



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 500 (as introduced 9-14-23)
Sponsor: Senator Dayna Polehanki
Committee: Education

Date Completed: 9-18-23

CONTENT

The bill would amend the Revised School Code to require the Department of Education (MDE) to create and operate a program in which public schools could provide free school lunch and breakfast to eligible students.

Under the bill, the MDE would have to create and operate a program to provide free school lunch and breakfast to public school pupils in grades pre-K to 12 and to pupils who were at most 26 years old and were enrolled in special education programs. This would include pupils who attended the Michigan School for the Deaf.

To participate in the free school lunch and breakfast program, an entity would have to apply to the MDE, in a form and manner prescribed by the MDE. Under the bill, "participating entity" would mean a public school or the Michigan School for the Deaf.

The Department would have to approve a participating entity's application if the entity did all the following:

- Participated in the National School Lunch Program and School Breakfast Program.
- Provided reimbursable breakfasts and reimbursable lunches at no cost to all public school pupils for any school breakfast or lunch program operated by the participating entity.
- Submitted information regarding the number of reimbursable breakfasts and lunches served in a manner determined by MDE.
- Maximized Federal reimbursement for reimbursable breakfasts and lunches operated by the Community Eligibility Provision (CEP) under the Richard B. Russell National School Lunch Act if the participating entity had an identified student percentage greater than or equal to the minimum requirement to be eligible to participate in the CEP (see **BACKGROUND**); all eligible participating entities would have to elect CEP on behalf of a single school, a group or groups of schools, or all schools in the participating entity, as applicable, in a manner that maximized Federal reimbursement as determined by the MDE.
- Met all applicable Federal and State standards in its school breakfast and lunch programs, as determined by MDE.
- Maximized and implemented policies that encouraged parents or legal guardians to fill out relevant family income information for the purposes of determining student eligibility for Federal free or reduced cost meal reimbursement rates, CEP eligibility determinations, and other education benefits.
- Forgave all school meal debt, as determined by the MDE.

Subject to Federal law and regulations, participating entities would have to offer meals that met a pupil's disability or medical need that restricted the pupil's diet if that disability or medical need were documented by a medical statement signed by a health professional. "Health professional" would mean an individual who is licensed, registered, or otherwise

authorized to engage in a health profession under Article 15 (Occupations) of the Public Health Code.

Accommodations would have to be made on a case-by-case basis. Participating entities would be encouraged to offer meals that met a pupil's religious or dietary preferences, including, vegetarian, kosher, and halal meals, if those religious or dietary preferences met the Federal meal pattern requirements.

Proposed MCL 380.1271

BACKGROUND

In 1946, the National School Lunch Act created the National School Lunch Program (NSLP), which continues to provide low cost or free school lunch meals to qualified students through subsidies to schools. In 2010, the Act was amended by the Healthy, Hunger-Free Kids Act to provide an alternative that eliminated the need for household applications for free and reduced-price meals. This alternative, which is now part of the NSLP, is referred to as the Community Eligibility Provision (CEP). To be eligible, Local Education Agencies and/or schools must meet a minimum level of identified students for free meals in the year prior to implementing CEP; agree to serve free breakfasts and lunches to all students; and agree to cover with non-Federal funds any costs of providing free meals to students above the amounts provided by Federal assistance. "Identified students" are students approved as eligible for free meals who are not subject to verification.¹

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill would have no fiscal impact on the State or local government. Public Act (PA) 103 of 2023 included funding for universal school breakfast and lunch programs in the School Aid Act.² The MDE estimates that the expansion for free breakfast and lunch to all students will cost approximately \$160.0 million per year, which was the amount appropriated in PA 103 for the 2023-2024 school year. The bill clarifies that, in addition to pupils in grades pre-K to 12, the program also would cover pupils aged 26 or less who were enrolled in special education programs, including pupils who attend the Michigan School for the Deaf. While these additional pupils were not included in PA 103, the original estimate of \$160.0 million per year included them, so the estimated cost of the program would not change.

There likely would not be operational change for MDE, as the program in the bill is identical to the program created by PA 103.

Fiscal Analyst: Ryan Bergan

¹ For more information on identified students and CEP requirements, see the MDE's "Community Eligibility Provision Frequently Asked Questions" page.

² MCL 388.1630d

SAS\S2324\s500sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.