

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 Breakfast Act.”

11 \* \* \* Purpose \* \* \*

12 Sec. 2. PURPOSE

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

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 school  
21 breakfast to students at no charge under subdivision 1264(a)(1)(B) of this title

1 for the cost of each meal actually provided in the district during the previous  
2 quarter that qualifies as a paid breakfast under the federal school breakfast  
3 program.

4 (B) The reimbursement amount shall be a sum equal to the federal  
5 reimbursement rate for a free school breakfast less the federal reimbursement  
6 rate for a paid school breakfast, using rates identified annually by the Agency  
7 of Education from payment levels established annually by the U.S. Department  
8 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, 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 program made available to students who qualify for those meals  
2 under the National Child Nutrition Act, as amended, for each attending student  
3 every school day at no charge.

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

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

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

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

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

15 \* \* \*

16 § 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

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

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

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

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

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

1 Sec. 4. 16 V.S.A. § 4025 is amended to read:

2 § 4025. EDUCATION FUND

3 \* \* \*

4 (b) Monies in the Education Fund shall be used for the following:

5 \* \* \*

6 (6) To make payments required under subdivision 1262a(c)(2) of this  
7 title for school food programs.

8 \* \* \*

9 \* \* \* Session Law \* \* \*

10 Sec. 5. APPROPRIATION; SCHOOL MEALS

11 The sum of \$8,000,000.00 is appropriated from the Education Fund for  
12 fiscal year 2022 to provide reimbursement for school meals under 16 V.S.A.  
13 § 1262a(c)(2).

14 Sec. 6. AGENCY OF EDUCATION; CONSULTATION; REPORT

15 The Agency of Education shall consult with school districts, Hunger Free  
16 Vermont, the Vermont School Boards Association, the Vermont  
17 Superintendents Association, the Vermont Association of School Business  
18 Officials, the Vermont Principals' Association, and the School Nutrition  
19 Association of Vermont on the impact of this act and, on or before  
20 December 15, 2021, shall report to the House and Senate Committees on  
21 Education and on Appropriations, the House Committee on Agriculture and

1 Forestry, and the Senate Committee on Agriculture on the status of  
2 implementation under this act.

3 \* \* \* Effective Date \* \* \*

4 Sec. 7. EFFECTIVE DATE

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

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

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18 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_  
Representative \_\_\_\_\_

FOR THE COMMITTEE