

SENATE BILL 756

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6lr1273
CF HB 1360

By: **Senators Madaleno, Ferguson, Guzzone, Manno, Pugh, and Raskin**

Introduced and read first time: February 5, 2016

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

CHAPTER _____

1 AN ACT concerning

2 **Primary and Secondary Education – Breakfast Program – School Requirements**
3 **(Breakfast After the Bell Act)**

4 FOR the purpose of establishing ~~a~~ an optional Breakfast After the Bell Program in the
5 State for certain public schools; providing for the purpose of the Program; requiring
6 certain participating public schools in certain school years to offer breakfast for free
7 to every student using a certain delivery method that meets certain requirements;
8 authorizing certain participating public schools to determine a certain breakfast
9 delivery model and the time to serve breakfast, subject to a certain limitation;
10 authorizing certain school districts to alter transportation schedules for a certain
11 purpose; altering a certain condition under which a certain program is suspended;
12 ~~authorizing the Department of Education to waive participation in the Program on~~
13 ~~the request of certain public schools~~ requiring participating public schools to
14 participate for an entire school year; providing for certain notification requirements;
15 requiring the State to reimburse participating public schools for certain meals;
16 requiring the State Department of Education to establish certain reimbursement
17 procedures; requiring the Department to make a certain report to the General
18 Assembly on or before certain dates; defining a certain term; and generally relating
19 to the Breakfast After the Bell Program.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 7–703
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2015 Supplement)

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 BY adding to
2 Article – Education
3 Section 7–705
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2015 Supplement)

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

8 **Article – Education**

9 7–703.

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

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

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

17 (b) The reimbursement for each meal under subsection (a) of this section shall be
18 determined as follows:

19 (1) Multiply the number of reduced price breakfasts served statewide times
20 the federal reimbursement rate for those breakfasts;

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

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

25 **7–705.**

26 (A) IN THIS SECTION, “PROGRAM” MEANS THE BREAKFAST AFTER THE
27 BELL PROGRAM.

28 (B) (1) THERE IS ~~A~~ AN OPTIONAL BREAKFAST AFTER THE BELL
29 PROGRAM IN THE STATE.

1 **(2) ONLY PUBLIC SCHOOLS THAT MEET THE FREE OR**
2 **REDUCED-PRICE LUNCH OR DIRECT CERTIFICATION CRITERIA IN SUBSECTION (D)**
3 **OF THIS SECTION MAY PARTICIPATE.**

4 **(C) THE PURPOSE OF THE PROGRAM IS TO ENSURE THAT STUDENTS**
5 **ENROLLED IN PUBLIC SCHOOLS WITH A HIGH CONCENTRATION OF LOW-INCOME**
6 **STUDENTS HAVE ACCESS TO BREAKFAST ON SCHOOL DAYS.**

7 **(D) (1) IN THE 2016-2017 SCHOOL YEAR, ~~EACH A PUBLIC SCHOOL IN THE~~**
8 **~~STATE~~ WITH AT LEAST 85% OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE**
9 **LUNCH OR AT LEAST 55% OF STUDENTS DIRECTLY CERTIFIED AS ELIGIBLE FOR**
10 **FREE SCHOOL MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM IN THE**
11 **PRIOR SCHOOL YEAR SHALL OFFER BREAKFAST FOR FREE TO EVERY STUDENT IN**
12 **THE SCHOOL USING A DELIVERY METHOD THAT MEETS THE REQUIREMENTS OF**
13 **SUBSECTION (E) OF THIS SECTION.**

14 **(2) IN THE 2017-2018 SCHOOL YEAR, ~~EACH A PUBLIC SCHOOL IN THE~~**
15 **~~STATE~~ WITH AT LEAST 80% OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE**
16 **LUNCH OR AT LEAST 50% OF STUDENTS DIRECTLY CERTIFIED AS ELIGIBLE FOR**
17 **FREE SCHOOL MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM IN THE**
18 **PRIOR SCHOOL YEAR SHALL OFFER BREAKFAST FOR FREE TO EVERY STUDENT IN**
19 **THE SCHOOL USING A DELIVERY METHOD THAT MEETS THE REQUIREMENTS OF**
20 **SUBSECTION (E) OF THIS SECTION.**

