, Cina of Burlington, Colston
5 of Winooski, Cordes of Lincoln, Donovan of Burlington,
6 Durfee of Shaftsbury, Elder of Starksboro, Fegard of Berkshire,
7 Houghton of Essex, Kornheiser of Brattleboro, Lanpher of
8 Vergennes, Masland of Thetford, McCullough of Williston,
9 Morris of Springfield, Nicoll of Ludlow, O'Brien of Tunbridge,
10 Pugh of South Burlington, Scheu of Middlebury, Sullivan of
11 Burlington, Till of Jericho, Walz of Barre City, and Yantachka
12 of Charlotte

13 Referred to Committee on

14 Date:

15 Subject: Education; public schools; school meals

16 Statement of purpose of bill as introduced: This bill proposes to require all
17 public schools in Vermont to make available school breakfast and lunch to all
18 students at no charge. The cost of school meals that is not reimbursed through
19 federal funds or other sources would be borne by school districts, and therefore
20 ultimately borne by the Education Fund.

1 An act relating to universal school breakfast and lunch for all public-school
2 students

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

4 Sec. 1. 16 V.S.A. chapter 27, subchapter 2, is amended to read:

5 Subchapter 2. School Food Programs

6 § 1261a. DEFINITIONS

7 As used in this subchapter:

8 (1) “Food programs” means provision of food to persons under
9 programs meeting standards for assistance under the National School Lunch
10 Act, 42 U.S.C. § 1751 et seq., and any amendment thereto, and in the Child
11 Nutrition Act, 42 U.S.C. § 1779 et seq., and any amendments thereto.

12 (2) “School board” means the governing body of a school district
13 responsible for the administration of a public school.

14 (3) “Independent school board” means a governing body responsible for
15 the administration of a nonprofit independent school exempt from ~~United~~
16 ~~States~~ U.S. income taxes.

17 § 1262a. AWARD OF GRANTS

18 ~~(a)(1) The Agency may, from funds appropriated for this subsection to the~~
19 ~~Agency, award grants to:~~

20 ~~(A) supervisory unions for the use of member school boards that~~
21 ~~establish and operate food programs;~~

1 ~~(B) independent school boards that establish and operate food~~
2 ~~programs; and~~

3 ~~(C) approved education programs, as defined in subdivision~~
4 ~~11(a)(34) of this title and operating under private nonprofit ownership as~~
5 ~~defined in the National School Lunch Act, that establish and operate food~~
6 ~~programs for students engaged in a teen parent education program or students~~
7 ~~enrolled in a Vermont public school.~~

8 ~~(2) The amount of any grant awarded under this subsection shall not be~~
9 ~~more than the amount necessary, in addition to any reimbursement from~~
10 ~~federal funds, to pay the actual cost of the meal.~~

11 ~~(b)~~ The Agency may, from funds available to the Agency for this
12 subsection, award grants to supervisory unions consisting of one or more
13 school districts that need to initiate or expand food programs in order to meet
14 the requirements of section 1264 of this title and that seek assistance in
15 meeting the cost of initiation or expansion. The amount of the grants shall be
16 limited to 75 percent of the cost deemed necessary by the Secretary to
17 construct, renovate, or acquire additional facilities and equipment to provide
18 lunches to all students, and shall be reduced by the amount of funds available
19 from federal or other sources, including those funds available under section
20 3448 of this title. The Agency shall direct supervisory unions seeking grants
21 under this section to share facilities and equipment within the supervisory

1 union and with other supervisory unions for the provision of lunches wherever
2 more efficient and effective operation of food programs can be expected to
3 result.

4 ~~(c) On a quarterly basis, from State funds appropriated to the Agency for~~
5 ~~this subsection, the Agency shall award to each supervisory union, independent~~
6 ~~school board, and approved education program as described in subsection (a)~~
7 ~~of this section a sum equal to the amount that would have been the student~~
8 ~~share of the cost of all breakfasts and lunches actually provided in the district~~
9 ~~during the previous quarter to students eligible for a reduced-price breakfast~~
10 ~~under the federal school breakfast program and students eligible for a reduced-~~
11 ~~price lunch under the federal school lunch program.~~

12 * * *

13 § 1264. FOOD PROGRAM

14 (a)(1)(A) Each school board operating a public school shall cause to
15 operate within ~~the school district~~ each school in the school district a food
16 program that makes available a school lunch, as provided in the National
17 School Lunch Act as amended, and a school breakfast, as provided in the
18 National Child Nutrition Act as amended, to each attending student who
19 qualifies for those meals under these Acts every school day. School districts
20 shall maximize access to federal funds for the cost of the school breakfast and

1 lunch program under the Community Eligibility Provision, Provision 2, or
2 other provisions under these Acts.

