

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 * * * Findings * * *

12 **Sec. 2. FINDINGS**

13 The General Assembly finds that:

14 (1) According to the Vermont Agency of Education, an average of 38
15 percent of students across all supervisory unions during the 2019–2020 school
16 year qualified for free or reduced-price lunch. As a result, some
17 schoolchildren face more challenges than others in succeeding in school and in
18 life. The General Assembly recognizes that students need fresh and nutritional
19 foods to enable them to focus on their education and that many students come
20 to school hungry. Providing universal school meals offered at no cost to

1 students or their families creates a necessary foundation for learning readiness
2 during the school day.

3 (2) A 2021 study by the National Food Access and COVID Research
4 Team found that in the first year of the pandemic, nearly one-third of people in
5 Vermont faced hunger, and families with children were five times more likely
6 to face hunger. Food insecurity rates remained above pre-pandemic levels a
7 year after the start of the pandemic.

8 (3) In a 2019 research report, the Urban Institute found that up to 42
9 percent of children living in food-insecure homes may not be eligible for free
10 or reduced-price school meals.

11 (4) In 2016, the Center for Rural Studies at the University of Vermont
12 partnered with the Vermont Farm to School Network to measure the economic
13 contribution and impacts of Farm to School in Vermont. The final report
14 found that school meal programs support a vibrant agricultural economy with
15 every \$1.00 spent on local food in schools contributing \$1.60 to the Vermont
16 economy.

17 (5) A study analyzing trends in food sources and diet quality, published
18 in 2021, found that the most nutritious meals consumed by children in the
19 United States are school meals, including when compared to meals cooked at
20 home.

1 (6) A study conducted by UVM found that universal school meals
2 programs in Vermont were associated with, among other benefits, improved
3 overall school social climate as a result of financial difference being less
4 visible and improved readiness to learn among students overall.

5 * * * Statutory Changes * * *

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

7 Subchapter 2. School Food Programs

8 § 1261a. DEFINITIONS

9 As used in this subchapter:

10 (1) “Food programs” means provision of food to persons under
11 programs meeting standards for assistance under the National School Lunch
12 Act, 42 U.S.C. § 1751 et seq.; and ~~in~~ the Child Nutrition Act, 42 U.S.C. § 1779
13 et seq., each as amended.

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

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

19 § 1262a. AWARD OF GRANTS

20 * * *

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

9 (2)(A) Public schools. From State funds appropriated to the Agency for
10 this subdivision (2), the Agency shall reimburse each school district that made
11 available both school breakfast and lunch to students at no charge under
12 subdivision 1264(a)(1)(B) of this title for the cost of each meal actually
13 provided in the district during the previous quarter that qualifies as a paid
14 breakfast and paid lunch under the federal school breakfast and federal school
15 lunch programs. Reimbursement from State funds shall be available only to
16 districts that maximize access to federal funds for the cost of the school
17 breakfast and lunch program by participating in the Community Eligibility
18 Provision or Provision 2 of these programs, or any other federal provision that
19 in the opinion of the Agency draws down the most possible federal funding for
20 meals served in that program.

21 (B) Approved independent schools.

1 (i) From State funds appropriated to the Agency for this
2 subdivision (2), the Agency shall reimburse each approved independent school
3 that made available both school breakfast and lunch to students attending on
4 public tuition at no charge under subdivision 1264(a)(1)(B) of this title for the
5 cost of each meal actually provided by the approved independent school to
6 those students during the previous quarter that qualifies as a paid breakfast and
7 paid lunch under the federal school breakfast and federal school lunch
8 programs.

9 (ii) An approved independent school is eligible for reimbursement
10 under this subdivision (B) only if it operates a food program that makes
11 available a school lunch, as provided in the National School Lunch Act as
12 amended, and a school breakfast, as provided in the National Child Nutrition
13 Act as amended, to each attending student who qualifies for those meals under
14 these Acts every school day.

15 (iii) Reimbursement from State funds shall be available only to
16 approved independent schools that maximize access to federal funds for the
17 cost of the school breakfast and lunch program by participating in the
18 Community Eligibility Provision or Provision 2 of these programs, or any
19 other federal provision that in the opinion of the Agency draws down the most
20 possible federal funding for meals served in that program.

