

HOUSE BILL 1235

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8lr3811
CF SB 818

By: **Delegate McIntosh**

Introduced and read first time: February 8, 2018

Assigned to: Ways and Means and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Maryland Meals for Achievement In-Classroom Breakfast Program**
3 **– Eligibility and Annual Appropriation**

4 FOR the purpose of authorizing certain schools to remain eligible to participate in the
5 Maryland Meals for Achievement In-Classroom Breakfast Program under certain
6 circumstances; requiring the Governor to include a certain appropriation to the
7 Program in the annual budget bill; defining certain terms; and generally relating to
8 the Maryland Meals for Achievement In-Classroom Breakfast Program.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 7–704
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2017 Supplement)

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

16 **Article – Education**

17 7–704.

18 (a) **(1)** In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

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

22 **(3)** “SECONDARY SCHOOLS” INCLUDES HIGH SCHOOLS.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

9 (d) The Department shall:

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

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

14 (3) **[Ensure] SUBJECT TO SUBSECTION (E) OF THIS SECTION, ENSURE**
15 **that a school that participates in the Program is a school at which at least 40% of the**
16 **registered students are eligible for the federal free or reduced price meal program;**

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

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

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

24 **(E) (1) IF A SCHOOL THAT PARTICIPATES IN THE PROGRAM HAS LESS**
25 **THAN 40% OF THE REGISTERED STUDENTS ELIGIBLE FOR THE FEDERAL FREE OR**
26 **REDUCED PRICE MEAL PLAN, THE SCHOOL SHALL REMAIN ELIGIBLE TO**
27 **PARTICIPATE IN THE PROGRAM FOR 1 YEAR.**

28 **(2) IF, AFTER 1 YEAR, THE SCHOOL'S PERCENT OF REGISTERED**
29 **STUDENTS ELIGIBLE FOR THE FEDERAL FREE OR REDUCED PRICE MEAL PLAN IS**
30 **LESS THAN 40%, THE SCHOOL IS NO LONGER ELIGIBLE TO PARTICIPATE IN THE**
31 **PROGRAM.**

32 **[(e)] (F)** A county board or a sponsoring agency for an eligible nonpublic school
33 shall:

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

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

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

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

8 **[(f)] (G)** A school that participates in the Program shall:

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

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

14 (3) Except as provided in subsection **[(g)] (H)** of this section, serve the
15 breakfast in the classroom after the arrival of students to the school;

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

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

19 **[(g)] (H)** Secondary schools may serve breakfast in any part of the school,
20 including from “Grab and Go” carts after the arrival of students to the school.

21 **[(h)] (I)** The employee organization that is the exclusive representative of the
22 certificated public school employees of a county board and the employee organization that
23 is the exclusive representative of the noncertificated employees of a county board and the
24 county board shall negotiate the terms of the participation of the employees in the Program.

25 **(J) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN**
26 **APPROPRIATION OF \$11,900,000 TO THE PROGRAM.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2018.