3 (B) In addition, each school board operating a public school shall
4 cause to operate within each school in the school district the same school lunch
5 and the same school breakfast program made available to students who qualify
6 for those meals under the National School Lunch Act and the National Child
7 Nutrition Act, each as amended, to each attending student every school day at
8 no charge.

9 (C) To the extent that costs are not reimbursed through federal funds
10 or other sources, the cost of making available school lunches and breakfasts
11 shall be borne by school districts.

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

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

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

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

3 (3) In operating its school breakfast and lunch program, a school district
4 shall seek to achieve the highest level of student participation, which may
5 include:

6 (A) providing breakfast meals that can be picked up by students;

7 (B) making breakfast available to students in classrooms after the
8 start of the school day; or

9 (C) collaborating with the school's wellness community advisory
10 council, as established under section 136(e) of this title, in planning school
11 meals.

12 (4) Each school district shall request the parent or guardian of each
13 student to complete the Household Income Form provided by the Agency of
14 Education, which is used to determine a family's economic status to determine
15 eligibility for various State and federal programs. This requirement shall not
16 apply if the school district obtains equivalent information through another
17 means.

18 (b) In the event of an emergency, the school board may apply to the
19 Secretary for a temporary waiver of the requirements in subsection (a) of this
20 section. The Secretary shall grant the requested waiver if he or she finds that it
21 is unduly difficult for the school district to provide a school lunch, breakfast, or

1 summer meals program, or any combination of the three, and if he or she finds
2 that the school district and supervisory union have exercised due diligence to
3 avoid the emergency situation that gives rise to the need for the requested
4 waiver. In no event shall the waiver extend for a period to exceed 20 school
5 days or, in the case of a summer meals program, the remainder of the summer
6 vacation.

7 (c) ~~The State shall be responsible for the student share of the cost of~~
8 ~~breakfasts provided to all students eligible for a reduced price breakfast under~~
9 ~~the federal school breakfast program and for the student share of the cost of~~
10 ~~lunches provided to all students eligible for a reduced price lunch under the~~
11 ~~federal school lunch program. [Repealed.]~~

12 (d) It is a goal of the State that by the year 2022 school boards operating a
13 school lunch, breakfast, or summer meals program shall purchase at least
14 20 percent of all food for those programs from local producers.

15 (e)(1) On or before December 31, 2020, and annually thereafter, a school
16 board operating a school lunch, breakfast, or summer meals program shall
17 submit to the Agency of Education an estimate of the percentage of locally
18 produced foods that were purchased by the school board for those programs.
19 This report shall also include the school district's budget for its food program,
20 its sources and amount of funding to pay for its food program, and the costs of
21 its food program.

1 (2) On or before January 31, 2021, and annually thereafter, the Agency
2 of Education shall submit to the Senate Committees on Agriculture and on
3 Education and the House Committees on Agriculture and Forestry and on
4 Education in an aggregated form the information received from school boards
5 regarding the percentage of locally produced foods that are purchased as part
6 of a school lunch, breakfast, or summer meals program. The provisions of
7 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the
8 report required by this subdivision.