1 (C) Reimbursement amounts for public schools and approved
2 independent schools. The reimbursement amount for breakfast shall be a sum
3 equal to the federal reimbursement rate for a free school breakfast less the
4 federal reimbursement rate for a paid school breakfast, using rates identified
5 annually by the Agency of Education from payment levels established annually
6 by the U.S. Department of Agriculture. The reimbursement amount for lunch
7 shall be a sum equal to the federal reimbursement rate for a free school lunch
8 less the federal reimbursement rate for a paid school lunch, using rates
9 identified annually by the Agency of Education from payment levels
10 established annually by the U.S. Department of Agriculture.

* * *

12 § 1264. FOOD PROGRAM

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

19 (B) In addition, each school board operating a public school shall
20 cause to operate within each school in the school district the same school
21 breakfast and school lunch program made available to students who qualify for

1 those meals under the National Child Nutrition Act and the National School
2 Lunch Act, as amended, for each attending student every school day at no
3 charge. An approved independent school may cause to operate the same
4 school lunch and the same school breakfast program made available to students
5 who qualify for those meals under the National Child Nutrition Act and the
6 National School Lunch Act, each as amended, to each student attending on
7 public tuition every school day at no charge.

8 (C) In operating its school breakfast and lunch program, a school
9 district and an approved independent school shall seek to achieve the highest
10 level of student participation, which may include any or all of the following:

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

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

14 (iii) for school districts, collaborating with the school's wellness
15 community advisory council, as established under subsection 136(e) of this
16 title, in planning school meals.

17 (D) A school district and an approved independent school shall count
18 time spent by students consuming school meals during class as instructional
19 time.

20 * * *

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~~
10 ~~regular or special school board meeting publicly noticed in accordance with~~
11 ~~1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate~~
12 ~~in the discussion. The school board shall send a copy of the notice to the~~
13 ~~Secretary and to the superintendent of the supervisory union at least ten days~~
14 ~~prior to the meeting. Following the discussion, the school board shall vote on~~
15 ~~whether to 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 ~~(d) Following a meeting held pursuant to subsection (b) of this section, the~~
2 ~~school board shall send a copy of the agenda and minutes to the Secretary and~~
3 ~~the superintendent of the supervisory union.~~

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

8 * * * Funding Sources * * *

9 Sec. 4. FUNDING SOURCES FOR UNIVERSAL SCHOOL MEALS

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

15 * * * Session Law * * *

16 Sec. 5. AGENCY OF EDUCATION; STAFFING

17 (a) The following five positions are created in the Agency of Education:
18 (1) two full-time, classified positions to develop and maintain the
19 universal household income declaration form and provide guidance to school
20 districts on its use; and

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

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

7 Sec. 6. UNIVERSAL INCOME DECLARATION FORM

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

15 (b) On or before October 1, 2022, the Agency of Education shall convene a
16 working group that includes school staff and hunger and nutrition experts to
17 develop the universal income declaration form that shall be fully accessible to
18 all Vermont families both in paper form and electronically. The new form
19 shall be implemented statewide for the 2023–24 school year.

20 (c) The Agency of Education shall establish a process for verifying the
21 accuracy of data collected through the universal income declaration form.

1 which could include requesting that a sample of households submit additional
2 documentation or using other sources of income data available to the Agency.

3 Sec. 7. APPROPRIATION; SCHOOL MEALS; OPERATING EXPENSES

4 (a) The sum of \$28,000,000.00 is appropriated from [REDACTED] to the
5 Agency of Education for fiscal year 2023 to provide reimbursement for school
6 meals under 16 V.S.A. § 1262a(c)(2).

7 (b) The sum of \$200,000.00 is appropriated [REDACTED] to the Agency of
8 Education for fiscal year 2023 to fund operating expenses associated with the
9 creation of the electronic universal income declaration form.

10 Sec. 8. AGENCY OF EDUCATION; CONSULTATION; REPORT

11 The Agency of Education shall consult with school districts, Hunger Free
12 Vermont, the Vermont School Boards Association, the Vermont
13 Superintendents Association, the Vermont Association of School Business
14 Officials, the Vermont Principals' Association, the Vermont Independent
15 Schools Association, and the School Nutrition Association of Vermont on the
16 impact of this act and, on or before February 15, 2023, shall report to the
17 House and Senate Committees on Education and on Appropriations, the House
18 Committee on Agriculture and Forestry, and the Senate Committee on
19 Agriculture on the status of implementation under this act.

20 * * * Effective Date * * *

21 Sec. 9. EFFECTIVE DATE

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

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

4

5

6

7 (Committee vote: _____)

8

9

Representative _____

10

FOR THE COMMITTEE