

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

H.150

Introduced by Representatives Vyhovsky of Essex, Anthony of Barre City,  
Burke of Brattleboro, Burrows of West Windsor, Cina of  
Burlington, Colston of Winooski, Dolan of Essex, Donnally of  
Hyde Park, Houghton of Essex, Howard of Rutland City,  
Masland of Thetford, McCullough of Williston, Mulvaney-  
Stanak of Burlington, Ode of Burlington, Sims of Craftsbury,  
Smith of New Haven, Surprenant of Barnard, Townsend of  
South Burlington, Troiano of Stannard, Yacovone of  
Morristown, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Education; school food programs; correctional facilities; locally  
produced foods

Statement of purpose of bill as introduced: This bill proposes to create  
incentives for schools to purchase locally produced foods and provide related  
administrative support. This bill also proposes to establish the goal that, by the  
year 2024, at least 20 percent of all foods purchased for meals served in  
correctional facilities shall be locally produced foods.

1 An act relating to creating incentives for schools and establishing a goal for  
2 correctional facilities to purchase locally produced foods

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

4 Sec. 1. 16 V.S.A. § 1262a is amended to read:

5 § 1262a. AWARD OF GRANTS

6 \* \* \*

7 (d) The Agency shall, from funds appropriated for this subsection to the  
8 Agency, award grants to supervisory unions and supervisory districts in  
9 accordance with section 1264a of this title (locally produced foods). If the  
10 amount appropriated for this purpose is insufficient to fully fund the grants  
11 under that section, then the grant amounts that are awarded shall be prorated.

12 Sec. 2. 16 V.S.A. § 1264 is amended to read:

13 § 1264. FOOD PROGRAM

14 \* \* \*

15 ~~(d) It is a goal of the State that by the year 2022 school boards operating a~~  
16 ~~school lunch, breakfast, or summer meals program shall purchase at least~~  
17 ~~20 percent of all food for those programs from local producers.~~

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

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           Sec. 3. 16 V.S.A. § 1264a is added to read:

10          § 1264a. LOCALLY PRODUCED FOODS

11          (a) It is a goal of the State that by the year 2023, at least 20 percent of all  
12          foods purchased by supervisory unions and supervisory districts, together  
13          referred to in this section as “supervisory unions,” be locally produced foods.  
14          School boards have the discretion to define what foods are included within the  
15          definition of “locally produced foods” for the purposes of this subsection and  
16          subsection (b) of this section.

17          (b) On or before December 31, 2021 and annually thereafter, a school  
18          board operating a school lunch, breakfast, or summer meals program shall  
19          report to the Agency of Education an estimate of the percentage of the cost of  
20          all foods purchased by the school board for those programs that were locally  
21          produced foods during the one-year period ending on June 30 of that year.

1       (c)(1) Beginning with the 2021–22 school year and thereafter, supervisory  
2       unions shall be eligible for a local foods incentive grant (grant) from funds  
3       appropriated to the Agency of Education for this purpose.

4               (2) A supervisory union may apply for the grant if it has:

5                       (A) developed a locally produced foods purchasing plan that  
6       describes the supervisory union’s goals for purchasing locally produced foods  
7       and its plan to achieve those goals;

8                       (B) designated an individual as the food coordinator for locally  
9       produced foods who shall be responsible for implementing the locally  
10       produced foods purchasing plan;

11                      (C) developed a process for tracking the purchase of locally produced  
12       foods; and

13                      (D) complied with the reporting requirement under subsection (b) of  
14       this section.

15               (3) A supervisory union that has satisfied the conditions under  
16       subdivision (2) of this subsection may, on or before January 15, 2022 or on or  
17       before January 15 of any year thereafter, apply to the Agency for the grant by  
18       submitting a certification, signed by the business manager for the supervisory  
19       union, that the supervisory union satisfies the conditions under subdivision (2)  
20       of this subsection.

1           (4) If a supervisory union is eligible for a grant under subdivision (3) of  
2           this subsection, then the Agency shall make the grant payment, subject to  
3           appropriation, on or before the following March 31 after submission of the  
4           supervisory union's application (that is due on or before January 15 of that  
5           year), which shall be equal to 15 cents per reimbursable school lunch served by  
6           the supervisory union in the prior school year through the National School  
7           Lunch Program. A supervisory union may apply for this grant and receive this  
8           grant funding only once.

9           (5)(A) A supervisory union that has received a grant under  
10          subdivision (4) of this subsection (c) may, on or before January 15, 2023 or on  
11          or before January 15 of any year thereafter, apply for a further grant by  
12          submitting to the Agency of Education information that demonstrates that at  
13          least 15 percent of the cost of all foods purchased or grown, raised, or  
14          produced by the supervisory union during the one-year period ending on June  
15          30 of the previous year, excluding foods purchased or grown, raised, or  
16          produced by the supervisory union that were used to provide catering services  
17          for which the supervisory union received compensation, was in aggregate:

18               (i) fruits, vegetables, meat, poultry, dairy (except fluid milk),  
19               maple syrup, honey, legumes, grains, or eggs that were grown, raised, or  
20               produced in Vermont or within 30 miles of the Vermont border; and

1                   (ii) foods processed in Vermont with at least 75 percent Vermont-  
2                   grown, Vermont-raised, or Vermont-produced ingredients, with fluid milk  
3                   counted as a processed food.

