



# Senate

General Assembly

**File No. 47**

January Session, 2023

Senate Bill No. 929

*Senate, March 13, 2023*

The Committee on Children reported through SEN. MAHER, C. of the 26th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT EXPANDING SCHOOL MEAL PROGRAMS TO PROVIDE FREE SCHOOL MEALS TO ALL STUDENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-215 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) [Any] Each local [or] and regional board of education [may] shall  
4 establish and operate a school lunch program for public school children,  
5 may operate lunch services for its employees, may establish and operate  
6 a school breakfast program, as provided under federal laws governing  
7 said programs, or may establish and operate such other child feeding  
8 programs as it deems necessary. [Charges] No board may charge for  
9 such school lunches, school breakfasts or other such child feeding. [may  
10 be fixed by such boards and shall not exceed the cost of food, wages and  
11 other expenses directly incurred in providing such services.] When such  
12 [services] programs are offered, a board shall provide free school  
13 lunches, school breakfasts or other such child feeding to [children whose  
14 economic needs require such action under the standards promulgated

15 by said federal laws] all students. Such board is authorized to purchase  
16 equipment and supplies that are necessary, to employ the necessary  
17 personnel, to utilize the services of volunteers and to receive and expend  
18 any funds and receive and use any equipment and supplies which may  
19 become available to carry out the provisions of this section. Any town  
20 board of education may vote to designate any volunteer organization  
21 within the town to provide a school lunch program, school breakfast  
22 program or other child feeding program in accordance with the  
23 provisions of this section.

24 [(b) For the school year commencing July 1, 2021, and each school  
25 year thereafter, a local or regional board of education shall include in  
26 any policy or procedure for the collection of unpaid charges for school  
27 lunches, breakfasts or other such feeding applicable to employees and  
28 third-party vendors of such school lunches, breakfasts or such feeding  
29 (1) a prohibition on publicly identifying or shaming a child for any such  
30 unpaid charges, including, but not limited to, delaying or refusing to  
31 serve a meal to such child, designating a specific meal option for such  
32 child or otherwise taking any disciplinary action against such child, (2)  
33 a declaration of the right for any child to purchase a meal, which meal  
34 may exclude any a la carte items or be limited to one meal for any school  
35 lunch, breakfast or other such feeding, and (3) a procedure for  
36 communicating with the parent or legal guardian of a child for the  
37 purpose of collecting such unpaid charges. Such communication shall  
38 include, but not be limited to, (A) information regarding local food  
39 pantries, (B) applications for the school district's program for free or  
40 reduced priced meals and for the supplemental nutrition assistance  
41 program administered by the Department of Social Services, and (C) a  
42 link to the Internet web site maintained by the town for such school  
43 district listing any community services available to the residents of such  
44 town. In the event the unpaid charges for school lunches, breakfasts or  
45 other such feeding due from any parent or legal guardian are equal to  
46 or more than the cost of thirty meals, the local or regional board of  
47 education shall refer such parent or legal guardian to the local homeless  
48 education liaison designated by such board, pursuant to Subtitle B of  
49 Title VII of the McKinney-Vento Homeless Assistance Act, 42 USC 11431

50 et seq., as amended from time to time.]

51 [(c)] (b) A local or regional board of education may accept gifts,  
52 donations or grants from any public or private sources for the purpose  
53 of [paying off any unpaid charges for] providing such school lunches,  
54 school breakfasts or other such child feeding.

55 Sec. 2. Section 10-215b of the general statutes is repealed and the  
56 following is substituted in lieu thereof (*Effective July 1, 2023*):

57 (a) The State Board of Education [is authorized to expend in each  
58 fiscal year, within available appropriations,] shall annually provide  
59 grants to local and regional boards of education, the Technical  
60 Education and Career System and the governing authority of a state  
61 charter school, interdistrict magnet school or endowed academy  
62 approved pursuant to section 10-34 that participates in the National  
63 School Lunch Program and operates a school lunch program, school  
64 breakfast program or other child feeding program pursuant to section  
65 10-215, as amended by this act, provided the state board expends in each  
66 fiscal year an amount equal to (1) the money required pursuant to the  
67 matching requirements of said federal laws and shall disburse the same  
68 in accordance with said laws, and (2) at least ten cents per lunch served  
69 in the prior school year in accordance with said laws. [by any local or  
70 regional board of education, the Technical Education and Career System  
71 or governing authority of a state charter school, interdistrict magnet  
72 school or endowed academy approved pursuant to section 10-34 that  
73 participates in the National School Lunch Program and certifies] Each  
74 such board, system and governing authority shall certify, pursuant to  
75 section 10-215f, that the nutrition standards established by the  
76 Department of Education, pursuant to section 10-215e, [shall be] have  
77 been met.

