

# HOUSE BILL 386

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4r1557  
CF SB 425

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By: **Delegate Feldmark**

Introduced and read first time: January 17, 2024

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: February 13, 2024

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Meals for Achievement In-Classroom Breakfast Program –**  
3 **Alterations**  
4 **(Maryland Meals for Achievement Flexibility Act of 2024)**

5 FOR the purpose of clarifying that secondary schools participating in the Maryland Meals  
6 for Achievement In-Classroom Breakfast Program may serve breakfast in any  
7 broadly accessible part of the school; authorizing elementary schools participating in  
8 the Program, subject to certain approval and allowances, to serve breakfast in any  
9 broadly accessible part of the school, including from “Grab and Go” carts; and  
10 generally relating to the Maryland Meals for Achievement In-Classroom Breakfast  
11 Program.

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 7–704  
15 Annotated Code of Maryland  
16 (2022 Replacement Volume and 2023 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 7–704.

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

2 (2) “Program” means the Maryland Meals for Achievement In-Classroom  
3 Breakfast Program.

4 (3) “Secondary schools” includes middle schools and high schools.

5 (b) (1) There is a school breakfast program in the State, known as the  
6 Maryland Meals for Achievement In-Classroom Breakfast Program.

7 (2) The Program is a joint effort of the Department and the county boards  
8 or sponsoring agencies for eligible nonpublic schools.

9 (c) (1) The purpose of the Program is to provide funding for a school that  
10 makes an in-classroom breakfast available to all students in the school.

11 (2) The funding is intended to complement the funding received by a school  
12 from the federal government for a school breakfast program.

13 (d) The Department shall:

14 (1) Develop an application form for a school that desires to participate in  
15 the Program;

16 (2) Ensure that the schools that participate in the Program represent  
17 geographic and socioeconomic balance statewide;

18 (3) Subject to subsection (e) of this section, ensure that a school that  
19 participates in the Program is a school at which at least 40% of the registered students are  
20 eligible for the federal free or reduced price meal program;

21 (4) Select schools to participate in the Program, ensuring that an annual  
22 evaluation of the Program is conducted by the Department;

23 (5) Annually review and set the meal reimbursement rate for schools that  
24 participate in the Program to complement the federal meal reimbursement rate determined  
25 under § 7-703 of this subtitle; and

26 (6) Disburse the Program funds to the county board or the sponsoring  
27 agency.

28 (e) (1) If a school that participates in the Program has less than 40% of the  
29 registered students eligible for the federal free or reduced price meal plan, the school shall  
30 remain eligible to participate in the Program for 1 year.

1           (2) If, after 1 year, the school's percent of registered students eligible for  
2 the federal free or reduced price meal plan is less than 40%, the school is no longer eligible  
3 to participate in the Program.

4           (f) A county board or a sponsoring agency for an eligible nonpublic school shall:

5           (1) Apply to the Department for funds for schools within the jurisdiction of  
6 the board or for schools that are under the sponsoring agency that:

7           (i) Are eligible to participate in the Program; and

8           (ii) Apply to the board or to the sponsoring agency to participate in  
9 the Program; and

10          (2) Submit an annual report to the Department on the Program, including  
11 the manner in which the funds have been expended.

12          (g) A school that participates in the Program shall:

13          (1) Implement an in-classroom breakfast program in which all students in  
14 the school may participate regardless of family income;

15          (2) Serve a breakfast that meets the guidelines of the Department and the  
16 nutritional standards of the United States Department of Agriculture for schools that  
17 participate in the federal school breakfast program;

18          (3) Except as provided in subsection (h) of this section, serve the breakfast  
19 in the classroom after the arrival of students to the school;

20          (4) Collect the data that the county board or the sponsoring agency and the  
21 Department require from participants in the Program; and

22          (5) Submit an annual report to the county board or the sponsoring agency.

23          (h) **(1)** Secondary schools may serve breakfast in any **BROADLY ACCESSIBLE**  
24 part of the school, including from "Grab and Go" carts after the arrival of students to the  
25 school.

26          **(2) IF APPROVED BY THE DEPARTMENT AND THE APPLICABLE**  
27 **COUNTY BOARD, ELEMENTARY SCHOOLS MAY SERVE BREAKFAST IN ANY BROADLY**  
28 **ACCESSIBLE PART OF THE SCHOOL, INCLUDING FROM "GRAB AND GO" CARTS**  
29 **AFTER THE ARRIVAL OF STUDENTS TO THE SCHOOL, PROVIDED THAT STUDENTS ARE**  
30 **ALLOWED TO CONSUME THE MEAL IN THE CLASSROOM AFTER THE START OF THE**  
31 **SCHOOL DAY.**

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1 (i) The employee organization that is the exclusive representative of the  
2 certificated public school employees of a county board and the employee organization that  
3 is the exclusive representative of the noncertificated employees of a county board and the  
4 county board shall negotiate the terms of the participation of the employees in the Program.

5 (j) The Governor shall include in the annual budget bill an appropriation of  
6 \$12,050,000 to the Program.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2024.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.