

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 769 (Senator Guzzone)

Budget and Taxation and Education, Energy,
 and the Environment

Community Eligibility Provision Expansion Program – Establishment

This bill establishes a Community Eligibility Provision (CEP) Expansion Program administered by the Maryland State Department of Education (MSDE). The program provides funding to eligible schools that participate in CEP. The State must pay the difference between the applicable federal paid reimbursement rate and the federal free reimbursement rate. Funding complements, but does not replace, federal CEP funding. Beginning with fiscal 2027, the Governor must include \$10.0 million in the annual budget bill for the program. MSDE must develop a process for local boards of education to participate in the program based on funding availability. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: General fund expenditures increase by \$75,000 in FY 2026, and by \$10.0 million annually beginning in FY 2027. Revenues are not affected. **This bill establishes a mandated appropriation beginning in FY 2027.**

(\$ in millions)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0.08	10.00	10.00	10.00	10.00
Net Effect	(\$0.08)	(\$10.00)	(\$10.00)	(\$10.00)	(\$10.00)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local school systems receive the majority of \$10.0 million annually, beginning in FY 2027, after accounting for MSDE administrative costs under the program. To the extent CEP participation increases, federal funding for school meals may increase substantially. Local school system expenditures increase correspondingly to any revenues.

Small Business Effect: None.

Analysis

Bill Summary: MSDE must (1) ensure that program funding is distributed based on the concentration of poverty in public schools within a local school board jurisdiction; (2) consider geographic diversity in prioritizing funding; and (3) distribute funds to eligible local boards. The bill expresses the intent of the General Assembly that the State, each local board of education, and participating nonpublic schools maximize the use of all available federal and State funds in carrying out requirements of the program. Beginning in 2026, MSDE must annually report to the General Assembly on the status and outcome of the program.

Current Law:

Federal School Nutrition Programs and Reimbursement Rates

The School Breakfast Program and the National School Lunch Program are federally assisted meal programs for schools. The School Breakfast Program subsidizes public and participating nonprofit private schools of high school grade or lower and participating residential child care institutions for breakfast meals served to children. Similarly, the National School Lunch Program subsidizes public and participating nonprofit private schools of high school grade or lower and participating residential child care institutions for lunches served to children. In both programs, federal funds pass through MSDE to participating schools and institutions. Information on federal reimbursement rates can be found [here](#).

Community Eligibility Program

The Healthy, Hunger-Free Kids Act of 2010, in part, amended the federal National School Lunch Act to provide an alternative to household applications for free or reduced priced meals (FRPM) in high-poverty local school system and schools. This alternative is referred to as CEP. To be eligible, local school systems and schools must meet a minimum level of students directly certified for free meals – known as the Identified Student Percentage – which must be at least 25% of enrollment in the year prior to implementing the option, agree to serve free lunches and breakfasts to *all* students, and agree to cover with nonfederal funds any costs of providing free meals to all students above amounts provided in federal assistance. Identified students include those who qualify for free meals without an application, such as children from households receiving Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families benefits, foster children, homeless students, migrant students, and others categorically eligible.

Reimbursement is based on claiming percentages derived from the percentage of students directly certified as increased by use of a multiplier determined by the U.S. Department of

Agriculture (USDA), which has been set at 1.6 since the inception of CEP. A local school system may choose to participate in CEP for all schools in a local school system or only some schools, depending on the eligibility districtwide and of the individual schools and financial considerations based on the anticipated level of federal reimbursement and other nonfederal support that may be available. More information on CEP can be found on the [USDA website](#).

Maryland Meals for Achievement

Maryland Meals for Achievement (MMFA) is a joint effort of MSDE and local boards of education or sponsoring agencies for eligible nonpublic schools. MMFA provides funding for schools that make an in-class (with exceptions for “Grab and Go” meals) breakfast available to all students enrolled in schools in which 40% or more of the students qualify for FRPMs. A school that for one year falls below the 40% FRPM student population eligibility threshold is eligible for MMFA funding in that year. However, the school is no longer eligible for MMFA funding if its percentage of students falls below 40% in a second consecutive year. Under Chapter 628 of 2023, the Governor must include in the annual budget bill \$12.05 million for MMFA. Accordingly, the fiscal 2026 allowance includes \$12.05 million for MMFA.

Maryland Cares for Kids Act

Under the Maryland Cares for Kids Act (Chapter 560 of 2018), the State is responsible for the student share of the costs of (1) reduced-price breakfasts provided under the federal School Breakfast Program by fiscal 2022 and (2) reduced-price lunches provided under the National School Lunch Program by fiscal 2023. A local board of education or participating nonpublic school is prohibited from charging a student who is eligible for a reduced-price breakfast or a reduced-price lunch, for any portion of the cost of a meal. The fiscal 2026 allowance includes \$3.9 million for this reduced-price meals program.

State Expenditures: General fund expenditures increase by \$75,000 in fiscal 2026 and by \$10.0 million annually beginning in fiscal 2027, given the \$10.0 million annual funding mandate under the bill and assuming MSDE administrative costs, as described immediately below.

MSDE advises that it requires an outside contractor to gather feedback from local school systems on the proposed allocation plan, develop a strategy to ensure an equitable geographic and financially viable allocation, and then evaluate program outcomes and impacts, at a total cost of \$300,000; \$150,000 in both fiscal 2027 and 2028. The Department of Legislative Services assumes that a total of \$150,000 for this purpose is sufficient, and that half of this cost is incurred in fiscal 2026, to prepare for disbursement of grants beginning in fiscal 2027.

Local Fiscal Effect: Beginning in fiscal 2027, local school systems receive the majority of \$10.0 million annually provided for the program, after accounting for MSDE costs described above. Local school system expenditures increase accordingly.

The bill appears to establish a funding formula mandate with respect to federal government reimbursement rates, yet also provides MSDE with considerable discretion as to how funding is prioritized and distributed. The bill also requires MSDE to develop a process for local boards to participate in the program, based on funding availability. Because it is not certain what specifically this process will entail, an estimate of program funding by local school system cannot be determined at this time. However, it is assumed that schools and school systems that participate in CEP, with a CEP percentage below 100%, will benefit under the bill because federal funding does not cover the entire federal free meal reimbursement for these schools and school systems.

Information on the number of CEP schools by county can be found on the [MSDE website](#). Seven local school systems in Maryland participate in federal CEP systemwide, including Baltimore City, and Baltimore, Caroline, Dorchester, Kent, Somerset, and Wicomico counties. School year 2023-2024 data indicates that 651 schools (about 46% of all public schools), including the SEED school, are CEP sites.

Maximizing the use of all available federal funds likely results in increased CEP participation for school systems that do not already participate districtwide, and thus substantially increased federal funds.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1254 (Delegate Palakovich Carr, *et al.*) - Appropriations.

Information Source(s): Baltimore City Public Schools; Anne Arundel County Public Schools; Baltimore County Public Schools; Wicomico County Public Schools; Maryland Hunger Solutions; American Heart Association; Department of Budget and Management; Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2025
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