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H.165

Introduced by Representatives Brady of Williston, Brown of Richmond, Cole
of Hartford, and Leavitt of Grand Isle

Referred to Committee on

Date:

Subject: Education; school food program; universal school meals

Statement of purpose of bill as introduced: This bill proposes to require all
public schools in Vermont to make available school breakfast and lunch to all
students at no charge. It also allows approved independent schools to provide
school breakfast and lunch at no charge to students attending on public tuition
if the approved independent school participates in federal food programs. The
cost of these school meals that is not reimbursed through federal or State funds
or other sources would be paid for by an appropriation to the Agency of
Education out of the Education Fund.

An act relating to school food programs and universal school meals

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

* * * Findings * * *

Sec. 1. FINDINGS

The General Assembly finds that:

1 (1) According to the Vermont Agency of Education, an average of 38
2 percent of students across all supervisory unions during the 2019–2020 school
3 year qualified for free or reduced-price lunch. As a result, some
4 schoolchildren face more challenges than others in succeeding in school and in
5 life. The General Assembly recognizes that students need fresh and nutritional
6 foods to enable them to focus on their education and that many students come
7 to school hungry. Providing universal school meals offered at no cost to
8 students or their families creates a necessary foundation for learning readiness
9 during the school day.

10 (2) A 2021 study by the National Food Access and COVID Research
11 Team found that in the first year of the pandemic, nearly one-third of people in
12 Vermont faced hunger, and families with children were five times more likely
13 to face hunger. Food insecurity rates remained above prepandemic levels a
14 year after the start of the pandemic.

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

18 (4) In 2016, the Center for Rural Studies at the University of Vermont
19 partnered with the Vermont Farm to School Network to measure the economic
20 contribution and impacts of Farm to School programs in Vermont. The final
21 report found that school meal programs support a vibrant agricultural economy

1 with every \$1.00 spent on local food in schools contributing \$1.60 to the
2 Vermont economy.

3 (5) A study analyzing trends in food sources and diet quality published
4 in 2021 found that the most nutritious meals consumed by children in the
5 United States are school meals, including when compared to meals cooked at
6 home.

7 (6) A study conducted by UVM found that universal school meals
8 programs in Vermont were associated with, among other benefits, improved
9 overall school social climate as a result of financial difference being less
10 visible and improved readiness to learn among students overall.

11 * * * School Food Programs * * *

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

4 (4) “Approved independent school” means an independent school
5 physically located in Vermont and approved by the State Board of Education
6 under section 166 of this title.

7 § 1262a. AWARD OF GRANTS

8 * * *

9 (c)(1) On a quarterly basis, from State funds appropriated to the Agency for
10 this ~~subsection~~ subdivision, the Agency shall award to each supervisory union,
11 independent school board, and approved education program as described in
12 subsection (a) of this section a sum equal to the amount that would have been
13 the student share of the cost of all breakfasts and lunches actually provided in
14 the district during the previous quarter to students eligible for a reduced-price
15 breakfast under the federal school breakfast program and students eligible for a
16 reduced-price lunch under the federal school lunch program.

17 (2)(A) Public schools. From State funds appropriated to the Agency for
18 this subdivision (2), the Agency shall reimburse each school district that made
19 available both school breakfast and lunch to students at no charge under
20 subdivision 1264(a)(1)(B) of this title for the cost of each meal actually
21 provided in the district during the previous quarter that qualifies as a paid

1 breakfast or paid lunch under the federal school breakfast and federal school
2 lunch programs. Reimbursement from State funds shall be available only to
3 districts that maximize access to federal funds for the cost of the school
4 breakfast and lunch program by participating in the Community Eligibility
5 Provision or Provision 2 of these programs, or any other federal provision that
6 in the opinion of the Agency draws down the most possible federal funding for
7 meals served in that program. Second breakfasts do not qualify for
8 reimbursement under this subdivision.

9 (B) Approved independent schools.

10 (i) From State funds appropriated to the Agency for this
11 subdivision (2), the Agency shall reimburse each approved independent school
12 that made available both school breakfast and lunch to students attending on
13 public tuition at no charge under subdivision 1264(a)(1)(B) of this title for the
14 cost of each meal actually provided by the approved independent school to
15 those students during the previous quarter that qualifies as a paid breakfast and
16 paid lunch under the federal school breakfast and federal school lunch
17 programs, provided that:

18 (I) if the approved independent school participates in the food
19 programs as a site under a public school school food authority, the approved
20 independent school shall be reimbursed only for students attending the
21 approved independent school on public tuition.

1 (II) If the approved independent school is its own school food
2 authority and it participates in the Community Eligibility Provision or is in a
3 year other than the base year of Provision 2, the school shall provide the
4 Agency with the number of students attending the school on public tuition and
5 the total number of students enrolled in the school. The Agency shall calculate
6 the percentage of students attending the school on public tuition and multiply
7 that number by the paid student percentage, the results of which shall be the
8 number of meals the school shall be reimbursed for.

9 (ii) Second breakfasts do not qualify for reimbursement under this
10 subdivision (B).

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

17 (iv) Reimbursement from State funds shall be available only to
18 approved independent schools that maximize access to federal funds for the
19 cost of the school breakfast and lunch program by participating in the
20 Community Eligibility Provision or Provision 2 of these programs, or any

1 other federal provision that in the opinion of the Agency draws down the most
2 possible federal funding for meals served in that program.

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

13 * * *

14 § 1264. FOOD PROGRAM

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

1 (B) In addition, each school board operating a public school shall
2 cause to operate within each school in the school district the same school
3 breakfast and school lunch program made available to students who qualify for
4 those meals under the Child Nutrition Act and the National School Lunch Act,
5 each as amended, for each attending student every school day at no charge. An
6 approved independent school may cause to operate the same school lunch and
7 the same school breakfast program made available to students who qualify for
8 those meals under the Child Nutrition Act and the National School Lunch Act,
9 each as amended, to each student attending on public tuition every school day
10 at no charge.

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

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

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

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

1 ~~the boards of the affected school district and supervisory union in writing that~~
2 ~~the exemption will expire.~~

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

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

10 * * * Education Fund * * *

11 Sec. 3. 16 V.S.A. § 4025 is amended to read:

12 § 4025. EDUCATION FUND

13 * * *

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

15 * * *

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

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* * * Appropriation * * *

Sec. 4. APPROPRIATION; SCHOOL MEALS

The sum of \$29,000,000.00 is appropriated from the Education Fund to the Agency of Education for fiscal year 2024 to provide reimbursement for school meals under 16 V.S.A. § 1262a(c)(2).

* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.