

SENATE BILL 557

F1

3lr2675
CF HB 628

By: **Senators Guzzone and Zucker**

Introduced and read first time: February 6, 2023

Assigned to: Budget and Taxation and Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Breakfast and Lunch Programs – Universal**
3 **Expansion**

4 FOR the purpose of altering the standards of the State Free Feeding Program, beginning
5 in a certain fiscal year, to require that if a school participates in a certain federal
6 nutritional program, then each student in the school must be offered a meal at no
7 cost to the student; providing for the reimbursement rate at which the State shall
8 pay county boards and participating nonpublic schools for the free meals offered to
9 students; prohibiting a county board or nonpublic school from charging a student any
10 portion of the cost of a certain breakfast or lunch; and generally relating to the
11 expansion of breakfast and lunch meals to all students in participating schools.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 7–601, 7–602, and 7–702
15 Annotated Code of Maryland
16 (2022 Replacement Volume)

17 BY adding to
18 Article – Education
19 Section 7–606
20 Annotated Code of Maryland
21 (2022 Replacement Volume)

22 BY repealing and reenacting, without amendments,
23 Article – Education
24 Section 7–701
25 Annotated Code of Maryland
26 (2022 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 7–601.

5 (a) The State Board shall adopt and publish standards for the administration of
6 the free feeding program.

7 (b) The standards shall [provide for eligibility requirements for the program]
8 **ENSURE THAT, BEGINNING IN FISCAL YEAR 2025:**

9 **(1) IF A SCHOOL PARTICIPATES IN THE FEDERAL SCHOOL**
10 **BREAKFAST PROGRAM BY PROVIDING A FREE OR REDUCED PRICE BREAKFAST TO A**
11 **STUDENT, THEN EACH STUDENT IN THE SCHOOL SHALL BE OFFERED A FREE**
12 **BREAKFAST THAT MEETS THE U.S. DEPARTMENT OF AGRICULTURE NUTRITION**
13 **STANDARDS UNDER THE PROGRAM; AND**

14 **(2) IF A SCHOOL PARTICIPATES IN THE NATIONAL SCHOOL LUNCH**
15 **PROGRAM BY PROVIDING A FREE OR REDUCED PRICE LUNCH TO A STUDENT, THEN**
16 **EACH STUDENT IN THE SCHOOL SHALL BE OFFERED A FREE LUNCH THAT MEETS THE**
17 **U.S. DEPARTMENT OF AGRICULTURE NUTRITION STANDARDS UNDER THE**
18 **PROGRAM.**

19 7–602.

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

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

24 (2) The amount included for this Program in the annual State budget,
25 including any federal funds, and as submitted to and appropriated by the General
26 Assembly, shall be distributed to the county boards and participating nonpublic schools in
27 the same manner as the process established under [§ 5–212] **§ 5–205** of this article.

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

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

1 (d) (1) [The] **EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS**
2 **SUBSECTION, THE** State shall be responsible for reimbursing a county board or a
3 participating nonpublic school for the student share of the costs of:

4 [(1)] (I) Breakfasts provided to all students eligible for a reduced price
5 breakfast under the federal School Breakfast Program according to the following schedule:

6 [(i)] 1. For fiscal year 2020, 10 cents per student;

7 [(ii)] 2. For fiscal year 2021, 20 cents per student; and

8 [(iii)] 3. For fiscal year 2022 and each fiscal year thereafter, the
9 greater of 30 cents per student or the required federal per meal charge to students; and

10 [(2)] (II) Lunches provided to all students eligible for a reduced price
11 lunch under the National School Lunch Program according to the following schedule:

12 [(i)] 1. For fiscal year 2020, 10 cents per student;

13 [(ii)] 2. For fiscal year 2021, 20 cents per student;

14 [(iii)] 3. For fiscal year 2022, 30 cents per student; and

15 [(iv)] 4. For fiscal year 2023 and each fiscal year thereafter, the
16 greater of 40 cents per student or the required federal per meal charge to students.

17 (2) (I) **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR**
18 **FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE STATE SHALL BE**
19 **RESPONSIBLE FOR REIMBURSING A COUNTY BOARD OR A PARTICIPATING**
20 **NONPUBLIC SCHOOL FOR THE COST OF:**

21 1. **OFFERING EACH STUDENT IN A PARTICIPATING**
22 **SCHOOL A FREE BREAKFAST THAT QUALIFIES UNDER THE U.S. DEPARTMENT OF**
23 **AGRICULTURE REIMBURSABLE GUIDELINES; AND**

24 2. **OFFERING EACH STUDENT IN A PARTICIPATING**
25 **SCHOOL A FREE LUNCH THAT QUALIFIES UNDER THE U.S. DEPARTMENT OF**
26 **AGRICULTURE REIMBURSABLE GUIDELINES.**

27 (II) 1. **IN CALCULATING THE COST OF REIMBURSING A**
28 **COUNTY BOARD OR PARTICIPATING NONPUBLIC SCHOOL FOR A STUDENT WHO IS**
29 **ELIGIBLE FOR A REDUCED PRICE BREAKFAST OR LUNCH, THE STATE SHALL USE THE**
30 **REIMBURSEMENT RATE LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

1 (a) (1) The State Board shall require each county board to provide in each
2 elementary school a free breakfast, unless the school is exempted under § 7-702 of this
3 subtitle.

4 (2) (i) A nonpublic elementary school may provide a free breakfast
5 program in accordance with this subtitle.

6 (ii) If a nonpublic elementary school provides a free breakfast
7 program, the participating nonpublic elementary school shall be eligible for the State
8 reimbursement of the student share of the costs for those breakfasts under § 7-703 of this
9 article.

10 (b) The free breakfast required to be provided under this section shall meet the
11 standards of the United States Department of Agriculture.

12 7-702.

13 [(a)] The State Superintendent shall exempt any elementary school from the
14 requirements of this subtitle if:

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

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

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

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

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

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

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

29 (4) The school has less than 15% of its enrollment approved for free and
30 reduced price eligible meals].

1 [(b) The exemption in subsection (a)(4) of this section shall continue from year to
2 year without the need for reapplication, until there is a 10% increase in the number of
3 students approved for free and reduced price eligible meals.]

4 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
5 effect July 1, 2024.

6 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
7 3 of this Act, this Act shall take effect July 1, 2023.