78 (b) The State Board of Education shall prescribe the manner and time  
79 of application by such board of education, the Technical Education and  
80 Career System, such governing authority or controlling authority of the  
81 nonpublic schools for such funds, provided such application shall  
82 include the certification that any funds received pursuant to subsection

83 (a) of this section shall be used for the program approved. The State  
 84 Board of Education shall determine the eligibility of the applicant to  
 85 receive such grants pursuant to regulations provided in subsection (c)  
 86 of this section and shall certify to the Comptroller the amount of the  
 87 grant for which the board of education, the Technical Education and  
 88 Career System, the governing authority or the controlling authority of a  
 89 nonpublic school is eligible. Upon receipt of such certification, the  
 90 Comptroller shall draw an order on the Treasurer in the amount, at the  
 91 time and to the payee so certified.

92 (c) The State Board of Education may adopt such regulations as may  
 93 be necessary in implementing sections 10-215 to 10-215b, inclusive, as  
 94 amended by this act.

95 (d) The Commissioner of Education shall establish a procedure for  
 96 monitoring compliance by boards of education, the Technical Education  
 97 and Career System, or governing authorities with certifications  
 98 submitted in accordance with section 10-215f and may adjust grant  
 99 amounts pursuant to [subdivision (2) of] subsection (a) of this section  
 100 based on failure to comply with [said] such certification.

101 (e) The Commissioner of Education may temporarily waive any  
 102 provision or modify any requirements of this section or section 10-215,  
 103 as amended by this act, 10-215a, 10-215e or 10-215f, in response to any  
 104 changes in federal law or waivers issued by the United States  
 105 Department of Agriculture, to ensure that local and regional boards of  
 106 education continue to receive the funds described in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	10-215
Sec. 2	July 1, 2023	10-215b

**KID**      *Joint Favorable*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Education, Dept.	GF - Cost	Potential Significant	Potential Significant

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Local and Regional School Districts	STATE MANDATE <sup>1</sup> - Revenue Loss/Cost	Potential Significant	Potential Significant

**Explanation**

The bill makes changes regarding school breakfast and lunch programs, which will result in potentially significant annual costs beginning in FY 24 to the State Department of Education and to various local and regional school districts.

**Section 1** requires local and regional school districts to operate school breakfast and lunch programs and prohibits districts from charging students for meals provided through such programs. The impact to districts generally depends on their current participation in the federal National School Lunch Program (NSLP).

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<sup>1</sup> State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

For districts that participate in the National School Lunch Program currently, the impact will vary based on their current level of federal reimbursement. The federal reimbursement level is affected by student populations and district participation in a program within the NSLP. Federal reimbursement on a per-meal basis is significantly higher for a meal provided to a student that qualifies (mainly due to low income) for free meals (\$4.33 per lunch in FY 23), or reduced-price lunch (\$3.93 per lunch), compared to a student who does not qualify for either (\$0.77 per lunch).

- Districts that participate in the Community Eligibility Provision (CEP) program of the NSLP will incur no revenue loss, as the districts already do not charge for student meals. There are 18 such districts in Connecticut, including the Connecticut Technical Education and Career System.
- Districts that administer individual schools that participate in the CEP program will incur no revenue loss associated with those schools (which already do not charge for student meals). There are 12 such districts in Connecticut. They will incur a revenue loss in schools that are not part of the CEP program, as those schools do charge for meals. This revenue loss will vary based on the number of students in those schools that currently pay full or reduced price for meals.
- Districts that do not participate in the CEP program at the district-wide or school level will incur a revenue loss associated with providing meals to students in all schools in those districts at no cost to the students. The revenue loss will vary based on the number of students that currently pay full or reduced price for meals. Districts with a high percentage of students that currently pay full price will incur significant a significant revenue loss.

To the extent that the bill results in more students opting to receive school meals, districts that participate in the NSLP will incur increased

costs to provide those meals, in addition to the revenue loss associated with providing meals at no cost to students.

Districts that do not currently participate in the National School Lunch Program will likely incur significant costs to create a school meals program (if they do not have one) and provide free meals to all students with no federal reimbursement. It is not known how many public school districts operate school meals programs outside the NSLP, or do not operate school meals programs at all.

