

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  
15 38 percent of students across all supervisory unions during the 2019–2020  
16 school year qualified for free or reduced-price lunch. The General Assembly  
17 recognizes that students need fresh and nutritional foods to enable them to  
18 focus on their education and that many students come to school hungry.  
19 Providing universal school meals offered at no cost to students or their families  
20 creates a necessary foundation for learning readiness during the school day.

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

6           (3) In a 2019 research report, the Urban Institute found that up to  
7           42 percent of children living in food-insecure homes may not be eligible for  
8           free or reduced-price school meals.

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

15          (5) A study conducted by researchers at the University of Vermont and  
16          Hunger Free Vermont, and published in the Journal of Hunger and  
17          Environmental Nutrition, found that universal school meals programs in  
18          Vermont were associated with, among other benefits, improved overall school  
19          climate as a result of financial differences being less visible and improved  
20          readiness to learn among students overall.

\* \* \* Universal Meals \* \* \*

Sec. 3. UNIVERSAL MEALS

(a) Notwithstanding provision. The provisions of this section shall apply notwithstanding any provision of law to the contrary.

(b) Definition. As used in this section, “approved independent school” means an approved independent school physically located in Vermont.

(c) Universal food program.

(1) In addition to the requirements of 16 V.S.A. § 1264(a)(1) (food program), each school board operating a public school shall cause to operate within each school in the school district the same school breakfast and school lunch program made available to students who qualify for those meals under the National Child Nutrition Act and the National School Lunch Act, as amended, for each attending student every school day at no charge. An approved independent school located in Vermont may operate the same school lunch and the same school breakfast program made available to students who qualify for those meals under the National Child Nutrition Act and the National School Lunch Act, each as amended, to each student attending on public tuition every school day at no charge.

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

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

2           (B) making breakfast available to students in classrooms after the  
3 start of the school day; and

4           (C) for school districts, collaborating with the school’s wellness  
5 community advisory council, as established under subsection 136(e) of this  
6 title, in planning school meals.

7           (3) A school district and an approved independent school shall count  
8 time spent by students consuming school meals during class as instructional  
9 time.

10          (d) Award of Grants.

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

1 draws down the most possible federal funding for meals served in that  
2 program.

3 (2) Approved independent schools.

4 (A) Subject to subdivision (B) of this subsection (2), from State funds  
5 appropriated to the Agency for this subsection (d), the Agency shall reimburse  
6 each approved independent school that made available both school breakfast  
7 and lunch to students attending on public tuition at no charge under subsection  
8 (c) of this section for the cost of each meal actually provided by the approved  
9 independent school to those students during the previous quarter that qualifies  
10 as a paid breakfast or paid lunch under the federal school breakfast and federal  
11 school lunch programs.

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

18 (C) Reimbursement from State funds shall be available only to  
19 approved independent schools that maximize access to federal funds for the  
20 cost of the school breakfast and lunch program by participating in the  
21 Community Eligibility Provision or Provision 2 of these programs, or any

1 other federal provision that in the opinion of the Agency draws down the most  
2 possible federal funding for meals served in that program.

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

13 (e) Notwithstanding any provision of law to the contrary, 16 V.S.A. § 1265  
14 shall not apply to school year 2022–2023.

15 Sec. 4. REPEAL

16 Sec. 3 of this act is repealed on July 1, 2023.

17 Sec. 5. APPROPRIATION; UNIVERSAL MEALS

18 Notwithstanding 16 V.S.A. § 4025(d) and any other provision of law to the  
19 contrary, the sum of \$29,000,000.00 is appropriated from the Education Fund  
20 to the Agency of Education for fiscal year 2023 to provide reimbursement for  
21 school meals under Sec. 3 this act.

1                                   \* \* \* Agency of Education; Staffing \* \* \*

2       Sec. 6. AGENCY OF EDUCATION; STAFFING

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

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

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

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

13                                   \* \* \* Universal Income Declaration Form \* \* \*

14       Sec. 7. UNIVERSAL INCOME DECLARATION FORM

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

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

6       (c) The Agency of Education shall establish a process for verifying the  
7 accuracy of data collected through the universal income declaration form,  
8 which could include requesting that a sample of households submit additional  
9 documentation or using other sources of income data available to the Agency.

10       (d) The sum of \$200,000.00 is appropriated from the Education Fund to the  
11 Agency of Education for fiscal year 2023 to fund operating expenses  
12 associated with the creation of the electronic universal income declaration  
13 form.

14                   \* \* \* Reports \* \* \*

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

16       On or before January 15, 2023, the Agency of Education shall report to the  
17 House and Senate Committees on Education and on Appropriations, the House  
18 Committee on Ways and Means, and the Senate Committee on Finance on the  
19 impact and status of implementation under this act. The report shall include  
20 data on student participation rates in the universal meals program on an  
21 individual school level and, if possible, on a grade level; the relationship of



1 federal rules to the State-funded program; and strategies for minimizing the use  
2 of State funds.

3 Sec. 9. JOINT FISCAL OFFICE; REPORT

4 On or before February 1, 2023, the Joint Fiscal Office (JFO) shall prepare a  
5 report examining possible revenue sources including expansion of the sales tax  
6 base, enactment of an excise tax on sugar sweetened beverages, and other  
7 sources of revenue not ordinarily used for General Fund purposes. The report  
8 shall include preliminary revenue estimates and other policy considerations.

9 \* \* \* Effective Date \* \* \*

10 Sec. 9. EFFECTIVE DATE

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

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

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17 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE