

HOUSE BILL 696

F1
HB 628/23 – W&M

4lr0863
CF SB 579

By: **Delegates Palakovich Carr, Allen, Attar, Atterbeary, Bagnall, Bartlett, Boafo, Charkoudian, Crutchfield, Cullison, Ebersole, Embry, Fair, Feldmark, Foley, Forbes, Fraser–Hidalgo, Grossman, Guyton, Guzzone, Harris, Healey, Henson, Hill, Holmes, D. Jones, Kaufman, Kerr, Lehman, R. Lewis, J. Long, Lopez, Love, McCaskill, Metzgar, Mireku–North, Pasteur, Patterson, Pena–Melnyk, Qi, Rogers, Rosenberg, Ruth, Shetty, Simmons, Simpson, Solomon, Spiegel, Stein, Stewart, Taveras, Terrasa, Turner, Vogel, Wells, White Holland, Wilkins, Williams, Wims, Wolek, Wu, and Ziegler**

Introduced and read first time: January 25, 2024

Assigned to: Ways and Means

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 adding to

13 Article – Education
14 Section 7–601 and 7–607
15 Annotated Code of Maryland
16 (2022 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Education
19 Section 7–601 through 7–605 and 7–702
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Education
3 Section 7–701
4 Annotated Code of Maryland
5 (2022 Replacement Volume and 2023 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 **7–601.**

10 **IN THIS SUBTITLE, “PROGRAM” MEANS THE STATE FREE FEEDING PROGRAM.**

11 **[7–601.] 7–602.**

12 (a) The State Board shall adopt and publish standards for the administration of
13 the [free feeding program] **PROGRAM.**

14 (b) The standards shall [provide for eligibility requirements for the program]
15 **ENSURE THAT, BEGINNING IN FISCAL YEAR 2026:**

16 **(1) IF A SCHOOL PARTICIPATES IN THE FEDERAL SCHOOL**
17 **BREAKFAST PROGRAM BY PROVIDING A FREE OR REDUCED PRICE BREAKFAST TO A**
18 **STUDENT, EACH STUDENT IN THE SCHOOL SHALL BE OFFERED A FREE BREAKFAST**
19 **THAT MEETS THE U.S. DEPARTMENT OF AGRICULTURE NUTRITION STANDARDS**
20 **UNDER THE FEDERAL SCHOOL BREAKFAST PROGRAM; AND**

21 **(2) IF A SCHOOL PARTICIPATES IN THE NATIONAL SCHOOL LUNCH**
22 **PROGRAM BY PROVIDING A FREE OR REDUCED PRICE LUNCH TO A STUDENT, EACH**
23 **STUDENT IN THE SCHOOL SHALL BE OFFERED A FREE LUNCH THAT MEETS THE U.S.**
24 **DEPARTMENT OF AGRICULTURE NUTRITION STANDARDS UNDER THE NATIONAL**
25 **SCHOOL LUNCH PROGRAM.**

26 **[7–602.] 7–603.**

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 § 5–205 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
5 free feeding program] **PROGRAM**.

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

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

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

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

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

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

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

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

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

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

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

25 (2) (I) **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR**
26 **FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, THE STATE SHALL BE**
27 **RESPONSIBLE FOR REIMBURSING A COUNTY BOARD OR A PARTICIPATING**
28 **NONPUBLIC SCHOOL FOR THE COST OF:**

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

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

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

8 **2. IN CALCULATING THE COST OF REIMBURSING A**
9 **COUNTY BOARD OR PARTICIPATING NONPUBLIC SCHOOL FOR A STUDENT WHO IS**
10 **NOT COVERED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH:**

11 **A. IF THE STUDENT ATTENDS A SCHOOL THAT**
12 **PARTICIPATES IN THE FEDERAL COMMUNITY ELIGIBILITY PROVISION OF THE CHILD**
13 **NUTRITION PROGRAMS, THE STATE SHALL PAY THE DIFFERENCE BETWEEN THE**
14 **APPLICABLE FREE MEAL REIMBURSEMENT RATE AND THE APPLICABLE PAID MEAL**
15 **REIMBURSEMENT RATE, AS SET ANNUALLY BY THE U.S. SECRETARY OF**
16 **AGRICULTURE UNDER 42 U.S.C. § 1759A; AND**

17 **B. IF THE STUDENT DOES NOT ATTEND A SCHOOL THAT**
18 **PARTICIPATES IN THE FEDERAL COMMUNITY ELIGIBILITY PROVISION OF THE CHILD**
19 **NUTRITION PROGRAMS, THE STATE SHALL PAY THE DIFFERENCE BETWEEN THE**
20 **APPLICABLE FREE MEAL RATE AND THE APPLICABLE PAID MEAL RATE, AS SET**
21 **ANNUALLY BY THE U.S. SECRETARY OF AGRICULTURE UNDER 42 U.S.C. § 1759A.**

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

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

28 **(3) BEGINNING IN FISCAL YEAR 2026, A COUNTY BOARD OR**
29 **PARTICIPATING NONPUBLIC SCHOOL MAY NOT CHARGE ANY STUDENT ANY PORTION**
30 **OF THE COST OF A BREAKFAST THAT MEETS THE NUTRITIONAL STANDARDS OF THE**
31 **FEDERAL SCHOOL BREAKFAST PROGRAM OR A LUNCH THAT MEETS THE**
32 **NUTRITIONAL STANDARDS OF THE NATIONAL SCHOOL LUNCH PROGRAM.**

33 **[7-603.] 7-604.**

34 Each public school and participating nonpublic school in this State shall provide a

1 free feeding program for children who meet the standards adopted by the State Board under
2 this subtitle.

3 **[7-604.] 7-605.**

4 Funds appropriated for the [free feeding program] **PROGRAM** shall be used to
5 reimburse each county board and participating nonpublic school for the difference between
6 costs and all available reimbursements and other funds.

7 **[7-605.] 7-606.**

8 (a) The General Assembly finds the following policies desirable in the
9 administration and application of the [school feeding program] **PROGRAM**:

10 (1) Private organizations and corporations should be encouraged to
11 participate in the [program] **PROGRAM**;

12 (2) The identity of children who participate in the [free feeding program]
13 **PROGRAM** should remain anonymous and positive procedures should be adopted to
14 accomplish this; and

15 (3) Applications for participants in the [program] **PROGRAM** should be
16 brief and simple, based on a statement of present income and family size or of participation
17 in a social services or welfare program.

18 (b) There may not be discrimination in this [program] **PROGRAM** for elementary,
19 junior high, and high school students.

20 **7-607.**

21 **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE, EACH**
22 **COUNTY BOARD, AND PARTICIPATING NONPUBLIC SCHOOLS MAXIMIZE THE USE OF**
23 **ALL AVAILABLE FEDERAL FUNDS IN CARRYING OUT THE REQUIREMENTS OF THE**
24 **PROGRAM.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
26 as follows:

27 **Article – Education**

28 **7-701.**

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

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

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

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

9 7-702.

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

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

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

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

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

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

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

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

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

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
32 effect July 1, 2025.

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