

Chapter 61

(House Bill 386)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,
Article – Education
Section 7-704
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

7-704.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Program” means the Maryland Meals for Achievement In-Classroom Breakfast Program.
- (3) “Secondary schools” includes middle schools and high schools.
- (b) (1) There is a school breakfast program in the State, known as the Maryland Meals for Achievement In-Classroom Breakfast Program.
- (2) The Program is a joint effort of the Department and the county boards or sponsoring agencies for eligible nonpublic schools.
- (c) (1) The purpose of the Program is to provide funding for a school that makes an in-classroom breakfast available to all students in the school.

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

(d) The Department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 9, 2024.