

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Fully Fund School Breakfast from Kindergarten to Grade 12**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRS §6602, sub-§1**, as amended by PL 1991, c. 9, Pt. II, §3, is repealed and the following enacted in its place:

**1. Participation.** A public school shall participate in food service programs.

A. A public school shall participate in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210(2007) and provide Type A meals as determined by the United States Department of Agriculture.

B. A public school shall provide all children who are eligible for free and reduced-price meals under paragraph A, regardless of whether the school participates in the National School Lunch Program, a meal that meets the requirements of the federal School Breakfast Program set forth in 7 Code of Federal Regulations, Part 220(2007) at no cost to the student. The State shall provide the funding for the costs of the program that are not reimbursed by the Federal Government.

**Sec. 2. 20-A MRS §6602, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**2. Exceptions.** The following shall be exempt from subsection 1, paragraph A:

A. All secondary schools limited to students in grades 9, 10, 11 and 12; and

B. A school administrative unit authorized by the commissioner under subsection 9 to postpone the establishment of the program.

**Sec. 3. 20-A MRS §6602, sub-§6**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**6. Nutrition report.** The commissioner may assess the nutritional benefits of school lunch programs and school breakfast programs and report to the state board.

**Sec. 4. 20-A MRS §6602, sub-§8**, as amended by PL 1987, c. 395, Pt. A, §68, is further amended to read:

**8. Application for postponement.** An administrative unit, ~~which that~~ had been authorized by the commissioner to postpone the establishment of a National School Lunch Program, ~~or a federal School Breakfast Program~~ may apply to the commissioner for a renewal of the postponement. The commissioner may grant the requested postponement provided that:

A. The school board has held a public hearing on its proposed application; and

B. One of the following conditions is met:

- (1) It has been documented to the commissioner's satisfaction that the administrative unit lacks space for the program and there is no appropriate alternative source of meals for the students;
- (2) It is impossible for the administrative unit to contract for or to otherwise procure Type A meals or meals that meet the requirements of the federal School Breakfast Program for its students; or
- (3) The lack of need for the program, as determined by the school board is documented to the commissioner's satisfaction and was evident at the public hearing.

If the postponement is granted for the conditions in paragraph B, subparagraphs (1) and (2), it ~~shall~~must be for 3 years. If the postponement is granted for the condition in paragraph B, subparagraph (3), it ~~shall~~must be for 4 years.

**Sec. 5. 20-A MRSA §6602, sub-§9**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**9. Annual review of postponement.** The commissioner shall annually review the conditions in the school administrative units ~~which~~that have been granted a postponement. On finding that the conditions in a unit have changed so that a postponement is no longer warranted, the commissioner may require that the unit establish a National School Lunch Program or a federal School Breakfast Program at the start of the next school year.

**Sec. 6. 22 MRSA §1511, sub-§6, ¶G**, as enacted by PL 1999, c. 401, Pt. V, §1, is amended to read:

G. Substance abuse prevention and treatment; ~~and~~

**Sec. 7. 22 MRSA §1511, sub-§6, ¶H**, as enacted by PL 1999, c. 401, Pt. V, §1, is amended to read:

H. Comprehensive school health programs, including school-based health centers; and

**Sec. 8. 22 MRSA §1511, sub-§6, ¶I** is enacted to read:

I. Meals that meet the requirements of the federal School Breakfast Program that are provided by public schools for all children kindergarten to grade 12 who are eligible to receive free and reduced-price meals through the National School Lunch Program.

**Sec. 9. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**Fund for a Healthy Maine - School Breakfast Program (New)**

Initiative: Allocates funds from the Fund for a Healthy Maine for all public schools kindergarten to grade 12 to provide free breakfasts to those students who are eligible to receive free or reduced-price meals under the National School Lunch Program.

<b>FUND FOR A HEALTHY MAINE</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	\$1,423,566
	<hr/>	
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$0</b>	<b>\$1,423,566</b>

**SUMMARY**

This bill requires public schools to provide all children who are eligible for free and reduced-price meals under the National School Lunch Program with a meal that meets the requirements of the federal School Breakfast Program at no cost to the student and requires the State to provide the funding for the costs of the program that are not reimbursed by the Federal Government. This bill includes an allocation from the Fund for a Healthy Maine for the costs to the State in fiscal year 2008-09 and adds the school breakfast program to the health-related initiatives that are eligible to receive funds from the Fund for a Healthy Maine.