

1 TO THE HONORABLE SENATE:

2 Senators Champion, Chittenden, Hooker, Lyons, Perchlik, and Terenzini  
3 move that the Senate concur in the House proposal of amendment with further  
4 proposal of amendment by striking out all after the enacting clause and  
5 inserting in lieu thereof the following:

6 \* \* \* Title \* \* \*

7 Sec. 1. SHORT TITLE

8 This act may be cited as the “Universal School Meals and Healthy Schools  
9 Act.”

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

11 Sec. 2. FINDINGS

12 The General Assembly finds that:

13 (1) According to the Vermont Agency of Education, an average of  
14 38 percent of students across all supervisory unions during the 2019–2020  
15 school year qualified for free or reduced-price lunch. The General Assembly  
16 recognizes that students need fresh and nutritional foods to enable them to  
17 focus on their education and that many students come to school hungry.  
18 Providing universal school meals offered at no cost to students or their families  
19 creates a necessary foundation for learning readiness during the school day.

20 (2) A 2021 study by the National Food Access and COVID Research  
21 Team found that in the first year of the pandemic, nearly one-third of people in

1 Vermont faced hunger, and families with children were five times more likely  
2 to face hunger. Food insecurity rates remained above pre-pandemic levels a  
3 year after the start of the pandemic.

4 (3) In a 2019 research report, the Urban Institute found that up to  
5 42 percent of children living in food-insecure homes may not be eligible for  
6 free or reduced-price school meals.

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

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

19 Sec. 3. UNIVERSAL MEALS **PILOT PROGRAM**

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

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

3        (c) Universal food program.

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

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

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

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

1           (C) for school districts, collaborating with the school's wellness  
2           community advisory council, as established under 16 V.S.A. § 136(e), in  
3           planning school meals.

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

7           (d) Award of grants.

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

20           (2) Approved independent schools.

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

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

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

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

11          (e) Temporary moratorium on school meal program exemption.  
12          Notwithstanding any provision of law to the contrary, 16 V.S.A. § 1265 shall  
13          not apply in fiscal years 2023, 2024, 2025, and 2026.

14          (f) Universal income declaration form. The Agency of Education may use  
15          the universal income declaration form to collect the household income  
16          information necessary for the implementation of a universal meals program.

17          Sec. 4. REPEAL

18          Sec. 3 of this act is repealed on July 1, 2026.

1       Sec. 5. APPROPRIATION; UNIVERSAL MEALS

2           Notwithstanding 16 V.S.A. § 4025(d), the sum of \$29,000,000.00 is  
3           appropriated from the Education Fund to the Agency of Education for fiscal  
4           year 2023 to provide reimbursement for school meals under Sec. 3 this act.

5                               \* \* \* School Meals Reports \* \* \*

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

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

15       Sec. 7. JOINT FISCAL OFFICE; REPORT

16          On or before February 1, 2023, the Joint Fiscal Office shall prepare a report  
17          examining possible revenue sources to fund school meals, including expansion  
18          of the sales tax base, enactment of an excise tax on sugar-sweetened beverages,  
19          and other sources of revenue not ordinarily used for General Fund purposes.  
20          The report shall include preliminary revenue estimates and other policy  
21          considerations.

\* \* \* PCB Remediation \* \* \*

Sec. 8. POLYCHLORINATED BIPHENYLS (PCBS) REMEDIATION

RESERVE FUNDS; PLAN

(a) In fiscal year 2023, notwithstanding 16 V.S.A. § 4025(d), the amount of \$40,000,000.00 in Education Fund monies is hereby reserved to be part of polychlorinated biphenyl (PCB) testing, assessment, and response efforts.

(b) After satisfying the requirements of 16 V.S.A. § 4026 and after other reserve requirements have been met, notwithstanding 16 V.S.A. § 4025(d), the first \$10,000,000.00 of remaining unreserved and undesignated education funds at the close of fiscal year 2022 is hereby reserved to be part of PCB testing, assessment, and response efforts.

\* \* \* Single-Use Food Service Products in Schools \* \* \*

Sec. 9. SINGLE-USE FOOD SERVICE PRODUCTS IN SCHOOLS;

REPORT

On or before January 15, 2023, the Agency of Natural Resources, in consultation with the Agency of Education, shall submit a written report to the House Committees on Education and on Natural Resources, Fish, and Wildlife and the Senate Committees on Education and on Natural Resources and Energy with a proposed plan to phase out single-use food service products from all Vermont public schools. For the purposes of this section, “single-use food service products” means a product intended for one-time use and used for



1 food or drink offered for sale or use, including containers, plates, bowls, cups,  
2 lids, beverage containers, meat trays, deli rounds, utensils, sachets, straws,  
3 condiment packaging, clamshells and other hinged or lidded containers, wrap,  
4 and portion cups.

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

6 Sec. 10. EFFECTIVE DATE

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

8 and that after passage the title of the bill be amended to read: “An act  
9 relating to healthy school environments”

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16 (Committee vote: \_\_\_\_\_)

17 \_\_\_\_\_

18 Senator \_\_\_\_\_

19 FOR THE COMMITTEE