

# HOUSE BILL 628

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CF 3lr2675

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By: **Delegates Reznik, Attar, Atterbeary, D. Barnes, Boafó, Cardin, Charkoudian, Crutchfield, Fair, Feldmark, Foley, Forbes, Grossman, Guyton, Healey, Henson, Kaufman, McCaskill, Metzgar, Mireku–North, Palakovich Carr, Pasteur, Queen, Ruth, Shetty, Solomon, Stein, Terrasa, Vogel, Watson, and Wilkins**

Introduced and read first time: February 3, 2023

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Breakfast and Lunch Programs – Universal**  
3 **Expansion**

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; and generally relating to the  
11 expansion of breakfast and lunch meals to all students in participating schools.

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 7–601, 7–602, and 7–702  
15 Annotated Code of Maryland  
16 (2022 Replacement Volume)

17 BY adding to  
18 Article – Education  
19 Section 7–606  
20 Annotated Code of Maryland  
21 (2022 Replacement Volume)

22 BY repealing and reenacting, without amendments,  
23 Article – Education  
24 Section 7–701

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2022 Replacement Volume)

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

5 **Article – Education**

6 7–601.

7 (a) The State Board shall adopt and publish standards for the administration of  
8 the free feeding program.

9 (b) The standards shall [provide for eligibility requirements for the program]  
10 **ENSURE THAT, BEGINNING IN FISCAL YEAR 2025:**

11 **(1) IF A SCHOOL PARTICIPATES IN THE FEDERAL SCHOOL**  
12 **BREAKFAST PROGRAM BY PROVIDING A FREE OR REDUCED PRICE BREAKFAST TO A**  
13 **STUDENT, THEN EACH STUDENT IN THE SCHOOL SHALL BE OFFERED A FREE**  
14 **BREAKFAST THAT MEETS THE U.S. DEPARTMENT OF AGRICULTURE NUTRITION**  
15 **STANDARDS UNDER THE PROGRAM; AND**

16 **(2) IF A SCHOOL PARTICIPATES IN THE NATIONAL SCHOOL LUNCH**  
17 **PROGRAM BY PROVIDING A FREE OR REDUCED PRICE LUNCH TO A STUDENT, THEN**  
18 **EACH STUDENT IN THE SCHOOL SHALL BE OFFERED A FREE LUNCH THAT MEETS THE**  
19 **U.S. DEPARTMENT OF AGRICULTURE NUTRITION STANDARDS UNDER THE**  
20 **PROGRAM.**

21 7–602.

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

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

26 (2) The amount included for this Program in the annual State budget,  
27 including any federal funds, and as submitted to and appropriated by the General  
28 Assembly, shall be distributed to the county boards and participating nonpublic schools in  
29 the same manner as the process established under [§ 5–212] **§ 5–205** of this article.

30 (c) (1) A nonpublic school in the State that participates in the federal School  
31 Breakfast Program or the National School Lunch Program may participate in the State free  
32 feeding program.

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

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

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

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

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

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

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

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

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

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

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

20           **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR**  
21 **FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE STATE SHALL BE**  
22 **RESPONSIBLE FOR REIMBURSING A COUNTY BOARD OR A PARTICIPATING**  
23 **NONPUBLIC SCHOOL FOR THE COST OF:**

24                           **1. OFFERING EACH STUDENT IN A PARTICIPATING**  
25 **SCHOOL A FREE BREAKFAST THAT QUALIFIES UNDER THE U.S. DEPARTMENT OF**  
26 **AGRICULTURE REIMBURSABLE GUIDELINES; AND**

27                           **2. OFFERING EACH STUDENT IN A PARTICIPATING**  
28 **SCHOOL A FREE LUNCH THAT QUALIFIES UNDER THE U.S. DEPARTMENT OF**  
29 **AGRICULTURE REIMBURSABLE GUIDELINES.**

30                           **(II) 1. IN CALCULATING THE COST OF REIMBURSING A**  
31 **COUNTY BOARD OR PARTICIPATING NONPUBLIC SCHOOL FOR A STUDENT WHO IS**

1 ELIGIBLE FOR A REDUCED PRICE BREAKFAST OR LUNCH, THE STATE SHALL USE THE  
2 REIMBURSEMENT RATE LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

3           **2. IN CALCULATING THE COST OF REIMBURSING A**  
4 **COUNTY BOARD OR PARTICIPATING NONPUBLIC SCHOOL FOR A STUDENT WHO IS**  
5 **NOT COVERED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH:**

6           **A. IF THE STUDENT ATTENDS A SCHOOL THAT**  
7 **PARTICIPATES IN THE FEDERAL COMMUNITY ELIGIBILITY PROVISION OF THE CHILD**  
8 **NUTRITION PROGRAMS, THE STATE SHALL PAY THE DIFFERENCE BETWEEN THE**  
9 **FEDERAL FUNDS ALLOCATED TO THE SCHOOL UNDER THE COMMUNITY ELIGIBILITY**  
10 **PROVISION AND THE COST OF OFFERING EACH STUDENT IN THE SCHOOL A MEAL;**  
11 **AND**

12           **B. IF THE STUDENT DOES NOT ATTEND A SCHOOL THAT**  
13 **PARTICIPATES IN THE FEDERAL COMMUNITY ELIGIBILITY PROVISION OF THE CHILD**  
14 **NUTRITION PROGRAMS, THE STATE SHALL PAY THE DIFFERENCE BETWEEN THE**  
15 **APPLICABLE FREE MEAL RATE AND THE APPLICABLE PAID MEAL RATE, AS SET**  
16 **ANNUALLY BY THE U.S. SECRETARY OF AGRICULTURE UNDER § 42 U.S.C. 1759A.**

17           (e) (1) Beginning in fiscal year 2022, a county board or participating nonpublic  
18 school may not charge a student who is eligible for a reduced price breakfast for any portion  
19 of the cost of the meal.

20           (2) Beginning in fiscal year 2023, a county board or participating nonpublic  
21 school may not charge a student who is eligible for a reduced price lunch for any portion of  
22 the cost of the meal.

23           **(3) BEGINNING IN FISCAL YEAR 2025, A COUNTY BOARD OR**  
24 **PARTICIPATING NONPUBLIC SCHOOL MAY NOT CHARGE ANY STUDENT ANY PORTION**  
25 **OF THE COST OF A BREAKFAST THAT MEETS THE NUTRITIONAL STANDARDS OF THE**  
26 **FEDERAL SCHOOL BREAKFAST PROGRAM OR A LUNCH THAT MEETS THE**  
27 **NUTRITIONAL STANDARDS OF THE NATIONAL SCHOOL LUNCH PROGRAM.**

28 **7-606.**

29           **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE, EACH**  
30 **COUNTY BOARD, AND PARTICIPATING NONPUBLIC SCHOOLS MAXIMIZE THE USE OF**  
31 **ALL AVAILABLE FEDERAL FUNDS IN CARRYING OUT THE REQUIREMENTS OF THE**  
32 **STATE FREE FEEDING PROGRAM.**

33           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
34 as follows:

## Article – Education

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7–701.

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

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

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

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

7–702.

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

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

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

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

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

(iii) The school submits an annual report of the assessment to the county board and the State[;

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

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

(4) The school has less than 15% of its enrollment approved for free and 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, 2024.

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, 2023.