4                   (B) If a supervisory union grows, raises, or produces food, it shall  
5                   assign a fair market value to that food for the purpose of reporting its cost.

6                   (6) If a supervisory union is eligible for a grant under subdivision (5) of  
7                   this subsection, the Agency shall, on or before the following March 31 after  
8                   submission of the supervisory union's application (that is due on or before  
9                   January 15 of that year), make the grant payment, subject to appropriation,  
10                  which shall be determined as follows:

11                  (A) 15 cents per reimbursable school lunch served in the prior school  
12                  year through the National School Lunch Program for supervisory unions  
13                  purchasing at least 15 percent locally produced foods;

14                  (B) 20 cents per reimbursable school lunch served in the prior school  
15                  year through the National School Lunch Program for supervisory unions  
16                  purchasing at least 20 percent locally produced foods; or

17                  (C) 25 cents per reimbursable school lunch served in the prior school  
18                  year through the National School Lunch Program for supervisory unions  
19                  purchasing at least 25 percent locally produced foods.

1           (7) A supervisory union may apply for and receive grant funding under  
2           subdivisions (5) and (6) under this subsection (c) for each year that it qualifies  
3           for this grant funding.

4           (8) The Agency of Education may perform sample audits for any year  
5           that grant funds are paid to supervisory unions under subdivision (6) under this  
6           subsection (c) to verify that information provided to the Agency under  
7           subdivision (5) under this subsection (c) is accurate. If the Agency makes a  
8           grant payment under subdivision (6) to a supervisory union that was based on  
9           inaccurate information reported by the supervisory union, the Agency may  
10           seek reimbursement from the supervisory union for an overpayment or  
11           reimburse the supervisory union for an underpayment or may adjust future  
12           grant amounts under this section to reflect the over- or underpayment.

13           (d)(1) On or before January 31, 2022 and annually thereafter, the Agency  
14           of Education shall submit to the Senate Committees on Agriculture and on  
15           Education and the House Committees on Agriculture and Forestry and on  
16           Education in an aggregated form:

17           (A) the information received from supervisory unions regarding the  
18           percentage of locally produced foods, as the supervisory unions define them,  
19           that were reported under subsection (b) of this section; and

20           (B) the percentage of locally produced foods, using the grant funding  
21           definition, that were reported under subdivision (c)(5) of this section and the

1 amount of grant funding paid to supervisory unions under subdivision (c)(6) in  
2 the prior school year.

3 (2) The provisions of 2 V.S.A. § 20(d) regarding expiration of required  
4 reports shall not apply to the reports required by this subsection.

5 Sec. 4. ADMINISTRATIVE SUPPORT

6 (a) The Agency of Education shall collaborate with the Agency of  
7 Agriculture, Food and Markets to promote the local foods program under  
8 16 V.S.A. § 1264a to supervisory unions and supervisory districts, farmers,  
9 food processors, and distributors.

10 (b) The following position is created in the Agency of Education: one full-  
11 time, classified position specializing in the administration of federal child  
12 nutrition programs in order to expand access to these programs and to assist  
13 with the implementation of the local foods incentive grant under 16 V.S.A  
14 § 1264a created under this act. The position established in this subsection shall  
15 be transferred and converted from an existing vacant position in the Executive  
16 Branch of State government. There is appropriated to the Agency of Education  
17 from the General Fund for fiscal year 2022 the amount of \$125,000.00 for  
18 salary, benefits, and operating expenses.



1       Sec. 5. APPROPRIATIONS FOR FOOD PROGRAMS

2           (a) There is appropriated to the Agency of Education from the General  
3       Fund for fiscal year 2022 the amount of \$75,000.00 for the summer food  
4       service program under 16 V.S.A. § 1264(a)(2).

5           (b) There is appropriated to the Agency of Education from the General  
6       Fund for fiscal year 2022 the amount of \$500,000.00 for local foods incentive  
7       grants under 16 V.S.A. § 1264a (locally produced foods) as added by this act.

8       Sec. 6. CORRECTIONAL FACILITIES

9           (a) It is a goal of the State that by the year 2024, at least 20 percent of all  
10       foods purchased for meals served in correctional facilities shall be locally  
11       produced foods, measured either by cost or volume, and that correctional  
12       facilities pay fair market value for food purchased from farmers. As used in  
13       this section, “locally produced foods” means:

14           (1) fruits, vegetables, meat, poultry, dairy (except fluid milk), maple  
15       syrup, honey, legumes, grains, or eggs that are grown, raised, or produced in  
16       Vermont or within 30 miles of the Vermont border; and

17           (2) foods processed in Vermont with at least 75 percent Vermont-grown,  
18       Vermont-raised, or Vermont-produced ingredients, with fluid milk counted as  
19       a processed food.

20           (b) On or before January 31, 2022 and annually thereafter, the Department  
21       of Corrections shall report to the House Committees on Agriculture and

1     Forestry and on Corrections and Institutions and the Senate Committees on  
2     Agriculture and on Institutions the estimated percentage of locally produced  
3     foods purchased by correctional facilities during the previous fiscal year. If a  
4     correctional facility grows, raises, or produces food, it shall assign a fair  
5     market value to that food for purposes of reporting its cost if cost rather than  
6     volume is used to measure the percentage of locally produced foods.

7     Sec. 7. EFFECTIVE DATE

8     This act shall take effect on passage.