

# SENATE BILL 579

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SB 557/23 – B&T & EEE

4lR0862  
CF HB 696

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By: **Senator Guzzone**

Introduced and read first time: January 25, 2024

Assigned to: Budget and Taxation and Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 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~~  
18 ~~Annotated Code of Maryland~~  
19 ~~(2022 Replacement Volume and 2023 Supplement)~~

20 ~~BY repealing and reenacting, with amendments,~~  
21 ~~Article — Education~~  
22 ~~Section 7-601 through 7-605 and 7-702~~  
23 ~~Annotated Code of Maryland~~

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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.



~~(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.~~

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

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

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

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

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

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

~~[(1)] (I) Breakfasts provided to all students eligible for a reduced price breakfast under the federal School Breakfast Program according to the following schedule:~~

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

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

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

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

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

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

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

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

~~(2) (I) SUBJECT TO SUBPARAGRAPH (II) 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.~~

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

1 ~~[7-603.] 7-604.~~

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

5 ~~[7-604.] 7-605.~~

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

9 ~~[7-605.] 7-606.~~

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

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

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

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

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

22 ~~7-607.~~

23 ~~IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE, EACH~~  
24 ~~COUNTY BOARD, AND PARTICIPATING NONPUBLIC SCHOOLS MAXIMIZE THE USE OF~~  
25 ~~ALL AVAILABLE FEDERAL FUNDS IN CARRYING OUT THE REQUIREMENTS OF THE~~  
26 ~~PROGRAM.~~

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

29 ~~Article Education~~

30 ~~7-701.~~

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

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

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

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

12 ~~7-702.~~

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

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

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

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

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

23   ~~(iii) The school submits an annual report of the assessment to the~~  
24 ~~county board and the State];~~

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

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

29                           ~~(4) The school has less than 15% of its enrollment approved for free and~~  
30 ~~reduced price eligible meals];~~

~~1 (b) The exemption in subsection (a)(4) of this section shall continue from year to  
2 year without the need for reapplication, until there is a 10% increase in the number of  
3 students approved for free and reduced price eligible meals.]~~

~~4 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take  
5 effect July 1, 2025.~~

~~6 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
7 3 of this Act, this Act shall take effect July 1, 2024.~~

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

12 (b) In determining the cost estimate for the report required under subsection (a)  
13 of this section, the Department shall consider:

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

16 (i) Maryland Meals for Achievement; and

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

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

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

22 (ii) the student cost for meals;

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

24 (iv) school attendance rates;

25 (v) the staffing costs of providing meals on a per pupil basis; and

26 (vi) the thresholds for participation in the Community Eligibility  
27 Provisions.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
29 1, 2024. It shall remain effective for a period of 1 year and, at the end of June 30, 2025, this  
30 Act, with no further action required by the General Assembly, shall be abrogated and of no  
31 further force and effect.