

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 100
3 entitled “An act relating to universal school breakfast and the creation of the
4 Task Force on Universal School Lunch” respectfully reports that it has
5 considered the same and recommends that the House propose to the Senate that
6 the bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

8 * * * Title * * *

9 Sec. 1. SHORT TITLE

10 This act may be cited as the “Universal School Meals Act.”

11 * * * Purpose * * *

12 Sec. 2. PURPOSE

13 The purpose of this act is to provide universal school breakfast and lunch
14 for all public school students at no cost to the students or their families with
15 funding provided to school districts.

16 * * * Statutory Changes * * *

17 Sec. 3. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

18 Subchapter 2. School Food Programs

19 § 1261a. DEFINITIONS

20 As used in this subchapter:

21 (1) “Food programs” means provision of food to persons under

1 programs meeting standards for assistance under the National School Lunch
2 Act, 42 U.S.C. § 1751 et seq. and ~~in~~ the Child Nutrition Act, 42 U.S.C. § 1779
3 et seq., each as amended.

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

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

9 § 1262a. AWARD OF GRANTS

10 * * *

11 (c)(1) On a quarterly basis, from State funds appropriated to the Agency for
12 this ~~subsection~~ subdivision, the Agency shall award to each supervisory union,
13 independent school board, and approved education program as described in
14 subsection (a) of this section a sum equal to the amount that would have been
15 the student share of the cost of all breakfasts and lunches actually provided in
16 the district during the previous quarter to students eligible for a reduced-price
17 breakfast under the federal school breakfast program and students eligible for a
18 reduced-price lunch under the federal school lunch program.

19 (2)(A) From State funds appropriated to the Agency for this subdivision
20 (2), the Agency shall reimburse each school district that made available both
21 school breakfast and lunch to students at no charge under subdivision

1 1264(a)(1)(B) of this title for the cost of each meal actually provided in the
2 district during the previous quarter that qualifies as a paid breakfast or paid
3 lunch under the federal school breakfast and federal school lunch programs.

4 (B) The reimbursement amount shall be a sum equal to the federal
5 reimbursement rate for a free school breakfast or lunch less the federal
6 reimbursement rate for a paid school breakfast or lunch, using rates identified
7 annually by the Agency of Education from payment levels established annually
8 by the U.S. Department of Agriculture.

9 * * *

10 § 1264. FOOD PROGRAM

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

20 (B) In addition, each school board operating a public school shall
21 cause to operate within each school in the school district the same school

1 breakfast and school lunch program made available to students who qualify for
2 those meals under the National Child Nutrition Act and the National School
3 Lunch Act, as amended, for each attending student every school day at no
4 charge.

5 (C) In operating its school breakfast and lunch program, a school
6 district shall seek to achieve the highest level of student participation, which
7 may include any or all of the following:

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

9 (ii) making breakfast available to students in classrooms after the
10 start of the school day; and

11 (iii) collaborating with the school’s wellness community advisory
12 council, as established under subsection 136(e) of this title, in planning school
13 meals.

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

16 * * *

17 § 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

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

1 ~~of one year.~~

2 ~~(b) If a public school is exempt from offering a breakfast or lunch program,~~
3 ~~its school board shall conduct a discussion annually on whether to continue the~~
4 ~~exemption. The pending discussion shall be included on the agenda at a~~
5 ~~regular or special school board meeting publicly noticed in accordance with~~
6 ~~1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate~~
7 ~~in the discussion. The school board shall send a copy of the notice to the~~
8 ~~Secretary and to the superintendent of the supervisory union at least ten days~~
9 ~~prior to the meeting. Following the discussion, the school board shall vote on~~
10 ~~whether to continue the exemption for one additional year.~~

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

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

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

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***** Funding Sources*****

Sec. 4. FUNDING SOURCES FOR UNIVERSAL SCHOOL MEALS

It is the intent of the General Assembly to fund universal school meals through additional sources of revenue that may be added to the General Fund or Education Fund. Possible revenue sources that should be considered include an excise tax on sugar sweetened beverages; a sales tax on candy; and a cloud tax.

*** Session Law ***

Sec. 5. AGENCY OF EDUCATION; STAFFING

(a) The following five positions are created in the Agency of Education:

(1) two full-time, classified positions to develop and maintain the universal household income declaration form and provide guidance to school districts on its use; and

(3) three full-time, classified positions to provide financial and data analysis for the Agency of Education.

(b) There is appropriated to the Agency of Education from the General Fund for fiscal year 2023 the amount of \$500,000.00 for salaries, benefits, and operating expenses for the positions created under subsection (a) of this section.

Sec. 6. UNIVERSAL INCOME DECLARATION FORM

1 (a) A universal income declaration form is used by some other states and
2 school districts in Vermont with universal school meals programs to collect
3 household size and income information that was previously collected using the
4 Free and Reduced-Price Meal Application. A universal income declaration
5 form is used to collect income bracket information from all families, reducing
6 stigma and resulting in the collection of more accurate pupil eligibility counts
7 throughout a school district.

8 (b) On or before October 1, 2022, the Agency of Education shall convene a
9 working group that includes school staff and hunger and nutrition experts to
10 develop the universal income declaration form that shall be fully accessible to
11 all Vermont families. The new form shall be implemented statewide for the
12 2023–24 school year. Until that form is implemented, school districts shall
13 continue to use Amanthe Free and Reduced-Price Meal Application.

14 **Sec. 7. APPROPRIATION; SCHOOL MEALS**

15 The sum of \$8,000,000.00 is appropriated from a source other than the
16 Education Fund for fiscal year 2023 to provide reimbursement for school
17 meals under 16 V.S.A. § 1262a(c)(2).

18 **Sec. 8. AGENCY OF EDUCATION; CONSULTATION; REPORT**

19 The Agency of Education shall consult with school districts, Hunger Free
20 Vermont, the Vermont School Boards Association, the Vermont
21 Superintendents Association, the Vermont Association of School Business

1 Officials, the Vermont Principals’ Association, and the School Nutrition
2 Association of Vermont on the impact of this act and, on or before
3 December 15, 2022, shall report to the House and Senate Committees on
4 Education and on Appropriations, the House Committee on Agriculture and
5 Forestry, and the Senate Committee on Agriculture on the status of
6 implementation under this act.

7 * * * Effective Date * * *

8 Sec. 9. EFFECTIVE DATE

9 This act shall take effect on July 1, 2022.

10 and that after passage the title of the bill be amended to read: “An act
11 relating to universal school meals”

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13
14
15 (Committee vote: _____)

16 _____

17 Representative _____

18 FOR THE COMMITTEE