

# SENATE BILL 740

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SB 360/17 – B&T & EHE

8lr1805

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By: **Senators Madaleno, Benson, DeGrange, Feldman, Ferguson, Guzzone, Kagan, Kasemeyer, King, Lee, Manno, McFadden, Peters, Pinsky, Ramirez, Robinson, Rosapepe, Smith, Young, and Zucker**

Introduced and read first time: February 5, 2018

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

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Department of Education – Breakfast and Lunch Programs – Funding**  
3 **(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 2017 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**

20 7–601.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The standards shall[:

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

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

4 7-602.

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

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

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

13 **(C) THE STATE SHALL BE RESPONSIBLE FOR THE STUDENT SHARE OF THE**  
14 **COSTS OF:**

15 **(1) BREAKFASTS PROVIDED TO ALL STUDENTS ELIGIBLE FOR A**  
16 **REDUCED PRICE BREAKFAST UNDER THE FEDERAL SCHOOL BREAKFAST PROGRAM;**  
17 **AND**

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

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

23 7-603.

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

27 7-604.

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

1 7-605.

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

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

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

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

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

14 7-701.

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

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

20 7-702.

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

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

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

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

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

31 (iii) The school submits an annual report of the assessment to the

1 county board and the State;

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

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

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

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

11 7-703.

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

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

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

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

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
29 1, 2018.