TO THE HOUSE OF REPRESENTATIVES:

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

*** Title ***

Sec. 1. SHORT TITLE

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

*** Findings ***

Sec. 2. FINDINGS

The General Assembly finds that:

(1) According to the Vermont Agency of Education, an average of 38 percent of students across all supervisory unions during the 2019–2020 school year qualified for free or reduced-price lunch. The General Assembly recognizes that students need fresh and nutritional foods to enable them to focus on their education and that many students come to school hungry. Providing universal school meals offered at no cost to students or their families creates a necessary foundation for learning readiness during the school day.
(2) A 2021 study by the National Food Access and COVID Research Team found that in the first year of the pandemic, nearly one-third of people in Vermont faced hunger, and families with children were five times more likely to face hunger. Food insecurity rates remained above pre-pandemic levels a year after the start of the pandemic.

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

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

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

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

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

(d) Award of Grants.

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

(2) Approved independent schools.

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

(B) An approved independent school is eligible for reimbursement
under this subsection (d) only if it operates 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.

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

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

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

Sec. 4. REPEAL

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

Sec. 5. APPROPRIATION; UNIVERSAL MEALS

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

Sec. 6. 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

(2) 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.

* * * Universal Income Declaration Form * * *

Sec. 7. UNIVERSAL INCOME DECLARATION FORM

(a) A universal income declaration form is used by some other states and
school districts in Vermont with universal school meals programs to collect
household size and income information that was previously collected using the
Free and Reduced-Price Meal Application. A universal income declaration
form is used to collect income bracket information from all families, reducing
stigma and resulting in the collection of more accurate pupil eligibility counts
throughout a school district.
(b) On or before October 1, 2022, the Agency of Education shall convene a working group that includes school staff and hunger and nutrition experts to develop the universal income declaration form that shall be fully accessible to all Vermont families both in paper form and electronically. The new form shall be implemented statewide for the 2023–24 school year.

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

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

*** Reports ***

Sec. 8. AGENCY OF EDUCATION; CONSULTATION; REPORT

On or before January 15, 2023, the Agency of Education shall report to the House and Senate Committees on Education and on Appropriations, the House Committee on Ways and Means, and the Senate Committee on Finance on the impact and status of implementation under this act. The report shall include data on student participation rates in the universal meals program on an individual school level and, if possible, on a grade level; the relationship of
federal rules to the State-funded program; and strategies for minimizing the use
of State funds.

Sec. 9.  JOINT FISCAL OFFICE; REPORT

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

*** Effective Date ***

Sec. 9.  EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

(Committee vote: ___________)

_______________________
Representative ___________

FOR THE COMMITTEE