

1 Introduced by Committee on Agriculture

2 Date:

3 Subject: Education; school food programs; locally produced foods

4 Statement of purpose of bill as introduced: This bill proposes to require all
5 public schools in Vermont to make available school breakfast and lunch to all
6 students at no charge. The cost of school meals that is not reimbursed through
7 federal or State funds or other sources would be borne by school districts and
8 therefore ultimately borne by the Education Fund. This bill also proposes to
9 create incentives for schools to purchase locally produced foods.

10 An act relating to universal school breakfast and lunch for all public school
11 students and to creating incentives for schools to purchase locally produced
12 foods

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

14 * * * Title * * *

15 Sec. 1. TITLE

16 This act shall be known as “Farm Fresh School Meals for All.”

17 * * * Statutory changes; universal school breakfast and lunch;

18 locally produced foods * * *

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

20 Subchapter 2. School Food Programs

21 § 1261a. DEFINITIONS

1 As used in this subchapter:

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

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

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

11 § 1262a. AWARD OF GRANTS

12 * * *

13 (d) The Agency shall, from funds appropriated for this subsection to the
14 Agency, award grants to supervisory unions and supervisory districts in
15 accordance with section 1264a of this title (locally produced foods). If the
16 amount appropriated for this purpose is insufficient to fully fund the grants
17 under that section, then the grant amounts that are awarded shall be prorated.

18 * * *

19 § 1264. FOOD PROGRAM

20 (a)(1)(A) Each school board operating a public school shall cause to
21 operate within ~~the school district~~ each school in the school district a food

1 program that makes available a school lunch, as provided in the National
2 School Lunch Act as amended, and a school breakfast, as provided in the
3 National Child Nutrition Act as amended, to each attending student who
4 qualifies for those meals under these Acts every school day. School districts
5 shall maximize access to federal funds for the cost of the school breakfast and
6 lunch program under the Community Eligibility Provision, Provision 2, or
7 other provisions under these Acts.

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

14 (C) To the extent that costs are not reimbursed through federal or
15 State funds or other sources, the cost of making available school lunches and
16 breakfasts shall be borne by school districts.

17 * * *

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

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

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

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

6 (4) Each school district shall request the parent or guardian of each
7 student to complete the Household Income Form provided by the Agency of
8 Education, which is used to determine a family’s economic status to determine
9 eligibility for various State and federal programs. This requirement shall not
10 apply if the school district obtains equivalent information through another
11 means.

12 * * *

13 ~~(d) It is a goal of the State that by the year 2022 school boards operating a~~
14 ~~school lunch, breakfast, or summer meals program shall purchase at least~~
15 ~~20 percent of all food for those programs from local producers. [Repealed.]~~

16 ~~(e)(1) On or before December 31, 2020 and annually thereafter, a school~~
17 ~~board operating a school lunch, breakfast, or summer meals program shall~~
18 ~~submit to the Agency of Education an estimate of the percentage of locally~~
19 ~~produced foods that were purchased by the school board for those programs.~~

20 ~~(2) On or before January 31, 2021 and annually thereafter, the Agency~~
21 ~~of Education shall submit to the Senate Committees on Agriculture and on~~

1 ~~Education and the House Committees on Agriculture and Forestry and on~~
2 ~~Education in an aggregated form the information received from school boards~~
3 ~~regarding the percentage of locally produced foods that are purchased as part~~
4 ~~of a school lunch, breakfast, or summer meals program. The provisions of~~
5 ~~2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the~~
6 ~~report required by this subdivision. [Repealed.]~~

7 § 1264a. LOCALLY PRODUCED FOODS

8 (a) It is a goal of the State that by the year 2023, at least 20 percent of all
9 foods purchased by supervisory unions and supervisory districts, together
10 referred to in this section as “supervisory unions,” be locally produced foods.
11 School boards have the discretion to define what foods are included within the
12 definition of “locally produced foods” for the purposes of this subsection and
13 subsection (b) of this section.

14 (b) On or before December 31, 2021 and annually thereafter, a school
15 board operating a school lunch, breakfast, or summer meals program shall
16 report to the Agency of Education an estimate of the percentage of the cost of
17 all foods purchased by the school board for those programs that were locally
18 produced foods during the one-year period ending on June 30 of that year.

19 (c)(1) Beginning with the 2021–22 school year and thereafter, supervisory
20 unions shall be eligible for a local foods incentive grant (grant) from funds
21 appropriated to the Agency of Education for this purpose.

1 (2) A supervisory union may apply for the grant if it has:

2 (A) developed a locally produced foods purchasing plan that
3 describes the supervisory union’s goals for purchasing locally produced foods
4 and its plan to achieve those goals;

5 (B) designated an individual as the food coordinator for locally
6 produced foods who shall be responsible for implementing the locally
7 produced foods purchasing plan;

8 (C) developed a process for tracking the purchase of locally produced
9 foods; and

10 (D) complied with the reporting requirement under subsection (b) of
11 this section.

