

SENATE BILL 756

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6lr1273
CF 6lr3605

By: **Senators Madaleno, Ferguson, Guzzone, Manno, Pugh, and Raskin**

Introduced and read first time: February 5, 2016

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Breakfast Program – School Requirements**
3 **(Breakfast After the Bell Act)**

4 FOR the purpose of establishing a Breakfast After the Bell Program in the State; providing
5 for the purpose of the Program; requiring certain public schools in certain school
6 years to offer breakfast for free to every student using a certain delivery method that
7 meets certain requirements; authorizing certain public schools to determine a
8 certain breakfast delivery model and the time to serve breakfast, subject to a certain
9 limitation; authorizing certain school districts to alter transportation schedules for
10 a certain purpose; altering a certain condition under which a certain program is
11 suspended; authorizing the Department of Education to waive participation in the
12 Program on the request of certain public schools; defining a certain term; and
13 generally relating to the Breakfast After the Bell Program.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 7–703
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2015 Supplement)

19 BY adding to
20 Article – Education
21 Section 7–705
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2015 Supplement)

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

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-703.

2 (a) The free and reduced price breakfast program under this subtitle shall be
3 suspended if the per meal reimbursement that the federal government provides for the
4 breakfast program is:

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

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

9 (b) The reimbursement for each meal under subsection (a) of this section shall be
10 determined as follows:

11 (1) Multiply the number of reduced price breakfasts served statewide times
12 the federal reimbursement rate for those breakfasts;

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

15 (3) Divide the total of paragraphs (1) and (2) of this subsection by the total
16 number of free and reduced price breakfasts.

17 **7-705.**

18 (A) **IN THIS SECTION, "PROGRAM" MEANS THE BREAKFAST AFTER THE**
19 **BELL PROGRAM.**

20 (B) **THERE IS A BREAKFAST AFTER THE BELL PROGRAM IN THE STATE.**

21 (C) **THE PURPOSE OF THE PROGRAM IS TO ENSURE THAT STUDENTS**
22 **ENROLLED IN PUBLIC SCHOOLS WITH A HIGH CONCENTRATION OF LOW-INCOME**
23 **STUDENTS HAVE ACCESS TO BREAKFAST ON SCHOOL DAYS.**

24 (D) (1) **IN THE 2016-2017 SCHOOL YEAR, EACH PUBLIC SCHOOL IN THE**
25 **STATE WITH AT LEAST 85% OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE**
26 **LUNCH OR AT LEAST 55% OF STUDENTS DIRECTLY CERTIFIED AS ELIGIBLE FOR**
27 **FREE SCHOOL MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM IN THE**
28 **PRIOR SCHOOL YEAR SHALL OFFER BREAKFAST FOR FREE TO EVERY STUDENT IN**
29 **THE SCHOOL USING A DELIVERY METHOD THAT MEETS THE REQUIREMENTS OF**
30 **SUBSECTION (E) OF THIS SECTION.**

31 (2) **IN THE 2017-2018 SCHOOL YEAR, EACH PUBLIC SCHOOL IN THE**
32 **STATE WITH AT LEAST 80% OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE**

1 LUNCH OR AT LEAST 50% OF STUDENTS DIRECTLY CERTIFIED AS ELIGIBLE FOR
2 FREE SCHOOL MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM IN THE
3 PRIOR SCHOOL YEAR SHALL OFFER BREAKFAST FOR FREE TO EVERY STUDENT IN
4 THE SCHOOL USING A DELIVERY METHOD THAT MEETS THE REQUIREMENTS OF
5 SUBSECTION (E) OF THIS SECTION.

6 (3) IN THE 2018–2019 SCHOOL YEAR AND IN EACH SCHOOL YEAR
7 THEREAFTER, EACH PUBLIC SCHOOL IN THE STATE THAT HAS AT LEAST 75% OF
8 STUDENTS ELIGIBLE FOR FREE OR REDUCED–PRICE LUNCH OR AT LEAST 45% OF
9 STUDENTS DIRECTLY CERTIFIED AS ELIGIBLE FOR FREE SCHOOL MEALS UNDER THE
10 NATIONAL SCHOOL LUNCH PROGRAM IN THE PRIOR SCHOOL YEAR SHALL OFFER
11 BREAKFAST FOR FREE TO EVERY STUDENT IN THE SCHOOL USING A DELIVERY
12 METHOD THAT MEETS THE REQUIREMENTS OF SUBSECTION (E) OF THIS SECTION.

13 (E) (1) EACH PUBLIC SCHOOL MAY DETERMINE THE BREAKFAST
14 SERVING MODEL THAT BEST SUITS THE STUDENTS IN THAT SCHOOL.

15 (2) SERVING MODELS MAY INCLUDE:

16 (I) BREAKFAST IN THE CLASSROOM;

17 (II) GRAB–AND–GO BREAKFAST STATIONS; AND

18 (III) BREAKFAST SERVED AFTER THE FIRST PERIOD OF THE
19 SCHOOL DAY.

20 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
21 PARAGRAPH, BREAKFAST SHALL BE SERVED AT A TIME DETERMINED BY THE PUBLIC
22 SCHOOL AS LONG AS THE SERVICE OCCURS AFTER THE FIRST BELL OF THE SCHOOL
23 DAY.

24 (II) A SCHOOL DISTRICT WITH SCHOOLS THAT PARTICIPATE IN
25 THE PROGRAM MAY ARRANGE TRANSPORTATION SCHEDULES SO THAT BUSES
26 ARRIVE AT SCHOOL IN TIME TO SERVE BREAKFAST BEFORE THE START OF
27 INSTRUCTION OF THE SCHOOL DAY.

28 (F) THE DEPARTMENT MAY WAIVE PARTICIPATION IN THE PROGRAM ON
29 THE WRITTEN REQUEST OF A PUBLIC SCHOOL THAT HAS AN AVERAGE BREAKFAST
30 PARTICIPATION RATE EXCEEDING 60% OF THE SCHOOL’S AVERAGE DAILY
31 ATTENDANCE WITHOUT PARTICIPATING IN THE PROGRAM.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
33 1, 2016.