

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred House Bill No. 79  
3 entitled “An act relating to eligibility for farm-to-school grant assistance”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 Sec. 1. 6 V.S.A. § 4721 is amended to read:

8 § 4721. LOCAL FOODS GRANT PROGRAM

9 (a) There is created in the Agency of Agriculture, Food and Markets the  
10 Rozo McLaughlin Farm-to-School Program to execute, administer, and award  
11 local grants for the purpose of helping Vermont schools develop farm-to-  
12 school programs that will sustain relationships with local farmers and  
13 producers, enrich the educational experience of students, improve the health of  
14 Vermont children, and enhance Vermont’s agricultural economy.

15 (b) A school, a school district, a consortium of schools, a consortium of  
16 school districts, ~~or a~~ registered or licensed child care ~~providers~~ provider, or an  
17 organization administering or assisting the development of farm-to-school  
18 programs may apply to the Secretary of Agriculture, Food and Markets for a  
19 grant award to:

20 (1) fund equipment, resources, training, and materials that will help to  
21 increase use of local foods in child nutrition programs;

1           (2) fund items, including local food products, gardening supplies, field  
2           trips to farms, gleanings on farms, and stipends to visiting farmers, that will  
3           help educators to use hands-on educational techniques to teach children about  
4           nutrition and farm-to-school connections;

5           (3) fund professional development and technical assistance, in  
6           partnership with the Agency of Education and farm-to-school technical service  
7           providers, to help teachers, child nutrition personnel, organizations  
8           administering or assisting the development of farm-to-school programs, and  
9           members of the farm-to-school community educate students about nutrition  
10          and farm-to-school connections and assist schools and licensed or registered  
11          child care providers in developing a farm-to-school program; and

12          (4) fund technical assistance or support strategies to increase  
13          participation in federal child nutrition programs that increase the viability of  
14          sustainable meal programs.

15          (c) The Secretaries of Agriculture, Food and Markets and of Education and  
16          the Commissioner of Health, in consultation with farmers, child nutrition staff,  
17          educators, organizations administering or assisting the development of farm-to-  
18          school programs, and farm-to-school technical service providers jointly shall  
19          adopt procedures relating to the content of the grant application and the criteria  
20          for making awards.

1 (d) The Secretary shall determine that there is significant interest in the  
2 school community before making an award and shall give priority  
3 consideration to schools, school districts, and registered or licensed child care  
4 providers that are developing farm-to-school connections and education, that  
5 indicate a willingness to make changes to their child nutrition programs to  
6 increase student access and participation, and that are making progress toward  
7 the implementation of the Vermont School Wellness Policy Guidelines  
8 developed by the Agency of Agriculture, Food and Markets, the Agency of  
9 Education, and the Department of Health, updated in June 2015 or of the  
10 successor of these guidelines.

11 (e) No award shall be greater than ~~\$15,000.00~~ 20 percent of the total annual  
12 amount available for granting except that a grant award to the following  
13 entities may, at the discretion of the Secretary of Agriculture, Food and  
14 Markets, exceed the cap:

15 (1) Farm-to-School service providers; or

16 (2) school districts or consortiums of school districts that completed  
17 merger under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves  
18 No. 156, or 2015 Acts and Resolves No. 46 on or before July 1, 2019, provided  
19 that the grant is used for the purpose of expanding Farm-to-School projects to  
20 additional schools within the new school district.

1 Sec. 2. 6 V.S.A. § 4722 is amended to read:

2 § 4722. FARM ASSISTANCE; SECRETARY OF AGRICULTURE, FOOD  
3 AND MARKETS

4 (a) The Secretary of Agriculture, Food and Markets shall work with  
5 existing programs and organizations to develop and implement educational  
6 opportunities for farmers to help them increase their markets through selling  
7 their products to schools, registered or licensed child care providers, and State  
8 government agencies that operate or participate in child nutrition programs.

9 (b) The Secretary of Agriculture, Food and Markets shall work with  
10 distributors that sell products to schools, registered or licensed child care  
11 providers, and State government agencies to increase the availability of local  
12 products. The Secretary of Agriculture, Food and Markets shall consult and  
13 cooperate with the Secretary of Education when working with distributors to  
14 schools under this subsection.

15 Sec. 3. 6 V.S.A. § 4724(b) is amended to read:

16 (b) The duties of the Food Systems Administrator shall include:

17 (1) working with institutions, schools, the Agency of Education,  
18 registered or licensed child care providers, distributors, producers, commercial  
19 markets, and others to create matchmaking opportunities that increase the  
20 number of Vermont institutions that purchase foods grown or produced in  
21 Vermont;

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Sec. 4. 16 V.S.A. § 1264 is amended to read:

§ 1264. FOOD PROGRAM

(a)(1) Each school board operating a public school shall cause to operate within the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending student every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) at least 50 percent of the students in a school in the district were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;

(B) the district operates or funds the summer educational or recreational program or camp; and

(C) the summer educational or recreational program or camp is offered 15 or more hours per week.

