

1 H.32

2 Introduced by Representatives Elder of Starksboro and Rogers of Waterville

3 Referred to Committee

4 Date:

5 Subject: Education; public schools; school meals

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

11 An act relating to universal school breakfast and lunch for all public school  
12 students

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

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

15 Subchapter 2. School Food Programs

16 § 1261a. DEFINITIONS

17 As used in this subchapter:

18 (1) "Food programs" means provision of food to persons under  
19 programs meeting standards for assistance under the National School Lunch

1 Act, 42 U.S.C. § 1751 et seq. and in the Child Nutrition Act, 42 U.S.C. § 1779  
2 et seq., each as amended.

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

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

8 § 1262a. AWARD OF GRANTS

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

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

13 ~~(B) independent school boards that establish and operate food~~  
14 ~~programs; and~~

15 ~~(C) approved education programs, as defined in subdivision~~  
16 ~~11(a)(34) of this title and operating under private nonprofit ownership as~~  
17 ~~defined in the National School Lunch Act, that establish and operate food~~  
18 ~~programs for students engaged in a teen parent education program or students~~  
19 ~~enrolled in a Vermont public school.~~

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

4           (b) The Agency may, from funds available to the Agency for this  
5           subsection, award grants to supervisory unions consisting of one or more  
6           school districts that need to initiate or expand food programs in order to meet  
7           the requirements of section 1264 of this title and that seek assistance in  
8           meeting the cost of initiation or expansion. The amount of the grants shall be  
9           limited to 75 percent of the cost deemed necessary by the Secretary to  
10          construct, renovate, or acquire additional facilities and equipment to provide  
11          lunches to all students, and shall be reduced by the amount of funds available  
12          from federal or other sources, including those funds available under section  
13          3448 of this title. The Agency shall direct supervisory unions seeking grants  
14          under this section to share facilities and equipment within the supervisory  
15          union and with other supervisory unions for the provision of lunches wherever  
16          more efficient and effective operation of food programs can be expected to  
17          result.

18          ~~(c) On a quarterly basis, from State funds appropriated to the Agency for~~  
19          ~~this subsection, the Agency shall award to each supervisory union, independent~~  
20          ~~school board, and approved education program as described in subsection (a)~~  
21          ~~of this section a sum equal to the amount that would have been the student~~

1 ~~share of the cost of all breakfasts and lunches actually provided in the district~~  
2 ~~during the previous quarter to students eligible for a reduced-price breakfast~~  
3 ~~under the federal school breakfast program and students eligible for a reduced-~~  
4 ~~price lunch under the federal school lunch program.~~

5 \* \* \*

6 § 1264. FOOD PROGRAM

7 (a)(1)(A) Each school board operating a public school shall cause to  
8 operate within ~~the school district~~ each school in the school district a food  
9 program that makes available a school lunch, as provided in the National  
10 School Lunch Act as amended, and a school breakfast, as provided in the  
11 National Child Nutrition Act as amended, to each attending student who  
12 qualifies for those meals under these Acts every school day. School districts  
13 shall maximize access to federal funds for the cost of the school breakfast and  
14 lunch program under the Community Eligibility Provision, Provision 2, or  
15 other provisions under these Acts.

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

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

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

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

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

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

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

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

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

1           (C) collaborating with the school’s wellness community advisory  
2           council, as established under subsection 136(e) of this title, in planning school  
3           meals.

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

10           (b) In the event of an emergency, the school board may apply to the  
11           Secretary for a temporary waiver of the requirements in subsection (a) of this  
12           section. The Secretary shall grant the requested waiver if he or she finds that it  
13           is unduly difficult for the school district to provide a school lunch, breakfast, or  
14           summer meals program, or any combination of the three, and if he or she finds  
15           that the school district and supervisory union have exercised due diligence to  
16           avoid the emergency situation that gives rise to the need for the requested  
17           waiver. In no event shall the waiver extend for a period to exceed 20 school  
18           days or, in the case of a summer meals program, the remainder of the summer  
19           vacation.

20           ~~(c) The State shall be responsible for the student share of the cost of~~  
21           ~~breakfasts provided to all students eligible for a reduced price breakfast under~~

1 ~~the federal school breakfast program and for the student share of the cost of~~  
2 ~~lunches provided to all students eligible for a reduced-price lunch under the~~  
3 ~~federal school lunch program. [Repealed.]~~

4 (d) It is a goal of the State that by the year 2022 school boards operating a  
5 school lunch, breakfast, or summer meals program shall purchase at least  
6 20 percent of all food for those programs from local producers.

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

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

1     § 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

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

7           (b) ~~If a public school is exempt from offering a breakfast or lunch program,~~  
8 ~~its school board shall conduct a discussion annually on whether to continue the~~  
9 ~~exemption. The pending discussion shall be included on the agenda at a regular~~  
10 ~~or special school board meeting publicly noticed in accordance with 1 V.S.A.~~  
11 ~~§ 312(c), and citizens shall be provided an opportunity to participate in the~~  
12 ~~discussion. The school board shall send a copy of the notice to the Secretary~~  
13 ~~and to the superintendent of the supervisory union at least ten days prior to the~~  
14 ~~meeting. Following the discussion, the school board shall vote on whether to~~  
15 ~~continue the exemption for one additional year.~~

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





1 (B) For purposes of calculating excess spending pursuant to  
2 32 V.S.A. § 5401(12), “education spending” shall not include:

3 \* \* \*

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

7 \* \* \*

8 Sec. 3. SCHOOL MEALS CONSUMED DURING CLASS

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

11 Sec. 4. TRANSITION

12 (a) On or before July 1, 2026, each school district shall comply with  
13 16 V.S.A. chapter 27, subchapter 2, as amended by this act. Until the date  
14 upon which a school district complies with 16 V.S.A. chapter 27, subchapter 2,  
15 as amended by this act, 16 V.S.A. chapter 27, subchapter 2, as in effect on  
16 June 30, 2021, shall be in effect.

17 (b)(1) Notwithstanding any provision of law to the contrary, the sum of  
18 \$1,000,000.00 is appropriated from the Education Fund to the Agency of  
19 Agriculture, Food and Markets for fiscal year 2022 for the Farm-to-School  
20 Program established under 6 V.S.A. § 4721. This funding shall be used by the  
21 Agency of Agriculture, Food and Markets to award grants during the five-year

1 transition period to school districts that are transitioning to making available  
2 school breakfast and lunch to all students at no charge. The Agency shall  
3 establish criteria for awarding this grant funding, which may include funding  
4 for:

5 (A) capital expenditures, including equipment;

6 (B) staff support;

7 (C) administration; or

8 (D) training.

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

14 Sec. 5. AGENCY OF EDUCATION

15 (a) On or before August 31, 2021 and annually thereafter, the Agency of  
16 Education, in collaboration with Hunger Free Vermont and the Vermont  
17 Association of School Business Officials, shall update the Household Income  
18 Form, which is used to determine a family's economic status to determine  
19 eligibility for various State and federal programs, to reflect best practices.

20 (b) The following position is created in the Agency of Education: one full-  
21 time, classified position specializing in the administration of school food

1 programs. The position established in this subsection shall be transferred and  
2 converted from an existing vacant position in the Executive Branch of State  
3 government. There is appropriated to the Agency of Education from the  
4 General Fund for fiscal year 2022 the amount of \$100,000.00 for salary,  
5 benefits, and operating expenses.

6 Sec. 6. EFFECTIVE DATE

7 This act shall take effect on July 1, 2021.