

1 TO THE SENATE:

2 The Committee on Appropriations to which was referred Senate Bill No.  
3 100 entitled “An act relating to universal school breakfast and lunch for all  
4 public school students and to creating incentives for schools to purchase  
5 locally produced foods” respectfully reports that it has considered the same and  
6 recommends that the bill be amended by striking out all after the enacting  
7 clause and inserting in lieu thereof the following:

8 Sec. 1. TITLE

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

10 \* \* \* Statutory changes; universal school breakfast and lunch;  
11 locally produced foods \* \* \*

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

13 Subchapter 2. School Food Programs

14 § 1261a. DEFINITIONS

15 As used in this subchapter:

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

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



1 amount appropriated for this purpose is insufficient to fully fund the grants  
2 under that section, then the grant amounts that are awarded shall be prorated.

3 \* \* \*

4 § 1264. FOOD PROGRAM

5 (a)(1)(A) Each school board operating a public school shall cause to  
6 operate within ~~the school district~~ each school in the school district a food  
7 program that makes available a school lunch, as provided in the National  
8 School Lunch Act as amended, and a school breakfast, as provided in the  
9 National Child Nutrition Act as amended, to each attending student who  
10 qualifies for those meals under these Acts every school day. School districts  
11 shall maximize access to federal funds for the cost of the school breakfast and  
12 lunch program under the Community Eligibility Provision, Provision 2, or  
13 other provisions under these Acts.

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



1       ~~(d) It is a goal of the State that by the year 2022 school boards operating a~~  
2       ~~school lunch, breakfast, or summer meals program shall purchase at least~~  
3       ~~20 percent of all food for those programs from local producers. [Repealed.]~~

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

8       ~~(2) On or before January 31, 2021 and annually thereafter, the Agency~~  
9       ~~of Education shall submit to the Senate Committees on Agriculture and on~~  
10       ~~Education and the House Committees on Agriculture and Forestry and on~~  
11       ~~Education in an aggregated form the information received from school boards~~  
12       ~~regarding the percentage of locally produced foods that are purchased as part~~  
13       ~~of a school lunch, breakfast, or summer meals program. The provisions of~~  
14       ~~2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the~~  
15       ~~report required by this subdivision. [Repealed.]~~

16       § 1264a. LOCALLY PRODUCED FOODS

17       (a) It is a goal of the State that by the year 2023, at least 20 percent of all  
18       foods purchased by supervisory unions and supervisory districts, together  
19       referred to in this section as “supervisory unions,” be locally produced foods.  
20       School boards have the discretion to define what foods are included within the

1 definition of “locally produced foods” for the purposes of this subsection and  
2 subsection (b) of this section.

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

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

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

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

15 (B) designated an individual as the food coordinator for locally  
16 produced foods who shall be responsible for implementing the locally  
17 produced foods purchasing plan;

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

20 (D) complied with the reporting requirement under subsection (b) of  
21 this section.

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

7           (4) If a supervisory union is eligible for a grant under subdivision (3) of  
8           this subsection, then the Agency shall make the grant payment, subject to  
9           appropriation, on or before the following March 31 after submission of the  
10           supervisory union’s application (that is due on or before January 15 of that  
11           year), which shall be equal to 15 cents per reimbursable school lunch served by  
12           the supervisory union in the prior school year through the National School  
13           Lunch Program. A supervisory union may apply for this grant and receive this  
14           grant funding only once.

15           (5)(A) A supervisory union that has received a grant under  
16           subdivision (4) of this subsection (c) may, on or before January 15, 2023 or on  
17           or before January 15 of any year thereafter, apply for a further grant by  
18           submitting to the Agency of Education information that demonstrates that at  
19           least 15 percent of the cost of all foods purchased or grown, raised, or  
20           produced by the supervisory union during the one-year period ending on June

1 30 of the previous year were local to Vermont as defined in 9 V.S.A.

2 § 2465a(b), excluding:

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

6 (ii) fluid milk.

