

# HOUSE BILL 857

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By: **Delegate Reznik**

Introduced and read first time: February 7, 2022

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Concentration of Poverty School Grant Program – School Lunch**

3 FOR the purpose of requiring an eligible school that receives a per pupil grant under the  
4 Concentration of Poverty School Grant Program to provide free school lunch to each  
5 student at the eligible school under certain circumstances; prohibiting a county  
6 board of education from charging students for school lunch at an eligible school;  
7 requiring certain funding to be provided in the State budget to provide certain  
8 students with free school lunch; and generally relating to school lunch programs at  
9 Concentration of Poverty School Grant Program schools.

10 BY repealing and reenacting, without amendments,  
11 Article – Education  
12 Section 5–223(a)(1), (4), (8), and (9) and (b)(1)  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume and 2021 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 5–223(f) and 7–602  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2021 Supplement)

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

22 **Article – Education**

23 5–223.

24 (a) (1) In this section the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) (i) “Eligible school” means:

2 1. For the personnel grant, a public school, including a public  
3 charter school, with a concentration of poverty level of:

4 A. For fiscal year 2020, at least 80%;

5 B. For fiscal year 2021, at least 75%;

6 C. For fiscal year 2022, at least 70%;

7 D. For fiscal year 2023, at least 65%;

8 E. For fiscal year 2024, at least 60%; and

9 F. For fiscal year 2025, and each fiscal year thereafter, at  
10 least 55%; and

11 2. For the per pupil grant, a public school, including a public  
12 charter school, with a concentration of poverty level of:

13 A. For fiscal year 2022, at least 80%;

14 B. For fiscal year 2023, at least 75%;

15 C. For fiscal year 2024, at least 70%;

16 D. For fiscal year 2025, at least 65%;

17 E. For fiscal year 2026, at least 60%; and

18 F. For fiscal year 2027, and each fiscal year thereafter, at  
19 least 55%.

20 (ii) “Eligible school” includes an alternative option program in the  
21 local school system if the students in the program are not included in the count of eligible  
22 students for another program or school to determine eligibility for the concentration of  
23 poverty grant.

24 (iii) “Eligible school” does not include a school that is eligible to  
25 receive funding under this section but has closed.

26 (8) “Per pupil grant amount” means, for all eligible schools in the county,  
27 the per pupil amount for each eligible school calculated under subsection (d) of this section  
28 multiplied by the number of eligible students in the school.

1 (9) “Per pupil maximum amount” means:

2 (i) For fiscal year 2022, \$3,374.48; and

3 (ii) For each subsequent fiscal year, the prior fiscal year amount  
4 increased by the inflation adjustment.

5 (b) (1) There is a Concentration of Poverty School Grant Program in the State.

6 (f) (1) Each eligible school shall use the per pupil grant to provide wraparound  
7 services and other programs and services identified in the eligible school’s needs  
8 assessment plan.

9 (2) (I) BEGINNING THE YEAR THAT AN ELIGIBLE SCHOOL  
10 RECEIVES A PER PUPIL GRANT, THE ELIGIBLE SCHOOL SHALL PROVIDE FREE  
11 SCHOOL LUNCH TO EACH STUDENT AT THE ELIGIBLE SCHOOL.

12 (II) AN ELIGIBLE SCHOOL SHALL USE STATE FUNDING UNDER §  
13 7–602(F) OF THIS ARTICLE TO MEET THE REQUIREMENT UNDER SUBPARAGRAPH (I)  
14 OF THIS PARAGRAPH.

15 [(2)] (3) (i) Except as provided in subparagraph (ii) of this paragraph,  
16 if a local school system has at least 40 eligible schools, the county board may, on behalf of  
17 the eligible schools, expend no more than 50% of the funds distributed for the per pupil  
18 grant, provided that a plan is developed in consultation with the eligible schools that  
19 ensures that the requirements of paragraph (1) of this subsection are met and the plan is  
20 submitted to the Accountability and Implementation Board under § 5–402 of this article.

21 (ii) Subparagraph (i) of this paragraph does not apply to a public  
22 charter school unless the public charter school chooses to participate in the plan.

23 [(3)] (4) A local school system may request flexibility in distributing  
24 funds through the Accountability and Implementation Board appeal process under § 5–406  
25 of this title.