12 (3) A supervisory union that has satisfied the conditions under
13 subdivision (2) of this subsection may, on or before January 15, 2022 or on or
14 before January 15 of any year thereafter, apply to the Agency for the grant by
15 submitting a certification, signed by the business manager for the supervisory
16 union, that the supervisory union satisfies the conditions under subdivision (2)
17 of this subsection.

18 (4) If a supervisory union is eligible for a grant under subdivision (3) of
19 this subsection, then the Agency shall make the grant payment, subject to
20 appropriation, on or before the following March 31 after submission of the
21 supervisory union’s application (that is due on or before January 15 of that

1 year), which shall be equal to 15 cents per reimbursable school lunch served by
2 the supervisory union in the prior school year through the National School
3 Lunch Program. A supervisory union may apply for this grant and receive this
4 grant funding only once.

5 (5)(A) A supervisory union that has received a grant under
6 subdivision (4) of this subsection (c) may, on or before January 15, 2023 or on
7 or before January 15 of any year thereafter, apply for a further grant by
8 submitting to the Agency of Education information that demonstrates that at
9 least 15 percent of the cost of all foods purchased or grown, raised, or
10 produced by the supervisory union during the one-year period ending on June
11 30 of the previous year were local to Vermont as defined in 9 V.S.A.
12 § 2465a(b), excluding:

13 (i) foods purchased or grown, raised, or produced by the
14 supervisory union that were used to provide catering services for which the
15 supervisory union received compensation; and

16 (ii) fluid milk.

17 (B) If a supervisory union grows, raises, or produces food, it shall
18 assign a fair market value to that food for the purpose of reporting its cost.

19 (C) A vendor that contracts with a supervisory union to supply food
20 products shall certify to the supervisory union which of the food products

1 supplied meet the definition of local to Vermont, taking into account the
2 exclusions under subdivision 5(A) of this subsection (c).

3 (6) If a supervisory union is eligible for a grant under subdivision (5) of
4 this subsection, the Agency shall, on or before the following April 30 after
5 submission of the supervisory union’s application (that is due on or before
6 January 15 of that year), make the grant payment, subject to appropriation,
7 which shall be determined as follows:

8 (A) 15 cents per reimbursable school lunch served in the prior school
9 year through the National School Lunch Program for supervisory unions
10 purchasing at least 15 percent locally produced foods;

11 (B) 20 cents per reimbursable school lunch served in the prior school
12 year through the National School Lunch Program for supervisory unions
13 purchasing at least 20 percent locally produced foods; or

14 (C) 25 cents per reimbursable school lunch served in the prior school
15 year through the National School Lunch Program for supervisory unions
16 purchasing at least 25 percent locally produced foods.

17 (7) A supervisory union may apply for and receive grant funding under
18 subdivisions (5) and (6) of this subsection for each year that it qualifies for this
19 grant funding. For applications covering the 2020–2021 school year, meals
20 served through the Summer Food Service Program shall also be counted for
21 this grant payment.

1 (8) The Agency of Education may perform sample audits for any year
2 that grant funds are paid to supervisory unions under subdivision (6) of this
3 subsection to verify that information provided to the Agency under
4 subdivision (5) of this subsection is accurate. If the Agency makes a grant
5 payment under subdivision (6) of this subsection to a supervisory union that
6 was based on inaccurate information reported by the supervisory union, the
7 Agency may seek reimbursement from the supervisory union for an
8 overpayment or reimburse the supervisory union for an underpayment or may
9 adjust future grant amounts under this section to reflect the over- or
10 underpayment.

11 (d)(1) On or before January 31, 2022 and annually thereafter, the Agency
12 of Education shall submit to the Senate Committees on Agriculture and on
13 Education and the House Committees on Agriculture and Forestry and on
14 Education in an aggregated form:

15 (A) the information received from supervisory unions regarding the
16 percentage of locally produced foods, as the supervisory unions define them,
17 that were reported under subsection (b) of this section; and

18 (B) the percentage of locally produced foods, using the grant funding
19 definition, that were reported under subdivision (c)(5) of this section and the
20 amount of grant funding paid to supervisory unions under subdivision (c)(6) of
21 this section in the prior school year.

1 (2) The provisions of 2 V.S.A. § 20(d) regarding expiration of required
2 reports shall not apply to the reports required by this subsection.

3 § 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

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

9 ~~(b) If a public school is exempt from offering a breakfast or lunch program,~~
10 ~~its school board shall conduct a discussion annually on whether to continue the~~
11 ~~exemption. The pending discussion shall be included on the agenda at a~~
12 ~~regular or special school board meeting publicly noticed in accordance with~~
13 ~~1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate~~
14 ~~in the discussion. The school board shall send a copy of the notice to the~~
15 ~~Secretary and to the superintendent of the supervisory union at least ten days~~
16 ~~prior to the meeting. Following the discussion, the school board shall vote on~~
17 ~~whether to continue the exemption for one additional year.~~

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

1 (B) For purposes of calculating excess spending pursuant to
2 32 V.S.A. § 5401(12), “education spending” shall not include:

3 * * *

4 (xii) Costs incurred by a school district or supervisory union to
5 provide school breakfast and lunch under chapter 27 (transportation and
6 board), subchapter 2 (school food programs) of this title.

