

1 S.100

2 Senator [ ] moves that the report of the Committee on Appropriations be  
3 amended by striking out all after the enacting clause and inserting in lieu  
4 thereof the following:

5 \* \* \* Title \* \* \*

6 Sec. 1. SHORT TITLE

7 This act may be cited as the “Expansion of School Breakfast and Lunch  
8 Programs Act.”

9 \* \* \* Purpose \* \* \*

10 Sec. 2. PURPOSE

11 The purpose of this act is to:

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

15 (2) establish a task force to advise the General Assembly on how to  
16 achieve the goal of providing universal school lunch for all public school  
17 students at no cost to the students or their families, thereby making school food  
18 programs universally available to all public school students at no cost to the  
19 students or their families.

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

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

3    Subchapter 2. School Food Programs

4        § 1261a. DEFINITIONS

5                As used in this subchapter:

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

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

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

15        § 1262a. AWARD OF GRANTS

16              (c)(1) On a quarterly basis, from State funds appropriated to the Agency for  
17        this ~~subsection~~ subdivision, the Agency shall award to each supervisory union,  
18        independent school board, and approved education program as described in  
19        subsection (a) of this section a sum equal to the amount that would have been  
20        the student share of the cost of all breakfasts and lunches actually provided in  
21        the district during the previous quarter to students eligible for a reduced-price

1 breakfast under the federal school breakfast program and students eligible for a  
2 reduced-price lunch under the federal school lunch program.

3 (2)(A) From State funds appropriated to the Agency for this subdivision,  
4 the Agency shall reimburse each school district that made available school  
5 breakfast to students at no charge under subdivision 1264 (a)(1)(B) of this title  
6 for the cost of each meal actually provided in the district during the previous  
7 quarter to the extent that cost is not reimbursed through federal funds or other  
8 State funds.

9 (B) Reimbursement amounts paid under this subdivision (2) shall be  
10 paid from the Education Fund and shall be added to adjusted education  
11 payment receipts paid under section 4011 of this title.

12 \* \* \*

13 § 1264. FOOD PROGRAM

14 (a)(1)(A) Each school board operating a public school shall cause to  
15 operate within ~~the school district~~ each school in the school district a food  
16 program that makes available a school lunch, as provided in the National  
17 School Lunch Act as amended, and a school breakfast, as provided in the  
18 National Child Nutrition Act as amended, to each attending student who  
19 qualifies for those meals under these Acts every school day. School districts  
20 shall maximize access to federal funds for the cost of the school breakfast and

1 lunch program under the Community Eligibility Provision, Provision 2, or  
2 other provisions under these Acts.

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

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

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

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

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

17 \* \* \*

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

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

7 \* \* \*

8 § 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

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

14 ~~(b) If a public school is exempt from offering a breakfast or lunch program,~~  
15 ~~its school board shall conduct a discussion annually on whether to continue the~~  
16 ~~exemption. The pending discussion shall be included on the agenda at a~~  
17 ~~regular or special school board meeting publicly noticed in accordance with~~  
18 ~~1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate~~  
19 ~~in the discussion. The school board shall send a copy of the notice to the~~  
20 ~~Secretary and to the superintendent of the supervisory union at least ten days~~

1 ~~prior to the meeting. Following the discussion, the school board shall vote on~~  
2 ~~whether to continue the exemption for one additional year.~~

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

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

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

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

15 § 4025. EDUCATION FUND

16 \* \* \*

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

18 \* \* \*

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

21 \* \* \*

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

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. APPROPRIATION; SCHOOL MEALS

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

9 Sec. 7. TAX LETTER; FISCAL YEAR 2023

10 The calculation under 32 V.S.A. § 5402b(a) (Statewide education tax  
11 yields; recommendation of the Commissioner) for fiscal year 2023 shall take  
12 into account the increased costs under sections 1262a and 1264 of Sec. 3 of  
13 this act.

14 Sec. 8. 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 December  
20 15, 2021, shall report to the House and Senate Committees on Education and  
21 on Appropriations, the House Committee on Agriculture and Forestry, and the

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

3 Sec. 9. AGENCY OF EDUCATION; STAFFING

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

11 Sec. 10. TASK FORCE ON UNIVERSAL SCHOOL LUNCH; REPORT

12 (a) Creation. There is created the Task Force on Universal School Lunch.  
13 The Task Force shall make recommendations on how to achieve the goal of  
14 providing universal school lunch for all public school students at no cost to the  
15 students or their families.

16 (b) Membership. The Task Force shall be composed of the Secretary of  
17 Education or designee, the Secretary of Human Services or designee, and the  
18 Secretary of Agriculture or designee.

19 (c) Powers and duties. The Task Force shall make recommendations on  
20 how to achieve the goal of providing universal school lunch for all public



1 school students at no cost to the students or their families and shall perform the  
2 following tasks:

3 (1) recommend funding sources for universal school lunch;

4 (2) recommend what data should be collected by local education  
5 agencies, school districts, and schools to qualify for federal funds based on  
6 student poverty, the means by which the data should be collected, the  
7 frequency of collection, and how this data should be reported to the Agency of  
8 Education and the frequency of this reporting;

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

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

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

19 (e) Report. On or before January 15, 2022, the Task Force shall submit a  
20 written report to the House and Senate Committees on Education and on  
21 Appropriations, the House Committee on Agriculture and Forestry, and the

1 Senate Committee on Agriculture with its findings and any recommendations  
2 for legislative action.

3 (f) Meetings.

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

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

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

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

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

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

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

14 Sec. 11. EFFECTIVE DATE

15 This act shall take effect on passage.