

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 Sec. 1. TITLE

6 This act shall be known as “Expansion of School Breakfast and Lunch
7 Programs.”

8 * * * Statutory Changes; Universal School Breakfast and Lunch * * *

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

10 Subchapter 2. School Food Programs

11 § 1261a. DEFINITIONS

12 As used in this subchapter:

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

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

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

1 * * *

2 § 1262a. AWARD OF GRANTS

3 * * *

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

13 (2)(A) From State funds appropriated to the Agency for this
14 subdivision (2), the Agency shall reimburse each school district that made
15 available school breakfast and lunch to students at no charge under subdivision
16 1264(a)(1)(B) of this title for the cost of each meal actually provided in the
17 district during the previous quarter to the extent that cost is not reimbursed
18 through federal funds or other State funds.

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

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§ 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 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 who qualifies for those meals under these Acts every school day. School districts shall maximize access to federal funds for the cost of the school breakfast and lunch program under the Community Eligibility Provision, Provision 2, or other provisions under these Acts.

(B) In addition, each school board operating a public school shall cause to operate within each school in the school district the same school lunch and the same school breakfast program made available to students who qualify for those meals under the National School Lunch Act and the National Child Nutrition Act, each as amended, for each attending student who is eligible for health coverage through the Dr. Dynasaur program administered by the Agency of Human Services every school day at no charge.

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

1 submit to the Agency of Education an estimate of the percentage of the cost of
2 locally produced foods that were purchased by the school board for those
3 programs that were locally produced foods during the one-year period ending
4 on June 30 of that year.

5 * * *

6 § 1265. ~~EXEMPTION; PUBLIC DISCUSSION~~

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

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

1 federal funds, nongovernmental grants, or other State funds such as special
2 education funds paid under chapter 101 of this title.

3 (A) [Repealed.]

4 (B) For purposes of calculating excess spending pursuant to
5 32 V.S.A. § 5401(12), “education spending” shall not include:

6 * * *

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

10 * * *

11 * * * Federal Funds; Data Collection * * *

12 Sec. 4. 16 V.S.A. § 45 is added to read:

13 § 45. FEDERAL FUNDS; DATA COLLECTION

14 (a) The Secretary of Education shall:

15 (1) define the term “student poverty” for the purpose of determining
16 qualification for federal funds by school districts;

17 (2) establish what data should be collected by school districts to qualify
18 for federal funds based on student poverty, the means by which the data should
19 be collected, and the frequency of collection; and

20 (3) determine how this data shall be reported to the Agency of
21 Education by school districts and the frequency of reporting.

1 (b) School districts shall collect data that is necessary to qualify for federal
2 funds based on student poverty and report this data to the Agency of Education
3 in accordance with subsection (a) of this section.

4 * * * Session Law; Universal School Breakfast and Lunch * * *

5 Sec. 5. SCHOOL MEALS CONSUMED DURING CLASS

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

8 Sec. 6. TRANSITION

9 On or before July 1, 2027, each school district shall comply with 16 V.S.A.
10 chapter 27, subchapter 2, as amended by this act. Until the date upon which a
11 school district complies with 16 V.S.A. chapter 27, subchapter 2, as amended
12 by this act, 16 V.S.A. chapter 27, subchapter 2, as in effect on June 30, 2022,
13 shall be in effect.

14 Sec. 7. AGENCY OF EDUCATION; STAFFING

15 The following two-year, limited-service position is created in the Agency of
16 Education: one full-time, classified position specializing in the administration
17 of school food programs. The position established in this section shall be
18 transferred and converted from an existing vacant position in the Executive
19 Branch of State government. There is appropriated to the Agency of Education
20 from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4),

1 Pub. L. No. 117-2, for fiscal year 2022 the amount of \$100,000.00 for salary,
2 benefits, and operating expenses.

3 Sec. 8. TAX LETTER; FISCAL YEAR 2023

4 The calculation under 32 V.S.A. § 5402b(a), statewide education tax yields;
5 recommendation of the Commissioner, for fiscal year 2023 shall take into
6 account the \$12,000,000.00 increased school food program reimbursement
7 costs under 16 V.S.A. §§ 1262a and 1264 of Sec. 2 of this act.

8 Sec. 9. AGENCY OF EDUCATION; CONSULTATION; REPORT

9 (a) The Agency of Education shall consult with school districts, the
10 Vermont School Boards Association, the Vermont Superintendents
11 Association, the Vermont Association of School Business Officials, the
12 Vermont Principals' Association, and the School Nutrition Association of
13 Vermont on the impact of this act. The Agency of Education shall also
14 consult with the Agency of Human Resources on the verification of household
15 income eligibility standards set forth in this act.

16 (b) On or before December 15, 2021, the Agency of Education shall report
17 to the House and Senate Committees on Appropriations and Education on the
18 status of implementation under this act.

19 * * * Effective Dates * * *

20 Sec. 10. EFFECTIVE DATES

1 Secs. 2 (school food programs) and 6 (transition) shall take effect on July 1,
2 2022, and the remaining sections shall take effect on July 1, 2021.
3 and that after passage the title of this bill be amended to read: “An act
4 relating to the expansion of school breakfast and lunch programs”