

1 Introduced by Committee on Agriculture

2 Date:

3 Subject: Education; school food programs; locally produced foods

4 Statement of purpose of bill as introduced: This bill proposes to require all  
5 public schools in Vermont to make available school breakfast and lunch to all  
6 students at no charge. The cost of school meals that is not reimbursed through  
7 federal or State funds or other sources would be borne by school districts and  
8 therefore ultimately borne by the Education Fund. This bill also proposes to  
9 create incentives for schools to purchase locally produced foods.

10 An act relating to universal school breakfast and lunch for all public school  
11 students and to creating incentives for schools to purchase locally produced  
12 foods

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

14 \* \* \* Title \* \* \*

15 Sec. 1. TITLE

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

17 \* \* \* Statutory changes; universal school breakfast and lunch;

18 locally produced foods \* \* \*

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

20 Subchapter 2. School Food Programs

21 § 1261a. DEFINITIONS

As used in this subchapter:

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

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

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

#### § 1262a. AWARD OF GRANTS

\* \* \*

(d) The Agency shall, from funds appropriated for this subsection to the Agency, award grants to supervisory unions and supervisory districts in accordance with section 1264a of this title (locally produced foods). If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

\* \* \*

#### § 1264. FOOD PROGRAM

(a)(1)(A) Each school board operating a public school shall cause to operate within ~~the school district~~ each school in the school district a food

1 program that makes available a school lunch, as provided in the National  
2 School Lunch Act as amended, and a school breakfast, as provided in the  
3 National Child Nutrition Act as amended, to each attending student who  
4 qualifies for those meals under these Acts every school day. School districts  
5 shall maximize access to federal funds for the cost of the school breakfast and  
6 lunch program under the Community Eligibility Provision, Provision 2, or  
7 other provisions under these Acts.

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

14 (C) To the extent that costs are not reimbursed through federal or  
15 State funds or other sources, the cost of making available school lunches and  
16 breakfasts shall be borne by school districts.

17 \* \* \*

18 (3) In operating its school breakfast and lunch program, a school district  
19 shall seek to achieve the highest level of student participation, which may  
20 include any or all of the following:

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

(4) Each school district shall request the parent or guardian of each student to complete the Household Income Form provided by the Agency of Education, which is used to determine a family's economic status to determine eligibility for various State and federal programs. This requirement shall not apply if the school district obtains equivalent information through another means.

\* \* \*

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

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

~~(2) On or before January 31, 2021 and annually thereafter, the Agency of Education shall submit to the Senate Committees on Agriculture and on~~

1 ~~Education and the House Committees on Agriculture and Forestry and on~~  
2 ~~Education in an aggregated form the information received from school boards~~  
3 ~~regarding the percentage of locally produced foods that are purchased as part~~  
4 ~~of a school lunch, breakfast, or summer meals program. The provisions of~~  
5 ~~2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the~~  
6 ~~report required by this subdivision. [Repealed.]~~

7 § 1264a. LOCALLY PRODUCED FOODS

8 (a) It is a goal of the State that by the year 2023, at least 20 percent of all  
9 foods purchased by supervisory unions and supervisory districts, together  
10 referred to in this section as “supervisory unions,” be locally produced foods.  
11 School boards have the discretion to define what foods are included within the  
12 definition of “locally produced foods” for the purposes of this subsection and  
13 subsection (b) of this section.

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

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

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

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

5                   (B) designated an individual as the food coordinator for locally  
6           produced foods who shall be responsible for implementing the locally  
7           produced foods purchasing plan;

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

10                  (D) complied with the reporting requirement under subsection (b) of  
11           this section.

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

18                  (4) If a supervisory union is eligible for a grant under subdivision (3) of  
19           this subsection, then the Agency shall make the grant payment, subject to  
20           appropriation, on or before the following March 31 after submission of the  
21           supervisory union’s application (that is due on or before January 15 of that

1 year), which shall be equal to 15 cents per reimbursable school lunch served by  
2 the supervisory union in the prior school year through the National School  
3 Lunch Program. A supervisory union may apply for this grant and receive this  
4 grant funding only once.

5 (5)(A) A supervisory union that has received a grant under  
6 subdivision (4) of this subsection (c) may, on or before January 15, 2023 or on  
7 or before January 15 of any year thereafter, apply for a further grant by  
8 submitting to the Agency of Education information that demonstrates that at  
9 least 15 percent of the cost of all foods purchased or grown, raised, or  
10 produced by the supervisory union during the one-year period ending on June  
11 30 of the previous year were local to Vermont as defined in 9 V.S.A.  
12 § 2465a(b), excluding:

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

16 (ii) fluid milk.

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

19 (C) A vendor that contracts with a supervisory union to supply food  
20 products shall certify to the supervisory union which of the food products

1 supplied meet the definition of local to Vermont, taking into account the  
2 exclusions under subdivision 5(A) of this subsection (c).

