

MAINE STATE LEGISLATURE

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MAJORITY

Date: 5/2/19

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EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

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 bill by striking out all of sections 1 and 2 and inserting the following:

'Sec. 1. 20-A MRS §6602, sub-§1, ¶¶D and E are enacted to read:

D. Except as provided under paragraph E, 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 operated, free and reduced-price breakfast participation rate and the financial impact of the program on the school nutrition budget.

E. A school administrative unit subject to paragraph D may opt out of the alternative breakfast delivery service required under paragraph D if the following conditions are met:

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

(2) The school administrative unit submits to the governing body a detailed cost-benefit analysis and any other material that demonstrates that implementing

COMMITTEE AMENDMENT

1 the alternative breakfast delivery service would cause undue financial or
2 logistical hardship;

3 (3) The public and the governing body of the school administrative unit
4 evaluates the cost-benefit analysis and any written material submitted for
5 purposes of this paragraph;

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

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

12 Opting out under this paragraph must be renewed every 2 years. A school
13 administrative unit with a public school shall submit a request for an extension to opt
14 out before the end of the 2nd school year after the previous vote.

15 The department shall adopt rules to implement this paragraph including rules
16 governing the application process and standards to address evaluation criteria based
17 on need for the funding of alternative breakfast delivery services in school
18 administrative units. The rules must include procedures to track health and academic
19 outcomes through evaluation and data collection of students and schools that
20 participate in alternative breakfast delivery services. Procedures to track health and
21 academic outcomes must include tracking and ensuring that all public schools
22 required to implement the alternative breakfast delivery service are demonstrating at
23 least a 10 percentage point increase in their school breakfast participation rate. If the
24 department determines that a participating public school has not increased its
25 breakfast participation rate by at least 10 percentage points, the department shall
26 provide written notification including improvement strategies to the public school.
27 Upon receipt of written notification by the department, a public school that has not
28 increased its breakfast participation rate by at least 10 percentage points shall submit
29 a final plan within 30 days after the start of the next school year documenting new
30 strategies to increase its breakfast participation rate. Rules adopted pursuant to this
31 paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter
32 2-A.

33 **Sec. 2. 20-A MRSA §6602, sub-§2,** as amended by PL 2011, c. 379, §5, is
34 further amended to read:

35 **2. Exceptions.** The following are exempt from subsection 1, paragraphs A and B
36 and D:

- 37 A. All secondary schools limited to students in grades 9, 10, 11 and 12; and
38 B. A school administrative unit authorized by the commissioner under subsection 9
39 to postpone the establishment of the program.

40 **Sec. 3. 20-A MRSA §6602, sub-§4, ¶A,** as enacted by PL 1981, c. 693, §§5 and
41 8, is amended to read:

1 A. State funds, gifts and appropriations for school food service programs, including
2 state funds specifically for school administrative units with a public school in which
3 at least 50% of students qualified for a free or reduced-price lunch during the
4 preceding school year that operate an alternative breakfast delivery service that
5 provides breakfast after the start of the school day pursuant to subsection 1,
6 paragraph D; and'

7 Amend the bill by striking out all of section 3 and inserting the following:

8 '**Sec. 3. Appropriations and allocations.** The following appropriations and
9 allocations are made.

10 **EDUCATION, DEPARTMENT OF**

11 **School Finance and Operations Z078**

12 Initiative: Provides ongoing funding to school administrative units that operate alternative
13 breakfast delivery services that provide breakfast after the start of the school day. A
14 school administrative unit with a public school in which at least 50% of students qualified
15 for a free or reduced-price lunch during the preceding school year qualifies for funding.
16 The department is required to develop guidelines to allocate and disburse the funding to
17 participating schools. Guidelines must be developed within 90 days following the
18 effective date of this Act.

19	GENERAL FUND	2019-20	2020-21
20	All Other	\$500,000	\$500,000
21			
22	GENERAL FUND TOTAL	<u>\$500,000</u>	<u>\$500,000</u>
23			

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

26 **SUMMARY**

27 The bill requires a school administrative unit with a public school in which at least
28 50% of students qualified for a free or reduced-price lunch during the preceding school
29 year to operate an alternative breakfast delivery service.

30 This amendment, which is the majority report, clarifies that the alternative breakfast
31 delivery service provides breakfast after the start of the school day and before any lunch
32 period in the school begins for students at that public school. The amendment also
33 provides that a school administrative unit or a public school in which at least 70% of
34 students who are eligible for free and reduced-price meals participate in the breakfast
35 program is exempt from the requirement of providing an alternative breakfast delivery
36 service. The amendment revises the process as proposed in the bill for a school

1 administrative unit to opt out of the alternative breakfast delivery service. The
2 amendment also provides for procedures to track health and academic outcomes of
3 students.

4 **FISCAL NOTE REQUIRED**

5 (See attached)



129th MAINE LEGISLATURE

LD 359

LR 658(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A" (5-78)

Committee: Education and Cultural Affairs

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 bill includes ongoing General Fund appropriations 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 operate alternative breakfast delivery services that provide breakfast after the start of the school day.

This fiscal note assumes that the public hearings required to be held in order for a school administrative unit to opt out of the alternative breakfast delivery service will be held during a regularly scheduled meeting of the local school administrative unit's governing board and that the required public notice will be provided as part of the regular notice of a meeting of the governing board.