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

9 (C) A vendor that contracts with a supervisory union to supply food  
10 products shall certify to the supervisory union which of the food products  
11 supplied meet the definition of local to Vermont, taking into account the  
12 exclusions under subdivision 5(A) of this subsection (c).

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

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



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

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

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

12           (8) The Agency of Education may perform sample audits for any year  
13           that grant funds are paid to supervisory unions under subdivision (6) of this  
14           subsection to verify that information provided to the Agency under  
15           subdivision (5) of this subsection is accurate. If the Agency makes a grant  
16           payment under subdivision (6) of this subsection to a supervisory union that  
17           was based on inaccurate information reported by the supervisory union, the  
18           Agency may seek reimbursement from the supervisory union for an  
19           overpayment or reimburse the supervisory union for an underpayment or may  
20           adjust future grant amounts under this section to reflect the over- or  
21           underpayment.

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

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

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

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

14        § 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

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

20               ~~(b) If a public school is exempt from offering a breakfast or lunch program,~~  
21               ~~its school board shall conduct a discussion annually on whether to continue the~~

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

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

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

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

19 **Sec. 3. 16 V.S.A. § 4001 is amended to read:**

20 **§ 4001. DEFINITIONS**

21 **As used in this chapter:**



1           (1) define the term “student poverty” for the purposes of:

2                   (A) determining qualification for federal funds **by local education**  
3 **agencies, school districts, and schools;**

4                   **(B) student eligibility for various educational programs and benefits**  
5 **where economic need is a consideration; and**

6                   **(C) collecting and reporting disaggregated and student-level**  
7 **performance data as required;**

8           (2) establish what student poverty data should be collected **by local**  
9 **education agencies, school districts, and schools,** the means by which the data  
10 should be collected, and the frequency of collection; and

11           (3) determine how this data shall be reported to the Agency of  
12 Education **by local education agencies, school districts, and schools,** and the  
13 frequency of reporting.

14           (b) **Local education agencies, school districts, and schools** shall collect data  
15 required under subdivision (a)(2) of this section and report this data to the  
16 Agency of Education as required under subdivision (a)(3) of this section.

17                   \* \* \* Session law; universal school breakfast and lunch \* \* \*

18           Sec. 4. SCHOOL MEALS CONSUMED DURING CLASS

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

21           Sec. 5. TRANSITION

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

6        (b)(1) Notwithstanding any provision of law to the contrary, the sum of  
7        \$1,000,000.00 is appropriated from the Education Fund to the Agency of  
8        Agriculture, Food and Markets for fiscal year 2022 for the Farm-to-School  
9        Program established under 6 V.S.A. § 4721. This funding shall be used by the  
10       Agency of Agriculture, Food and Markets to award grants during the five-year  
11       transition period to school districts that are transitioning to making available  
12       school breakfast and lunch to all students at no charge. The Agency shall  
13       establish criteria for awarding this grant funding, which may include funding  
14       for any or all of the following:

15                (A) capital expenditures, including equipment;

16                (B) staff support;

17                (C) administration; and

18                (D) training.

19        (2) Each school that receives a transition grant under subdivision (1) of  
20        this subsection shall use the funds to pay for the cost of transitioning under that  
21        subdivision and shall report to the Agency of Agriculture, Food and Markets

1 how the funds were used at such time or times as required by the Agency. Any  
2 unused funds shall revert to the Farm-to-School Program.

3 **Sec. 6. APPROPRIATIONS FOR UNIVERSAL SCHOOL MEALS**

4 There is appropriated to the Agency of Education from the [General Fund]  
5 for fiscal year 2022 the amount of \$[25],000,000.00 for universal school meals  
6 under subdivision (c)(2) of 16 V.S.A. § 1262a (Award of Grants) as added by  
7 this act.

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.





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3

4 (Committee vote: \_\_\_\_\_)

5

\_\_\_\_\_

6

Representative \_\_\_\_\_

7

FOR THE COMMITTEE