21 **(3) IN THE 2018-2019 SCHOOL YEAR AND IN EACH SCHOOL YEAR**
22 **THEREAFTER, ~~EACH A PUBLIC SCHOOL IN THE STATE~~ THAT HAS AT LEAST 75% OF**
23 **STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH OR AT LEAST 45% OF**
24 **STUDENTS DIRECTLY CERTIFIED AS ELIGIBLE FOR FREE SCHOOL MEALS UNDER THE**
25 **NATIONAL SCHOOL LUNCH PROGRAM IN THE PRIOR SCHOOL YEAR SHALL OFFER**
26 **BREAKFAST FOR FREE TO EVERY STUDENT IN THE SCHOOL USING A DELIVERY**
27 **METHOD THAT MEETS THE REQUIREMENTS OF SUBSECTION (E) OF THIS SECTION.**

28 **(E) (1) EACH PUBLIC SCHOOL MAY DETERMINE THE BREAKFAST**
29 **SERVING MODEL THAT BEST SUITS THE STUDENTS IN THAT SCHOOL.**

30 **(2) SERVING MODELS MAY INCLUDE:**

31 **(I) BREAKFAST IN THE CLASSROOM;**

32 **(II) GRAB-AND-GO BREAKFAST STATIONS; AND**

33 **(III) BREAKFAST SERVED AFTER THE FIRST PERIOD OF THE**
34 **SCHOOL DAY.**

1 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
2 **PARAGRAPH, BREAKFAST SHALL BE SERVED AT A TIME DETERMINED BY THE PUBLIC**
3 **SCHOOL AS LONG AS THE SERVICE OCCURS AFTER THE FIRST BELL OF THE SCHOOL**
4 **DAY.**

5 **(II) A SCHOOL DISTRICT WITH SCHOOLS THAT PARTICIPATE IN**
6 **THE PROGRAM MAY ARRANGE TRANSPORTATION SCHEDULES SO THAT BUSES**
7 **ARRIVE AT SCHOOL IN TIME TO SERVE BREAKFAST BEFORE THE START OF**
8 **INSTRUCTION OF THE SCHOOL DAY.**

9 ~~**(F) THE DEPARTMENT MAY WAIVE PARTICIPATION IN THE PROGRAM ON**~~
10 ~~**THE WRITTEN REQUEST OF A PUBLIC SCHOOL THAT HAS AN AVERAGE BREAKFAST**~~
11 ~~**PARTICIPATION RATE EXCEEDING 60% OF THE SCHOOL'S AVERAGE DAILY**~~
12 ~~**ATTENDANCE WITHOUT PARTICIPATING IN THE PROGRAM**~~

13 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC**
14 **SCHOOL THAT PARTICIPATES IN THE PROGRAM IN ONE YEAR IS NOT REQUIRED TO**
15 **CONTINUE TO PARTICIPATE IN ANY SUBSEQUENT YEAR.**

16 **(2) A PUBLIC SCHOOL THAT PARTICIPATES IN THE PROGRAM SHALL**
17 **PARTICIPATE FOR AN ENTIRE SCHOOL YEAR.**

18 **(G) (1) A PUBLIC SCHOOL THAT PARTICIPATES IN THE PROGRAM SHALL**
19 **NOTIFY THE DEPARTMENT OF ITS PARTICIPATION BEFORE THE BEGINNING OF THE**
20 **SCHOOL YEAR.**

21 **(2) THE STATE SHALL REIMBURSE A PUBLIC SCHOOL FOR EACH FREE**
22 **BREAKFAST PROVIDED UNDER THIS SECTION.**

23 **(3) THE DEPARTMENT SHALL ESTABLISH PROCEDURES FOR**
24 **REIMBURSEMENT INCLUDING:**

25 **(I) THE REIMBURSEMENT SCHEDULE; AND**

26 **(II) DOCUMENTATION THAT A PUBLIC SCHOOL MUST PROVIDE**
27 **THE DEPARTMENT TO VERIFY THE REIMBURSEMENT AMOUNT.**

28 **SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1 of 2017,**
29 **2018, and 2019, the State Department of Education shall report to the General Assembly,**
30 **in accordance with § 2-1246 of the State Government Article, on the implementation of this**
31 **Act. The report shall include:**

32 **(1) the number of schools participating in each county;**

33 **(2) the number of free breakfasts provided;**

1 (3) the number of students participating; and

2 (4) any adjustments made to the school day and transportation schedule.

3 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.