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

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

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

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

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



1           (8) The Agency of Education may perform sample audits for any year  
2           that grant funds are paid to supervisory unions under subdivision (6) of this  
3           subsection to verify that information provided to the Agency under  
4           subdivision (5) of this subsection is accurate. If the Agency makes a grant  
5           payment under subdivision (6) of this subsection to a supervisory union that  
6           was based on inaccurate information reported by the supervisory union, the  
7           Agency may seek reimbursement from the supervisory union for an  
8           overpayment or reimburse the supervisory union for an underpayment or may  
9           adjust future grant amounts under this section to reflect the over- or  
10           underpayment.

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

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

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

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

3           § 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

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

9           ~~(b) If a public school is exempt from offering a breakfast or lunch program,~~  
10           ~~its school board shall conduct a discussion annually on whether to continue the~~  
11           ~~exemption. The pending discussion shall be included on the agenda at a~~  
12           ~~regular or special school board meeting publicly noticed in accordance with~~  
13           ~~1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate~~  
14           ~~in the discussion. The school board shall send a copy of the notice to the~~  
15           ~~Secretary and to the superintendent of the supervisory union at least ten days~~  
16           ~~prior to the meeting. Following the discussion, the school board shall vote on~~  
17           ~~whether to continue the exemption for one additional year.~~

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

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

## § 4001. DEFINITIONS

\* \* \*

(A) [Repealed.]

1 (B) For purposes of calculating excess spending pursuant to  
2 32 V.S.A. § 5401(12), “education spending” shall not include:

3 \* \* \*

4 (xii) Costs incurred by a school district or supervisory union to  
5 provide school breakfast and lunch under chapter 27 (transportation and  
6 board), subchapter 2 (school food programs) of this title.

7 \* \* \*

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

9 Sec. 4. SCHOOL MEALS CONSUMED DURING CLASS

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

12 Sec. 5. TRANSITION

13 (a) On or before July 1, 2026, each school district shall comply with  
14 16 V.S.A. chapter 27, subchapter 2, as amended by this act. Until the date  
15 upon which a school district complies with 16 V.S.A. chapter 27, subchapter 2,  
16 as amended by this act, 16 V.S.A. chapter 27, subchapter 2, as in effect on  
17 June 30, 2021, shall be in effect.

18 (b)(1) Notwithstanding any provision of law to the contrary, the sum of  
19 \$1,000,000.00 is appropriated from the Education Fund to the Agency of  
20 Agriculture, Food and Markets for fiscal year 2022 for the Farm-to-School  
21 Program established under 6 V.S.A. § 4721. This funding shall be used by the

1 Agency of Agriculture, Food and Markets to award grants during the five-year  
2 transition period to school districts that are transitioning to making available  
3 school breakfast and lunch to all students at no charge. The Agency shall  
4 establish criteria for awarding this grant funding, which may include funding  
5 for any or all of the following:

6 (A) capital expenditures, including equipment;

7 (B) staff support;

8 (C) administration; and

9 (D) training.

10 (2) Each school that receives a transition grant under subdivision (1) of  
11 this subsection shall use the funds to pay for the cost of transitioning under that  
12 subdivision and shall report to the Agency of Agriculture, Food and Markets  
13 how the funds were used at such time or times as required by the Agency. Any  
14 unused funds shall revert to the Farm-to-School Program.

15 Sec. 6. AGENCY OF EDUCATION

16 (a) On or before August 31, 2021 and annually thereafter, the Agency of  
17 Education, in collaboration with Hunger Free Vermont and the Vermont  
18 Association of School Business Officials, shall update the Household Income  
19 Form, which is used to determine a family's economic status to determine  
20 eligibility for various State and federal programs, to reflect best practices.

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

8                                \* \* \* Session law; locally produced foods \* \* \*

9        Sec. 7. ADMINISTRATIVE SUPPORT

10        The Agency of Education shall collaborate with the Agency of Agriculture,  
11        Food and Markets to promote the local foods program under 16 V.S.A.  
12        § 1264a to supervisory unions and supervisory districts, farmers, food  
13        processors, and distributors.

14        Sec. 8. APPROPRIATIONS FOR FOOD PROGRAMS

15        (a) There is appropriated to the Agency of Education from the General  
16        Fund for fiscal year 2022 the amount of \$500,000.00 for local foods incentive  
17        grants under 16 V.S.A. § 1264a (locally produced foods) as added by this act.  
18        From this appropriation, the Agency of Education may use up to \$60,000.00 to  
19        retain a contractor, or otherwise fund costs associated with the implementation  
20        of the grant program, to assist with developing and establishing the local foods  
21        incentive grants for fiscal year 2022.

5        Sec. 9. AGENCY OF EDUCATION; ANNUAL BUDGET REQUEST

9 \*\*\* Effective date \*\*\*

11 This act shall take effect on July 1, 2021.