

SENATE BILL 360

F1
SB 755/16 – B&T

7lr0579
CF HB 288

By: **Senators Madaleno, Benson, Ferguson, Guzzone, Kagan, Kasemeyer, Kelley, King, Lee, Manno, Muse, Peters, Pinsky, Robinson, Rosapepe, Smith, and Zucker**

Introduced and read first time: January 25, 2017

Assigned to: Budget and Taxation and Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 8, 2017

CHAPTER _____

1 AN ACT concerning

2 **State Department of Education – Breakfast and Lunch Programs – Funding**
3 **(The Maryland Cares for Kids Act)**

4 FOR the purpose of repealing the requirement that the State Board of Education adopt and
5 publish standards for the administration of a subsidized feeding program; requiring
6 the State to be responsible for the student share of the costs of certain meals;
7 prohibiting a county board of education from charging certain students for any
8 portion of the cost of a meal; altering the calculation for the reimbursement for
9 certain meals to certain county boards of education; making conforming changes; and
10 generally relating to school breakfast and lunch programs and the State Department
11 of Education.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 7–601 through 7–605 and 7–701 through 7–703
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 7-601.

2 (a) The State Board shall adopt and publish standards for the administration of
3 the [subsidized and] free feeding program.

4 (b) The standards shall[:

5 (1) Provide] **PROVIDE** for eligibility requirements for the program[; and

6 (2) Require each county board to provide a reduced price lunch program].

7 7-602.

8 (a) There is a State Free Feeding Program.

9 (b) (1) Each year the State Superintendent shall determine the amount of
10 State money required to provide a [program of subsidized and] free feeding [programs]
11 **PROGRAM** in accordance with the standards adopted by the State Board under this
12 subtitle.

13 (2) The amount included for this Program in the annual State budget,
14 including any federal funds, and as submitted to and appropriated by the General
15 Assembly, shall be distributed to the county boards under § 5-212 of this article.

16 (C) **THE STATE SHALL BE RESPONSIBLE FOR THE STUDENT SHARE OF THE**
17 **COSTS OF:**

18 (1) **BREAKFASTS PROVIDED TO ALL STUDENTS ELIGIBLE FOR A**
19 **REDUCED PRICE BREAKFAST UNDER THE FEDERAL SCHOOL BREAKFAST PROGRAM;**
20 **AND**

21 (2) **LUNCHESES PROVIDED TO ALL STUDENTS ELIGIBLE FOR A**
22 **REDUCED PRICE LUNCH UNDER THE NATIONAL SCHOOL LUNCH PROGRAM.**

23 (D) **A COUNTY BOARD MAY NOT CHARGE A STUDENT WHO IS ELIGIBLE FOR**
24 **A REDUCED PRICE BREAKFAST OR LUNCH FOR ANY PORTION OF THE COST OF A**
25 **MEAL.**

26 7-603.

27 Each public school in this State shall provide a [program of subsidized or] free
28 feeding [programs] **PROGRAM** for children who meet the standards adopted by the State
29 Board under this subtitle.

30 7-604.

Funds appropriated for the [subsidized or] free feeding program shall be used to reimburse each county board for the difference between costs and all available reimbursements and other funds[, including the amounts paid by children].

7-605.

(a) The General Assembly finds the following policies desirable in the administration and application of the school feeding [programs] **PROGRAM**:

(1) Private organizations and corporations should be encouraged to participate in the program;

(2) The identity of children who participate in **THE** free [or subsidized] feeding [programs] **PROGRAM** should remain anonymous and positive procedures should be adopted to accomplish this; and

(3) Applications for participants in the program should be brief and simple, based on a statement of present income and family size or of participation in a social services or welfare program.

(b) There may not be discrimination [among these programs] **IN THIS PROGRAM** for elementary, junior high, and high school students.

7-701.

(a) The State Board shall require each county board to provide in each elementary school a free [and reduced price] breakfast, unless the school is exempted under § 7-702 of this subtitle.

(b) The free [and reduced price] breakfast required to be provided under this section shall meet the standards of the United States Department of Agriculture.

7-702.

The State Superintendent shall exempt any elementary school from the requirements of this subtitle if:

(1) (i) The school has made a breakfast program available for at least 3 consecutive months; and

(ii) The participation is less than 25 percent of the number of students eligible for free and reduced price **ELIGIBLE** meals in each month;

(2) (i) The county board approves an alternative nutrition program that the school has instituted;

(ii) The school regularly conducts an assessment of the alternative program that provides evidence of success in achieving program objectives; and

(iii) The school submits an annual report of the assessment to the county board and the State;

(3) (i) The school requests an exemption for reasons of a compelling nature to the county board; and

(ii) After review and approval, the county board submits the request for exemption to the State Superintendent; or

(4) (i) The school has less than 15 percent of its enrollment approved for free and reduced price **ELIGIBLE** meals.

(ii) This exemption shall continue from year to year without the need for reapplication, until there is a 10 percent increase in the number of students approved for free and reduced price **ELIGIBLE** meals.

7-703.

(a) The free [and reduced price] breakfast program under this subtitle shall be suspended if the per meal reimbursement that the federal government provides for the breakfast program is:

(1) Reduced below the rate prescribed on July 1, [1979] **2013**; or

(2) Adjusted by the Secretary of the United States Department of Agriculture, as of the most recent July 1 under the national Child Nutrition Act, and the per meal reimbursement is below the adjusted rate.

(b) The **STATE** reimbursement **TO A COUNTY BOARD OF EDUCATION** for each meal under subsection (a) of this section shall be determined as follows:

(1) Multiply the number of reduced price **ELIGIBLE** breakfasts served statewide times the **SUM OF THE** federal reimbursement rate for those breakfasts **PLUS THE STUDENT SHARE OF THE COST FOR THOSE BREAKFASTS**;

(2) Multiply the number of free breakfasts served statewide times the federal reimbursement rate for those breakfasts; and

(3) Divide the total of paragraphs (1) and (2) of this subsection by the total number of free and reduced price **ELIGIBLE** breakfasts.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.