

MAINE STATE LEGISLATURE

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Date: 1/27/2020

(Filing No. S-373)

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STATE OF MAINE
SENATE
129TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 99,
L.D. 359, Bill, "An Act To Address Student Hunger with a "Breakfast after the Bell"
Program"

Amend the amendment by inserting after the title the following:

'Amend the bill by inserting before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not
become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is imperative that this legislation take effect as soon as possible to avoid
confusion in implementation and to allow the Department of Education to publish
pertinent information; and

Whereas, in the judgment of the Legislature, these facts create an emergency within
the meaning of the Constitution of Maine and require the following legislation as
immediately necessary for the preservation of the public peace, health and safety; now,
therefore,''

Amend the amendment by striking out all of section 1 and inserting the following:

'Sec. 1. 20-A MRSA §6602, sub-§1, ¶F is enacted to read:

F. Except as provided under paragraph G, a school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year shall operate an alternative breakfast delivery service that provides breakfast after the start of the school day and before any lunch period in the school begins for students at that public school. A school administrative unit with a public school in which at least 70% of students who are eligible for free and reduced-price meals under paragraph A participate in the breakfast program under paragraph B is exempt from the requirements of this paragraph.

The department shall publish annually, by July 1, 2020 and every July 1st thereafter, on its publicly accessible website, information regarding schools required to comply with and schools exempt from this paragraph in the preceding school year, including, but not limited to, the name of the school, any alternative breakfast delivery service

1 operated, free and reduced-price breakfast participation rate and the financial impact
2 of the program on the school nutrition budget.

3 **Sec. 2. 20-A MRSA §6602, sub-§1, ¶G** is enacted to read:

4 G. A school administrative unit subject to paragraph F may opt out of the alternative
5 breakfast delivery service required under paragraph F if the following conditions are
6 met:

7 (1) The governing body of the school administrative unit holds a public hearing
8 regarding the service. The governing body of the school administrative unit shall
9 post public notice in each municipality in the unit of the time and location of the
10 hearing at least 10 days before the hearing. The chair of the governing body of
11 the school administrative unit shall conduct the hearing;

12 (2) The school administrative unit submits to the governing body a detailed
13 cost-benefit analysis and any other material that demonstrates that implementing
14 the alternative breakfast delivery service would cause undue financial or
15 logistical hardship;

16 (3) The public and the governing body of the school administrative unit evaluate
17 the cost-benefit analysis and any written material submitted for purposes of this
18 paragraph;

19 (4) Within 30 days of the public hearing under subparagraph (1), the governing
20 body of the school administrative unit, by majority vote, determines that an
21 alternative breakfast delivery service is not financially or logistically viable and
22 that the school administrative unit will opt out; and

23 (5) The governing body of the school administrative unit notifies the department
24 of the vote to opt out under subparagraph (4).

25 Opting out under this paragraph must be renewed every 2 years. A school
26 administrative unit with a public school shall notify the department of the intent to
27 renew its decision to opt out under this paragraph before the end of the 2nd school
28 year after the previous vote.

29 The department shall adopt rules to implement this paragraph including rules
30 governing the application process and standards to address evaluation criteria based
31 on need for the funding of alternative breakfast delivery services in school
32 administrative units. The rules must include procedures to track health and academic
33 outcomes through data collection and evaluation of students and schools that
34 participate in alternative breakfast delivery services. Procedures to track health and
35 academic outcomes must include tracking and ensuring that all public schools
36 required to implement the alternative breakfast delivery service are demonstrating at
37 least an annual 10 percentage point increase in their school breakfast participation
38 rate. If the department determines that a participating public school has not increased
39 its breakfast participation rate by at least 10 percentage points, the department shall
40 provide written notification including improvement strategies to the public school.
41 Upon receipt of written notification by the department, a public school that has not
42 increased its breakfast participation rate by at least 10 percentage points shall submit

1 a final plan within 30 days after the start of the next school year documenting new
2 strategies to increase its breakfast participation rate. A public school that
3 demonstrates a successful breakfast program, which means that at least 70% of the
4 students who are eligible for free and reduced-price meals under paragraph A are
5 participating in the breakfast program under paragraph B, is not required to meet the
6 annual 10 percentage point breakfast participation rate increase as long as that public
7 school maintains at least a 70% breakfast participation rate. Rules adopted pursuant
8 to this paragraph are routine technical rules as defined in Title 5, chapter 375,
9 subchapter 2-A.'

10 Amend the amendment in section 2 in subsection 2 in the last line (page 2, line 36 in
11 amendment) by striking out the following: "and D" and inserting the following: 'and F'

12 Amend the amendment in section 3 in paragraph A in the last line (page 3, line 6 in
13 amendment) by striking out the following: "paragraph D" and inserting the following:
14 'paragraph F'

15 Amend the amendment on page 3 in the first indented paragraph in the first line (page
16 3, line 7 in amendment) by striking out the following: "and inserting the following:" and
17 inserting the following: ' '

18 Amend the amendment on page 3 by striking out all of section 3 and inserting the
19 following:

20 'Amend the bill by inserting before the summary the following:

21 '**Emergency clause.** In view of the emergency cited in the preamble, this
22 legislation takes effect when approved.'

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

25 SUMMARY

26 This amendment clarifies that a public school in which at least 70% of students who
27 are eligible for free and reduced-price meals are participating in the breakfast program is
28 not required to meet the annual 10 percentage point breakfast participation rate increase
29 as long as that public school maintains a 70% or higher breakfast participation rate. The
30 amendment also strikes the ongoing General Fund appropriations section and adds an
31 emergency preamble and emergency clause.

32 SPONSORED BY: Catherine Breen (FJ)

33 (Senator BREEN)

34 COUNTY: Cumberland

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 359

LR 658(08)

An Act To Address Student Hunger with a "Breakfast after the Bell" Program

Fiscal Note for Senate Amendment "B" to Committee Amendment "A"

Sponsor: Sen. Breen of Cumberland (S-373)

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	(\$500,000)	(\$500,000)	(\$500,000)	(\$500,000)
Appropriations/Allocations				
General Fund	(\$500,000)	(\$500,000)	(\$500,000)	(\$500,000)

Fiscal Detail and Notes

This amendment eliminates the ongoing General Fund appropriations in the bill of \$500,000 per year beginning in fiscal year 2019-20 to the School Finance and Operations program within the Department of Education to provide funding to those school administrative units that start or expand alternative breakfast delivery services that provide breakfast after the start of the school day. A "one-time" nonlapsing General Fund appropriation of \$500,000 in fiscal year 2019-20 was already provided in Public Law 2019, chapter 480 (LD 701) for this purpose.