

# HOUSE BILL 696

F1  
HB 628/23 – W&M

4lr0863  
CF SB 579

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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~~ requiring the State Department of  
11 Education, on or before a certain date, to report to the General Assembly on a cost  
12 estimate for providing free breakfast and lunch to all students in public schools; and  
13 generally relating to a report on the expansion of breakfast and lunch meals to all  
14 students in participating public schools.

15 ~~BY adding to~~  
16 ~~Article – Education~~  
17 ~~Section 7-601 and 7-607~~

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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.



~~Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article — Education  
Section 7-601 through 7-605 and 7-702  
Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, without amendments,  
Article — Education  
Section 7-701  
Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)~~

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

~~Article — Education~~

~~7-601.~~

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

~~[7-601.] 7-602.~~

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

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

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

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

~~[7-602.] 7-603.~~

1           ~~(a) There is a State Free Feeding Program.~~

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

5           ~~(2) The amount included for this Program in the annual State budget,~~  
6 ~~including any federal funds, and as submitted to and appropriated by the General~~  
7 ~~Assembly, shall be distributed to the county boards and participating nonpublic schools in~~  
8 ~~the same manner as the process established under § 5-205 of this article.~~

9           ~~(c) (1) A nonpublic school in the State that participates in the federal School~~  
10 ~~Breakfast Program or the National School Lunch Program may participate in the [State~~  
11 ~~free feeding program] PROGRAM.~~

12           ~~(2) If a nonpublic school participates in the [State free feeding program]~~  
13 ~~PROGRAM, the State shall be responsible for reimbursing the participating nonpublic~~  
14 ~~school under subsection (d) of this section.~~

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

18           ~~[(1)] (I) Breakfasts provided to all students eligible for a reduced price~~  
19 ~~breakfast under the federal School Breakfast 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; and~~

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

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

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

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

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

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

~~(2) (i) SUBJECT TO SUBPARAGRAPH (H) OF THIS PARAGRAPH, FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, THE STATE SHALL BE RESPONSIBLE FOR REIMBURSING A COUNTY BOARD OR A PARTICIPATING NONPUBLIC SCHOOL FOR THE COST OF:~~

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

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

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

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

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

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

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

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

1           ~~(3) BEGINNING IN FISCAL YEAR 2026, A COUNTY BOARD OR~~  
2 ~~PARTICIPATING NONPUBLIC SCHOOL MAY NOT CHARGE ANY STUDENT ANY PORTION~~  
3 ~~OF THE COST OF A BREAKFAST THAT MEETS THE NUTRITIONAL STANDARDS OF THE~~  
4 ~~FEDERAL SCHOOL BREAKFAST PROGRAM OR A LUNCH THAT MEETS THE~~  
5 ~~NUTRITIONAL STANDARDS OF THE NATIONAL SCHOOL LUNCH PROGRAM.~~

6 ~~[7-603.] 7-604.~~

7           ~~Each public school and participating nonpublic school in this State shall provide a~~  
8 ~~free feeding program for children who meet the standards adopted by the State Board under~~  
9 ~~this subtitle.~~

10 ~~[7-604.] 7-605.~~

11           ~~Funds appropriated for the [free feeding program] PROGRAM shall be used to~~  
12 ~~reimburse each county board and participating nonpublic school for the difference between~~  
13 ~~costs and all available reimbursements and other funds.~~

14 ~~[7-605.] 7-606.~~

15           ~~(a) The General Assembly finds the following policies desirable in the~~  
16 ~~administration and application of the [school feeding program] PROGRAM:~~

17           ~~(1) Private organizations and corporations should be encouraged to~~  
18 ~~participate in the [program] PROGRAM;~~

19           ~~(2) The identity of children who participate in the [free feeding program]~~  
20 ~~PROGRAM should remain anonymous and positive procedures should be adopted to~~  
21 ~~accomplish this; and~~

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

25           ~~(b) There may not be discrimination in this [program] PROGRAM for elementary,~~  
26 ~~junior high, and high school students.~~

27 ~~7-607.~~

28           ~~IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE, EACH~~  
29 ~~COUNTY BOARD, AND PARTICIPATING NONPUBLIC SCHOOLS MAXIMIZE THE USE OF~~  
30 ~~ALL AVAILABLE FEDERAL FUNDS IN CARRYING OUT THE REQUIREMENTS OF THE~~  
31 ~~PROGRAM.~~

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

3 ~~Article—Education~~

4 ~~7-701.~~

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

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

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

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

16 ~~7-702.~~

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

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

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

23 ~~(2) (i) The county board approves an alternative nutrition program that~~  
24 ~~the school has instituted;~~

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

27 ~~(iii) The school submits an annual report of the assessment to the~~  
28 ~~county board and the State;~~

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

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

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

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

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

8           ~~SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section~~  
9 ~~3 of this Act, this Act shall take effect July 1, 2024.~~

10           (a)   (1)   The Maryland General Assembly recognizes the positive impact on  
11 students' academic, physical, and social and emotional health that results from ensuring  
12 students have access to breakfast and lunch programs while at school.

13           (2)   While Maryland has made significant progress in providing meals to all  
14 students through a variety of programs, this has led to a patchwork approach across the  
15 State.

16           (b)   On or before December 1, 2024, the State Department of Education shall  
17 report to the General Assembly, in accordance with § 2-1257 of the State Government  
18 Article, on the cost to provide free breakfast and lunch to all students in public schools in  
19 the State.

20           (c)   In determining the cost estimate for the report required under subsection (b)  
21 of this section, the Department shall consider:

22           (1)   for each county, the current rate of providing free breakfast and lunch  
23 through programs including:

24                   (i)   Maryland Meals for Achievement; and

25                   (ii)  participation in the United States Department of Agriculture  
26 Community Eligibility Program; and

27           (2)   for each county, including data disaggregated by elementary, middle,  
28 and high school, and by breakfast and lunch:

29                   (i)   the participation rates in the school meals program;

30                   (ii)  the student cost for meals;

31                   (iii) subsidies provided to students to assist in the cost of meals;

- 1                    (iv) school attendance rates;
- 2                    (v) the staffing costs of providing meals on a per pupil basis; and
- 3                    (vi) the thresholds for participation in the Community Eligibility
- 4 Provisions.

5            (d) In addition, the Department shall compile research completed in other states  
 6 that have established universal meal programs and prepare a summary of any findings  
 7 presented in those reports as part of its report under subsection (b) of this section.

8            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 9 1, 2024. It shall remain effective for a period of 1 year and, at the end of June 30, 2025, this  
 10 Act, with no further action required by the General Assembly, shall be abrogated and of no  
 11 further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.