26 7–602.

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

28 (b) (1) Each year the State Superintendent shall determine the amount of  
29 State money required to provide the Program in accordance with the standards adopted by  
30 the State Board under this subtitle.

31 (2) The amount included for this Program in the annual State budget,  
32 including any federal funds, and as submitted to and appropriated by the General

1 Assembly, shall be distributed to the county boards and participating nonpublic schools in  
2 the same manner as the process established under § 5–212 of this article.

3 (c) (1) A nonpublic school in the State that participates in the federal School  
4 Breakfast Program or the National School Lunch Program may participate in the State free  
5 feeding program.

6 (2) If a nonpublic school participates in the State free feeding program, the  
7 State shall be responsible for reimbursing the participating nonpublic school under  
8 subsection (d) of this section.

9 (d) The State shall be responsible for reimbursing a county board or a  
10 participating nonpublic school for the student share of the costs of:

11 (1) Breakfasts provided to all students eligible for a reduced price breakfast  
12 under the federal School Breakfast Program according to the following schedule:

13 (i) For fiscal year 2020, 10 cents per student;

14 (ii) For fiscal year 2021, 20 cents per student; and

15 (iii) For fiscal year 2022 and each fiscal year thereafter, the greater  
16 of 30 cents per student or the required federal per meal charge to students; and

17 (2) Lunches provided to all students eligible for a reduced price lunch  
18 under the National School Lunch Program according to the following schedule:

19 (i) For fiscal year 2020, 10 cents per student;

20 (ii) For fiscal year 2021, 20 cents per student;

21 (iii) For fiscal year 2022, 30 cents per student; and

22 (iv) For fiscal year 2023 and each fiscal year thereafter, the greater  
23 of 40 cents per student or the required federal per meal charge to students.

24 (e) (1) Beginning in fiscal year 2022, a county board or participating nonpublic  
25 school may not charge a student who is eligible for a reduced price breakfast for any portion  
26 of the cost of the meal.

27 (2) Beginning in fiscal year 2023, a county board or participating nonpublic  
28 school may not charge a student who is eligible for a reduced price lunch for any portion of  
29 the cost of the meal.

30 **(F) (1) IN THIS SUBSECTION, “ELIGIBLE SCHOOL” HAS THE MEANING**  
31 **STATED IN § 5–223(A)(4) OF THIS ARTICLE.**

1           **(2) BEGINNING IN FISCAL YEAR 2024, A COUNTY BOARD MAY NOT**  
2 **CHARGE A STUDENT IN AN ELIGIBLE SCHOOL FOR ANY PORTION OF THE COST OF**  
3 **SCHOOL LUNCH.**

4           **(3) (I) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET**  
5 **BILL AN APPROPRIATION TO COVER THE COST OF SCHOOL LUNCH FOR EACH**  
6 **STUDENT AT EACH ELIGIBLE SCHOOL MINUS:**

7                   **1. ANY FEDERAL FUNDS AVAILABLE TO A COUNTY**  
8 **BOARD TO MEET THE REQUIREMENTS UNDER § 5-223(F)(2) OF THIS ARTICLE; AND**

9                   **2. ANY STATE FUNDS PROVIDED UNDER SUBSECTION**  
10 **(B) OF THIS SECTION.**

11           **(II) TO RECEIVE FUNDING UNDER SUBPARAGRAPH (I) OF THIS**  
12 **PARAGRAPH, THE COUNTY BOARD FOR AN ELIGIBLE SCHOOL SHALL:**

13                   **1. APPLY TO PARTICIPATE IN THE U.S. DEPARTMENT**  
14 **OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION IF THE COUNTY BOARD IS**  
15 **ELIGIBLE FOR THE PROGRAM; AND**

16                   **2. APPLY TO PARTICIPATE IN ANY OTHER FEDERAL**  
17 **PROGRAMS THAT PROVIDE REIMBURSEMENT TO A COUNTY BOARD FOR SCHOOL**  
18 **MEALS.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That the State shall provide  
20 funding in fiscal year 2023 to county boards of education to continue to provide free school  
21 meals to students in the county in the same manner as the county board provided free  
22 school meals under the federal Coronavirus Aid, Relief, and Economic Security (CARES)  
23 Act.

24           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
25 1, 2022.