(b) In the event of an emergency, the school board may apply to the Secretary for a temporary waiver of the requirements in subsection (a) of this

1 section. The Secretary shall grant the requested waiver if he or she finds that it  
2 is unduly difficult for the school district to provide a school lunch, breakfast, or  
3 summer meals program, or any combination of the three, and if he or she finds  
4 that the school district and supervisory union have exercised due diligence to  
5 avoid the emergency situation that gives rise to the need for the requested  
6 waiver. In no event shall the waiver extend for a period to exceed 20 school  
7 days or, in the case of a summer meals program, the remainder of the summer  
8 vacation.

9 (c) The State shall be responsible for the student share of the cost of  
10 breakfasts provided to all students eligible for a reduced-price breakfast under  
11 the federal school breakfast program and for the student share of the cost of  
12 lunches provided to all students eligible for a reduced-price lunch under the  
13 federal school lunch program.

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

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

1 how the school board defined food purchased locally for the purposes of these  
2 purchases.

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

11 Sec. 5. 16 V.S.A. § 559 is amended to read:

12 § 559. PUBLIC BIDS

13 (a) When the cost exceeds \$15,000.00. A school board or supervisory  
14 union board shall publicly advertise or invite three or more bids from persons  
15 deemed capable of providing items or services if costs are in excess of  
16 \$15,000.00 for any of the following:

17 (1) the construction, purchase, lease, or improvement of any school  
18 building;

19 (2) the purchase or lease of any item or items required for supply,  
20 equipment, maintenance, repair, or transportation of students; or

21 (3) a contract for transportation, maintenance, or repair services.

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(c) Contract award.

(1) A contract for any such item or service to be obtained pursuant to subsection (a) of this section shall be awarded to one of the three lowest responsible bids conforming to specifications, with consideration being given to quantities involved, time required for delivery, purpose for which required, competency and responsibility of bidder, and his or her ability to render satisfactory service. A board shall have the right to reject any or all bids.

\* \* \*

(e) Application of this section. Any contract entered into or purchase made in violation of the provisions of this section shall be void; provided, however, that:

\* \* \*

(4) Nothing in this section shall be construed to prohibit a school board from awarding a school nutrition contract after using any method of bidding or requests for proposals permitted under federal law for award of the contract. Notwithstanding the monetary amount in subsection (a) of this section for which a school board is required to advertise publicly or invite three or more bids or requests for proposal, a school board is required to publicly advertise or invite three or more bids or requests for proposal for purchases made from the nonprofit school food service account for purchases in excess of the federal

1 simplified acquisition threshold when purchasing food or in excess of  
2 \$25,000.00 when purchasing nonfood items, unless a municipality sets a lower  
3 threshold for purchases from the nonprofit school food service account.

4 \* \* \*

5 Sec. 6. NATIONAL SCHOOL LUNCH PROGRAM; FREE AND  
6 REDUCED LUNCH; INCREASED QUALIFIED PARTICIPANTS

7 (a) It is the goal of the General Assembly that the State attempt to identify  
8 as many families as possible in the State who are qualified to receive free and  
9 reduced lunches under the National School Lunch Program.

10 (b)(1) The Department of Taxes shall consult with the Agency of  
11 Education and the Department for Children and Families regarding whether  
12 existing tax data in the possession of the Department, including earned income  
13 tax credit data, can be used to:

14 (A) maximize enrollment in State and federal assistance programs;  
15 and

16 (B) increase enrollment in State and federal assistance programs that  
17 may be used to directly certify families in the State as qualified to receive free  
18 and reduced lunches under the National School Lunch Program.

19 (2) If the Department of Taxes determines that tax data may be used to  
20 directly certify families as qualified to receive free and reduced lunches, the  
21 Agency of Education shall apply to the U.S. Department of Agriculture for a

1 waiver to use the relevant tax data to directly certify qualified families in the  
2 State.

3 (3) On or before January 15, 2020, the Department of Taxes shall  
4 submit to the Senate Committees on Agriculture and on Education and the  
5 House Committees on Agriculture and Forestry and on Education a report  
6 regarding the status of State efforts under subdivision (1) of this subsection to  
7 directly certify families as qualified to receive free and reduced lunches.

8 Sec. 7. APPROPRIATIONS; SCHOOL NUTRITION PROGRAMS

9 In addition to any other funds appropriated to the Agency of Education in  
10 fiscal year 2020, there is appropriated from the General Fund to the Agency of  
11 Education:

12 (1) \$45,000.00 for the purpose of increasing the State match payment to  
13 schools participating in the National School Lunch Program;

14 (2) \$15,000.00 for the purpose of increasing the State match payment to  
15 schools participating in the National School Breakfast Program; and

16 (3) \$15,000.00 for the purpose of increasing the State match payments  
17 to schools participating in the National Summer Food Service Program.

18 Sec. 8. EFFECTIVE DATE

19 This act shall take effect on July 1, 2019.

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2 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE