

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1135  
Ways and Means

(Delegate Korman, *et al.*)

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State Department of Education - Summer Food Service Program - Regulatory  
Waivers (Summer Meals Waiver Act)

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This emergency bill requires the Maryland State Department of Education (MSDE), on behalf of all free Summer Food Service Program (SFSP) sponsors in the State, to prepare and submit to the U.S. Department of Agriculture (USDA) waiver requests from regulations regarding SFSP requirements. Requests must be submitted by April 1, 2020, and each subsequent April 1, if required. Waiver requests must conform to relevant USDA guidelines. If a waiver request required under the bill is granted and later lapses or is terminated, MSDE must apply to renew the waiver.

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Fiscal Summary

**State Effect:** None. MSDE advises that the bill is consistent with its current practice of applying for waivers, including five State SFSP waiver requests that are currently being submitted.

**Local Effect:** Local government finances are not affected.

**Small Business Effect:** None. SFSP sponsors tend to be local government agencies or non-profit organizations.

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Analysis

**Bill Summary:** MSDE must submit waivers on behalf of SFSP sponsors regarding (1) specified site visits by sponsors; (2) extension of the Offer Versus Serve (OVS) policy to nonschool food authority sponsors; (3) meal service time requirements; and (4) to allow closed enrolled sites to qualify based on area eligibility.

**Current Law:** SFSP is a USDA program. States approve SFSP meal sites as open, enrolled, or camp sites. Open sites operate in low-income areas where at least half of the children come from families with incomes at or below 185% of the federal poverty level, making them eligible for free and reduced-price school meals. Meals are served free to any child at an open site. Enrolled sites provide free meals to children enrolled in an activity program at the site where at least half of them are eligible for free and reduced-price meals. Camps may also participate in SFSP; they receive payments only for the meals served to children who are eligible for free and reduced-price meals.

A closed enrolled site means a site, which is open only to enrolled children, as opposed to the community at large. Area eligibility refers to a site in a school attendance area in which at least 50% of the enrolled children are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program.

Sponsors can apply for advance payments or reimbursements from USDA. Federal funds cover allowable operating costs that include, but are not limited to, the cost of food used, nonfood supplies, space for food service, and rental of food service preparation facilities. Federal funds also cover allowable administrative costs for activities related to planning, organizing, and administering the program.

OVS is a concept that applies to menu planning and the meal service. OVS allows students to decline some of the food offered in a reimbursable lunch or breakfast. OVS is intended to reduce food waste and to permit students to choose the foods they want to eat. Meal service time requirements specify minimum time frames between meals and maximum duration of meal times in order to qualify for federal reimbursement.

**Background:** There are State programs for school breakfasts and lunches during the school year, but there is no State program for summer meals. In fiscal 2019, \$10.1 million in federal SFSP funds, distributed by MSDE, were provided for summer meals. During fiscal 2019, nearly 3.1 million meals and snacks were provided in Maryland through SFSP. About 68% of these meals were provided through local school systems and another 19% were through the City of Baltimore. St. Vincent De Paul of Baltimore and the Maryland Food Bank were also significant sponsoring agencies of summer meals through SFSP. MSDE currently administers approximately \$330 million in school and community food services' programs for the State. The proposed fiscal 2021 budget includes \$10.6 million in federal funds for summer meals. No State funds are provided for summer meals.

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## Additional Information

**Prior Introductions:** None.

**Designated Cross File:** SB 828 (Senator McCray) - Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - February 16, 2020  
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