**Section 2** requires the State Department of Education (SDE) to provide grants to districts that participate in the NSLP and operate a school meals program, including CEP districts and schools. These grants must be equal to at least 10 cents per lunch served in the prior school year, regardless of any federal reimbursement received (e.g., for students eligible for free meals within the NSLP). The cost to SDE to provide these grants is potentially significant and will vary based on: (1) the number of lunches provided by districts that participate in the NSLP, and (2) the per meal reimbursement SDE uses. The bill does not provide funding for these grants.

Any grants provided to districts under the bill's provisions would at least partially offset any cost incurred as a result of the requirement to provide free meals to all students. Costs may also be partially offset by donations, which the bill allows.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of meals served by school districts, the level of federal reimbursement those districts receive, and the funding level provided for the SDE-administered grant the bill establishes.

**OLR Bill Analysis****SB 929*****AN ACT EXPANDING SCHOOL MEAL PROGRAMS TO PROVIDE FREE SCHOOL MEALS TO ALL STUDENTS.*****SUMMARY**

This bill requires local and regional boards of education to (1) establish and operate a school lunch program and (2) provide lunch meals free of cost to all students regardless of economic status. For school boards that choose to operate breakfast and other child feeding programs as allowed under current law, the bill requires them to be free to all students.

The bill also makes corresponding changes by eliminating provisions it makes obsolete, such as the provision that requires school boards to have a policy to prohibit employees and third-party vendors from identifying and shaming kids for unpaid lunch charges.

The bill also requires the State Board of Education (SBE) to annually provide grants, at least equal to what it is authorized to spend under current law, to local and regional boards of education; the Technical Education and Career System; and the governing authority of a state charter school, interdistrict magnet school, or endowed academy that participates in the National School Lunch Program (NSLP) and operates a school lunch, breakfast, or other child feeding program. Current law authorizes SBE to spend these amounts within available appropriations.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023



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**LUNCH, BREAKFAST, AND OTHER CHILD FEEDING PROGRAMS*****Programs***

Current law allows local and regional boards of education to establish and operate a lunch program for public school children as provided under federal law. The bill requires, rather than allows, them to do so.

Under the law, unchanged by the bill, a school board may (1) operate lunch services for its employees, (2) establish and operate a school breakfast program, as provided under federal law, or (3) establish and operate other child feeding programs it finds necessary.

***Charge***

Under current law, school boards that operate lunch, breakfast, or other child feeding programs (1) are prohibited from charging more than the cost of food, wages, and other expenses directly had in providing these services and (2) must provide the meals free of charge only to children who meet the federal economic needs standard. Instead, under the bill school boards operating any of these programs must provide these meals free of charge to all students regardless of economic status.

***Gifts, Donations, or Grants***

Current law allows local or regional boards of education to accept gifts, donations, or grants from any public or private source to pay off unpaid student meal charges. The bill allows the boards to use these funds to provide free meals to students instead.

***Obsolete Provisions***

The bill eliminates provisions that it makes obsolete, such as the requirement that school boards, in any policy or procedure for employees and third-party vendors collecting unpaid charges, include a (1) prohibition on identifying or shaming a child for unpaid meal charges and (2) requirement for procedures to communicate with parents or guardians about collecting a child's unpaid meal charges.

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## STATE BOARD OF EDUCATION GRANTS

Current law authorizes SBE, within available appropriations, to expend in each fiscal year an amount equal to (1) the money required under the federal matching requirements, which it must disburse in accordance with federal law and (2) 10 cents per lunch served in the prior school year, following federal law, by the local and regional boards of education; the Technical Education and Career System; and the governing authority of a state charter school, interdistrict magnet school, or endowed academy that participates in the NSLP and operates a school lunch, breakfast, or other child feeding program. Instead, the bill requires SBE to provide at least these amounts as annual grants to each of these boards, systems, and governing authorities, who must certify that State Department of Education (SDE) standards were met.

## BACKGROUND

### *Related Act*

PA 23-1, § 1, adjusts the federal American Rescue Plan Act funding allocations for FY 23 by reducing the allocation to the Office of Policy and Management for Invest Connecticut by \$60 million and reallocating these funds to SDE for free school meals for students, increasing the current allocation to SDE from \$30 million to \$90 million.

## COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 14    Nay 5    (02/28/2023)