9 § 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

10 ~~(a) The school board of a public school district that wishes to be exempt~~
11 ~~from the provisions of section 1264 of this title may vote at a meeting warned~~
12 ~~and held for that purpose to exempt itself from the requirement to offer either~~
13 ~~the school lunch program or the school breakfast program, or both, for a period~~
14 ~~of one year.~~

15 ~~(b) If a public school is exempt from offering a breakfast or lunch program,~~
16 ~~its school board shall conduct a discussion annually on whether to continue the~~
17 ~~exemption. The pending discussion shall be included on the agenda at a regular~~
18 ~~or special school board meeting publicly noticed in accordance with 1 V.S.A. §~~
19 ~~312(c), and citizens shall be provided an opportunity to participate in the~~
20 ~~discussion. The school board shall send a copy of the notice to the Secretary~~
21 ~~and to the superintendent of the supervisory union at least ten days prior to the~~

1 ~~meeting. Following the discussion, the school board shall vote on whether to~~
2 ~~continue the exemption for one additional year.~~

3 ~~(c) On or before the first day of November prior to the date on which an~~
4 ~~exemption voted under this section is due to expire, the Secretary shall notify~~
5 ~~the boards of the affected school district and supervisory union in writing that~~
6 ~~the exemption will expire.~~

7 ~~(d) Following a meeting held pursuant to subsection (b) of this section, the~~
8 ~~school board shall send a copy of the agenda and minutes to the Secretary and~~
9 ~~the superintendent of the supervisory union.~~

10 ~~(e) The Secretary may grant a supervisory union or a school district a~~
11 ~~waiver from duties required of it under this subchapter upon a demonstration~~
12 ~~that the duties would be performed more efficiently and effectively in another~~
13 ~~manner. [Repealed.]~~

14 Sec. 2. 16 V.S.A. § 4001 is amended to read:

15 § 4001. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (6) “Education spending” means the amount of the school district
19 budget, any assessment for a joint contract school, career technical center
20 payments made on behalf of the district under subsection 1561(b) of this title,
21 and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is

1 paid for by the school district, but excluding any portion of the school budget
2 paid for from any other sources such as endowments, parental fundraising,
3 federal funds, nongovernmental grants, or other State funds such as special
4 education funds paid under chapter 101 of this title.

5 (A) [Repealed.]

6 (B) For purposes of calculating excess spending pursuant to
7 32 V.S.A. § 5401(12), “education spending” shall not include:

8 * * *

9 (xii) Costs incurred by a school district or supervisory union to
10 provide school breakfast and lunch under 16 V.S.A. chapter 27 (Transportation
11 and Board), subchapter 2 (School Food Programs).

12 * * *

13 Sec. 3. SCHOOL MEALS CONSUMED DURING CLASS

14 A school district shall count time spent by students consuming school meals
15 during class as instructional time.

16 Sec. 4. TRANSITION

17 (a) On or before July 1, 2025, each school district shall comply with
18 16 V.S.A. chapter 27, subchapter 2, as amended by this act. Until the date
19 upon which a school district complies with 16 V.S.A. chapter 27, subchapter 2,
20 as amended by this act, 16 V.S.A. chapter 27, subchapter 2, as in effect on
21 June 30, 2020, shall be in effect.

1 (b)(1) Notwithstanding any provision of law to the contrary, the sum of
2 \$1,000,000.00 is appropriated from the Education Fund to the Agency of
3 Agriculture, Food & Markets for fiscal year 2021 for the Farm-to-School
4 Program established under 6 V.S.A. § 4721. This funding shall be used by the
5 Agency of Agriculture, Food & Markets to award grants during the five-year
6 transition period to school districts that are transitioning to making available
7 school breakfast and lunch to all students at no charge. The Agency shall
8 establish criteria for awarding this grant funding, which may include funding
9 for:

10 (A) capital expenditures, including equipment;

11 (B) staff support;

12 (C) administration; or

13 (D) training.

14 (2) Each school that receives a transition grant under subdivision (1) of
15 this subsection shall use the funds to pay for the cost of transitioning under that
16 subdivision and shall report to the Agency of Agriculture, Food & Markets
17 how the funds were used at such time or times as required by the Agency. Any
18 unused funds shall revert to the Farm-to-School Program.

19 Sec. 5. AGENCY OF EDUCATION

20 On or before August 31, 2020 and annually thereafter, the Agency of
21 Education, in collaboration with Hunger Free Vermont and the Vermont

1 Association of School Business Officials, shall update the Household Income
2 Form, which is used to determine a family's economic status to determine
3 eligibility for various State and federal programs, to reflect best practices.

4 Sec. 6. EFFECTIVE DATE

5 This act shall take effect on July 1, 2020.