

S.100

An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Title \* \* \*

Sec. 1. SHORT TITLE

This act may be cited as the “Universal School Breakfast and Creation of the Task Force on Universal School Lunch Act.”

\* \* \* Purpose \* \* \*

Sec. 2. PURPOSE

The purpose of this act is to:

(1) provide universal school breakfast for all public school students at no cost to the students or their families with funding provided to school districts from the Education Fund; and

(2) establish a task force to advise the General Assembly on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families, thereby making school food programs universally available to all public school students at no cost to the students or their families.

\* \* \* Statutory Changes \* \* \*

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

Subchapter 2. School Food Programs

§ 1261a. DEFINITIONS

As used in this subchapter:

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

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

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

§ 1262a. AWARD OF GRANTS

\* \* \*

(c)(1) On a quarterly basis, from State funds appropriated to the Agency for this ~~subsection~~ subdivision, the Agency shall award to each supervisory union, independent school board, and approved education program as described in subsection (a) of this section a sum equal to the amount that would have been the student share of the cost of all breakfasts and lunches actually provided in

the district during the previous quarter to students eligible for a reduced-price breakfast under the federal school breakfast program and students eligible for a reduced-price lunch under the federal school lunch program.

(2)(A) From State funds appropriated to the Agency for this subdivision (2), the Agency shall reimburse each school district that made available school breakfast to students at no charge under subdivision 1264(a)(1)(B) of this title for the cost of each meal actually provided in the district during the previous quarter that qualifies as a paid breakfast under the federal school breakfast program.

(B) The reimbursement amount 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.

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#### § 1264. FOOD PROGRAM

(a)(1)(A) Each school board operating a public school shall cause to operate within ~~the school district~~ each school in the school district 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. School districts shall maximize access to federal funds for the cost of the school breakfast and lunch program under the Community Eligibility Provision, Provision 2, or other provisions under these Acts.

(B) In addition, each school board operating a public school shall cause to operate within each school in the school district the same school breakfast program made available to students who qualify for those meals under the National Child Nutrition Act, as amended, for each attending student every school day at no charge.

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

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

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

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

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

\* \* \*

(d) It is a goal of the State that by the year ~~2022~~ 2023 school boards operating a school lunch, breakfast, or summer meals program shall purchase at least 20 percent of all food for those programs from local producers.

(e)(1) On or before December 31, 2020 and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of the cost of locally produced foods that were purchased by the school board for those programs that were locally produced foods during the one-year period ending on June 30 of that year.

\* \* \*

§ 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

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

~~(b) If a public school is exempt from offering a breakfast or lunch program, its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a regular or special school board meeting publicly noticed in accordance with 1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate~~

~~in the discussion. The school board shall send a copy of the notice to the Secretary and to the superintendent of the supervisory union at least ten days prior to the meeting. Following the discussion, the school board shall vote on whether to continue the exemption for one additional year.~~

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

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

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

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

§ 4025. EDUCATION FUND

\* \* \*

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

\* \* \*

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

\* \* \*

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

Sec. 5. APPROPRIATION; SCHOOL MEALS

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

Sec. 6. AGENCY OF EDUCATION; CONSULTATION; REPORT

The Agency of Education shall consult with school districts, Hunger Free Vermont, the Vermont School Boards Association, the Vermont Superintendents Association, the Vermont Association of School Business Officials, the Vermont Principals' Association, and the School Nutrition Association of Vermont on the impact of this act and, on or before December 15, 2021, shall report to the House and Senate Committees on Education and on Appropriations, the House Committee on Agriculture and Forestry, and the Senate Committee on Agriculture on the status of implementation under this act.

Sec. 7. AGENCY OF EDUCATION; STAFFING

The following position is created in the Agency of Education: one full-time, classified position specializing in the administration of school food

programs. The position established in this section shall be transferred and converted from an existing vacant position in the Executive Branch of State government. There is appropriated to the Agency of Education from the General Fund for fiscal year 2022 the amount of \$100,000.00 for salary, benefits, and operating expenses.

Sec. 8. TASK FORCE ON UNIVERSAL SCHOOL LUNCH; REPORT

(a) Creation. There is created the Task Force on Universal School Lunch. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families.

(b) Membership. The Task Force shall be composed of the:

- (1) Secretary of Education or designee;
- (2) Secretary of Human Services or designee; and
- (3) Secretary of Agriculture or designee.

(c) Powers and duties. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families and shall perform the following tasks:

- (1) recommend funding sources for universal school lunch;
- (2) recommend what data should be collected by local education agencies, school districts, and schools to qualify for federal funds based on

student poverty, the means by which the data should be collected, the frequency of collection, and how this data should be reported to the Agency of Education and the frequency of this reporting;

(3) consider how other states offer and fund universal school meals at no cost to students or their families; and

(4) meet with Vermont's federal delegation to discuss what changes could be made to federal law and regulations to more readily facilitate universal school meals.

(d) Collaboration. In performing its duties under this section, the Task Force shall collaborate with Hunger Free Vermont, the School Nutrition Association of Vermont, the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Council of Special Education Administrators, the Vermont Principals' Association, and the Vermont-National Education Association.

(e) Report. On or before January 15, 2022, the Task Force shall submit a written report to the House and Senate Committees on Education and on Appropriations, the House Committee on Agriculture and Forestry, and the Senate Committee on Agriculture with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Task Force to occur on or before October 10, 2021.

(2) The Task Force shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Task Force shall meet not more than eight times.

(5) The Task Force shall expire on January 16, 2022.

(g) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.

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

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2022.