Introduced by Representatives Elder of Starksboro and Rogers of Waterville

Referred to Committee

Subject: Education; public schools; school meals

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

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

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

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

Subchapter 2. School Food Programs

§ 1261a. DEFINITIONS

As used in this subchapter:

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

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

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

§ 1262a. AWARD OF GRANTS

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

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

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

(C) approved education programs, as defined in subdivision H(a)(34) of this title and operating under private nonprofit ownership as defined in the National School Lunch Act, that establish and operate food programs for students engaged in a teen parent education program or students enrolled in a Vermont public school.
(2) The amount of any grant awarded under this subsection shall not be more than the amount necessary, in addition to any reimbursement from federal funds, to pay the actual cost of the meal.

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

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

§ 1264. FOOD PROGRAM

(a)(1)(A) Each school board operating a public school shall cause to
operate within the school district each school in the school district a food
program 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 student who
qualifies for those meals under these Acts every school day. School districts
shall maximize access to federal funds for the cost of the school breakfast and
lunch program under the Community Eligibility Provision, Provision 2, or
other provisions under these Acts.

(B) In addition, each school board operating a public school shall
cause to operate within each school in the school district the same school lunch
and the same school breakfast program made available to students who qualify
for those meals under the National School Lunch Act and the National Child
Nutrition Act, each as amended, to each attending student every school day at
no charge.
To the extent that costs are not reimbursed through federal funds or other sources, the cost of making available school lunches and breakfasts shall be borne by school districts.

(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 in the district 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.

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

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

(B) making breakfast available to students in classrooms after the start of the school day; or
(C) collaborating with the school’s wellness community advisory council, as established under subsection 136(e) of this title, in planning school meals.

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

(b) In the event of an emergency, the school board may apply to the Secretary for a temporary waiver of the requirements in subsection (a) of this section. The Secretary shall grant the requested waiver if he or she finds that it is unduly difficult for the school district to provide a school lunch, breakfast, or summer meals program, or any combination of the three, and if he or she finds that the school district and supervisory union have exercised due diligence to avoid the emergency situation 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.

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

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

(e)(1) On or before December 31, 2020 and annually thereafter, a school
board operating a school lunch, breakfast, or summer meals program shall
submit to the Agency of Education an estimate of the percentage of locally
produced foods that were purchased by the school board for those programs.

This report shall also include the school district’s budget for its food program,
its sources and amount of funding to pay for its food program, and the costs of
its food program.

(2) On or before January 31, 2021 and annually thereafter, the Agency
of Education shall submit to the Senate Committees on Agriculture and on
Education and the House Committees on Agriculture and Forestry and on
Education in an aggregated form the information received from school boards
regarding the percentage of locally produced foods that are purchased as part
of a school lunch, breakfast, or summer meals program. The provisions of
2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the
report required by this subdivision.
§ 1265. EXEMPTION; PUBLIC DISCUSSION

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

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

(c) On or before the first day of November prior to the date on which an exemption voted under this section is due to expire, the Secretary shall notify the boards of the affected school district and supervisory union in writing that the exemption will expire.
(d) Following a meeting held pursuant to subsection (b) of this section, the school board shall send a copy of the agenda and minutes to the Secretary and the superintendent of the supervisory union.

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

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

§ 4001. DEFINITIONS

As used in this chapter:

* * *

(6) “Education spending” means the amount of the school district budget, any assessment for a joint contract school, career technical center payments made on behalf of the district under subsection 1561(b) of this title, and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is paid for by the school district, but excluding any portion of the school budget paid for from any other sources such as endowments, parental fundraising, federal funds, nongovernmental grants, or other State funds such as special education funds paid under chapter 101 of this title.

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

* * *

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

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Sec. 3. SCHOOL MEALS CONSUMED DURING CLASS

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

Sec. 4. TRANSITION

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

(b)(1) Notwithstanding any provision of law to the contrary, the sum of $1,000,000.00 is appropriated from the Education Fund to the Agency of Agriculture, Food and Markets for fiscal year 2022 for the Farm-to-School Program established under 6 V.S.A. § 4721. This funding shall be used by the Agency of Agriculture, Food and Markets to award grants during the five-year
transition period to school districts that are transitioning to making available
school breakfast and lunch to all students at no charge. The Agency shall
establish criteria for awarding this grant funding, which may include funding
for:

(A) capital expenditures, including equipment;

(B) staff support;

(C) administration; or

(D) training.

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

Sec. 5. AGENCY OF EDUCATION

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

(b) The following position is created in the Agency of Education: one full-
time, classified position specializing in the administration of school food
programs. The position established in this subsection shall be transferred and converted from an existing vacant position in the Executive Branch of State government. There is appropriated to the Agency of Education from the General Fund for fiscal year 2022 the amount of $100,000.00 for salary, benefits, and operating expenses.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2021.