

Date:

(Filing No. S-)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 258, L.D. 577, “An Act to Address Student Hunger and Nutrition Through Expanded Access to Free Milk in Schools”

Amend the bill by striking out the title and substituting the following:

'An Act to Maximize Federal Funding and Protect Maine's School Meals Programs'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 20-A MRSA §6602, sub-§1, ¶B, as amended by PL 2021, c. 759, Pt. D, §1, is further amended to read:

B. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves breakfast shall provide a publicly funded student who is eligible for free and reduced-price meals under paragraph A 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 publicly funded student. The State shall provide to the public school or private school approved for tuition purposes funding equal to the difference between the federal reimbursement for a free breakfast and the federal reimbursement for a reduced-price breakfast for each publicly funded student eligible for a reduced-price breakfast and receiving breakfast if the public school or private school approved for tuition purposes meets the requirements of section 6602-A.

Sec. 2. 20-A MRSA §6602, sub-§1, ¶D, as amended by PL 2021, c. 759, Pt. D, §2, is further amended to read:

D. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and

participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves lunch shall provide a publicly funded student who is eligible for free and reduced-price meals under paragraph A a meal that meets the requirements of the federal National School Lunch Program set forth in 7 Code of Federal Regulations, Part 210 (2019) at no cost to the publicly funded student. The State shall provide to the public school or private school approved for tuition purposes funding equal to the difference between the federal reimbursement for a free lunch and the federal reimbursement for a reduced-price lunch for each publicly funded student eligible for a reduced-price lunch and receiving lunch if the public school or private school approved for tuition purposes meets the requirements of section 6602-A.

Sec. 3. 20-A MRSA §6602, sub-§1, ¶H, as amended by PL 2021, c. 759, Pt. D, §3, is further amended to read:

H. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves breakfast shall provide a publicly funded student who is ineligible for free or reduced-price meals under paragraph A 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 publicly funded student. The State shall provide to the public school or private school approved for tuition purposes funding equal to the difference between the federal reimbursement for a free breakfast and the ~~full price of the~~ federal reimbursement for a full-price regular breakfast for each publicly funded student ineligible for a free or reduced-price breakfast and receiving breakfast if the public school or private school approved for tuition purposes meets the requirements of section 6602-A.

Sec. 4. 20-A MRSA §6602, sub-§1, ¶I, as amended by PL 2021, c. 759, Pt. D, §4, is further amended to read:

I. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves lunch shall provide a publicly funded student who is ineligible for free or reduced-price meals under paragraph A a meal that meets the requirements of the federal National School Lunch Program set forth in 7 Code of Federal Regulations, Part 210 (2019) at no cost to the publicly funded student. The State shall provide to the public school or private school approved for tuition purposes funding equal to the difference between the federal reimbursement for a free lunch and the ~~full price of the~~ federal reimbursement for a full-price lunch for each publicly funded student ineligible for a free or reduced-price lunch and receiving lunch if the public school or private school approved for tuition purposes meets the requirements of section 6602-A.

Sec. 5. 20-A MRSA §6602-A is enacted to read:

§6602-A. Federal funding for school food service programs

1. Condition of schools receiving state reimbursement for school lunch and school breakfast. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that receives state funding under section 6602, subsection 1, paragraph B, D, H or I, shall maximize the amount of federal reimbursement funds that the school receives in order to receive state funding equal to the difference between the federal reimbursement for a free regular breakfast and the federal reimbursement for a reduced-price regular breakfast and equal to the difference between the federal reimbursement for a free lunch and the federal reimbursement for a reduced-price lunch, and funding equal to the difference between the federal reimbursement for a free breakfast or lunch and the federal reimbursement for a full-price breakfast or lunch for each publicly funded student receiving breakfast or lunch. The public school or private school approved for tuition purposes, if eligible for any provisional school food service program, including, but not limited to, the community eligibility provision under the federal Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, Section 104(a), shall maximize participation in that provisional school food service program. The department shall determine whether the school is maximizing federal reimbursement funds.

2. Department to communicate options to public schools and private schools to maximize federal funding. The department shall annually communicate school food service program options available to a public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, to the school for the school to maximize federal funding in the school food service program. The department may provide technical assistance to a public school or a private school approved for tuition purposes and may contract with a 3rd-party entity.

3. School not eligible for state funding if school does not participate in National School Lunch Program or provisional school food service program if eligible. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that does not participate in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) and does not participate in any provisional school food service program, if eligible, or that chooses a provisional school food service program option other than a school food service program option communicated to the public school or private school approved for tuition purposes under subsection 2 by the department may not receive state funding equal to the difference between the federal reimbursement for a free breakfast and the federal reimbursement for a reduced-price breakfast and equal to the difference between the federal reimbursement for a free lunch and the federal reimbursement for a reduced-price lunch, and funding equal to the difference between the federal reimbursement for a free breakfast or lunch and the federal reimbursement for a full-price breakfast or lunch for each publicly funded student receiving breakfast or lunch.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

School Finance and Operations Z078

Initiative: Provides funding pursuant to Public Law 2021, chapter 398, Part OOOO to pay the difference between the federal reimbursement for a free breakfast or lunch and the full price of a breakfast or lunch for each student in a public school and for publicly funded

students who attend an eligible private school that participates in the National School Lunch Program.

GENERAL FUND	2025-26	2026-27
All Other	\$1,800,387	\$4,101,781
GENERAL FUND TOTAL	\$1,800,387	\$4,101,781

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill and changes the title. The amendment provides that a public school or private school approved for tuition purposes that enrolls at least 60% publicly funded students and that participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves breakfast and lunch must maximize the amount of federal reimbursement the school receives in order to receive state funding. The amendment requires the Department of Education to annually communicate school food service program options to participating schools to maximize federal funding in the school food service program. A school that does not enroll in a school food service program option provided by the department may not receive state funding. The amendment also provides state funding for eligible schools.

FISCAL NOTE REQUIRED

(See attached)