7 * * *

8 * * * Federal funds; data collection * * *

9 Sec. 4. 16 V.S.A. § 45 is added to read:

10 § 45. FEDERAL FUNDS; DATA COLLECTION

11 (a) The Secretary of Education shall:

12 (1) define the term “student poverty” for the purpose of determining
13 qualification for federal funds by school districts;

14 (2) establish what data should be collected by school districts to qualify
15 for federal funds based on student poverty, the means by which the data should
16 be collected, and the frequency of collection; and

17 (3) determine how this data shall be reported to the Agency of
18 Education by school districts and the frequency of reporting.

19 (b) School districts shall collect data that is necessary to qualify for federal
20 funds based on student poverty and report this data to the Agency of Education
21 in accordance with subsection (a) of this section.

1 * * * Session law; universal school breakfast and lunch * * *

2 Sec. 5. SCHOOL MEALS CONSUMED DURING CLASS

3 A school district shall count time spent by students consuming school meals
4 during class as instructional time.

5 Sec. 6. TRANSITION

6 (a) On or before July 1, 2026, each school district shall comply with
7 16 V.S.A. chapter 27, subchapter 2, as amended by this act. Until the date
8 upon which a school district complies with 16 V.S.A. chapter 27, subchapter 2,
9 as amended by this act, 16 V.S.A. chapter 27, subchapter 2, as in effect on
10 June 30, 2021, shall be in effect.

11 (b)(1) Notwithstanding any provision of law to the contrary, the sum of
12 \$1,000,000.00 is appropriated from the Education Fund to the Agency of
13 Agriculture, Food and Markets for fiscal year 2022 for the Farm-to-School
14 Program established under 6 V.S.A. § 4721. This funding shall be used by the
15 Agency of Agriculture, Food and Markets to award grants during the five-year
16 transition period to school districts that are transitioning to making available
17 school breakfast and lunch to all students at no charge. The Agency shall
18 establish criteria for awarding this grant funding, which may include funding
19 for any or all of the following:

20 (A) capital expenditures, including equipment;

21 (B) staff support;

1 (C) administration; and

2 (D) training.

3 (2) Each school that receives a transition grant under subdivision (1) of
4 this subsection shall use the funds to pay for the cost of transitioning under that
5 subdivision and shall report to the Agency of Agriculture, Food and Markets
6 how the funds were used at such time or times as required by the Agency. Any
7 unused funds shall revert to the Farm-to-School Program.

8 Sec. 7. AGENCY OF EDUCATION; **STAFFING**

9 The following position is created in the Agency of Education: one full-
10 time, classified position specializing in the administration of school food
11 programs. The position established in this subsection shall be transferred and
12 converted from an existing vacant position in the Executive Branch of State
13 government. There is appropriated to the Agency of Education from the
14 General Fund for fiscal year 2022 the amount of \$100,000.00 for salary,
15 benefits, and operating expenses.

16 * * * Session law; locally produced foods * * *

17 Sec. 8. ADMINISTRATIVE SUPPORT

18 The Agency of Education shall collaborate with the Agency of Agriculture,
19 Food and Markets to promote the local foods program under 16 V.S.A.
20 § 1264a to supervisory unions and supervisory districts, farmers, food
21 processors, and distributors.

1 Sec. 9. APPROPRIATIONS FOR FOOD PROGRAMS

2 (a) There is appropriated to the Agency of Education from the General
3 Fund for fiscal year 2022 the amount of \$500,000.00 for local foods incentive
4 grants under 16 V.S.A. § 1264a (locally produced foods) as added by this act.
5 From this appropriation, the Agency of Education may use up to \$60,000.00 to
6 retain a contractor, or otherwise fund costs associated with the implementation
7 of the grant program, to assist with developing and establishing the local foods
8 incentive grants for fiscal year 2022.

9 (b) There is appropriated to the Vermont Agency of Agriculture, Food and
10 Markets from the General Fund for fiscal year 2022 the annual base
11 appropriation of \$500,000.00 for the Farm-to-School and Early Childhood
12 Grant Program.

13 Sec. 10. AGENCY OF EDUCATION; ANNUAL BUDGET REQUEST

14 The Agency of Education shall, in its annual budget request to the General
15 Assembly, include the amount of \$500,000.00 for local foods incentive grants
16 under 16 V.S.A. § 1264a (locally produced foods) as added by this act.

17 * * * Effective date * * *

18 Sec. 11. EFFECTIVE DATE

19 This act shall take effect on July 1, 2021.