

2023 -- H 6007

LC001031

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- FEDERAL AID

Introduced By: Representatives Tanzi, Cortvriend, Morales, Fogarty, Felix, Spears,
Potter, Henries, Kislak, and Giraldo

Date Introduced: March 01, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. The general assembly finds and declares that:

2 (1) Globally, diet-related chronic diseases are the leading cause of death.

3 (2) In the wake of the COVID-19 pandemic, nearly one in three (3) households and over
4 forty percent (40%) of households with children in Rhode Island experienced food insecurity in
5 2022.

6 (3) Student hunger is associated with poor learning outcomes, absenteeism, and behavioral
7 issues.

8 (4) Healthy school meals are associated with improved test scores.

9 (5) Many children consume one-third to one-half of their daily calories during the school
10 day.

11 (6) The 2012 nutrition standards for school meals (Nutrition Standards in the National
12 School Lunch and School Breakfast Programs, 77 Fed. Reg. 4088 [Jan. 26, 2012]) and 2016
13 nutrition standards for competitive foods (National School Lunch Program and School Breakfast
14 Program - Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-
15 Free Kids Act of 2010, 81 Fed. Reg. 50131 [July 29, 2016]) promulgated by the U.S. Department
16 of Agriculture were estimated to save up to seven hundred ninety-two million dollars
17 (\$792,000,000) in health-care related costs over ten (10) years, prevent more than two million
18 (2,000,000) cases of childhood obesity, and reduce the risk of obesity by half among low-income
19 students over five (5) years;

1 (7) It is the intent of the General Assembly to provide reimbursable lunches for all public
2 elementary and secondary school students.

3 SECTION 2. Chapter 16-8 of the General Laws entitled "Federal Aid [See Title 16 Chapter
4 97 — The Rhode Island Board of Education Act]" is hereby amended by adding thereto the
5 following section:

6 **16-8-10.3. Mandatory school meals.**

7 All public elementary and secondary schools shall be required to make reimbursable
8 breakfasts and lunches available to students attending those schools in accordance with rules and
9 regulations as set forth by the United States Department of Agriculture (USDA) and adopted by
10 the department of elementary and secondary education pursuant to the following:

11 (1) Schools that participate in the School Breakfast Program authorized by the Child
12 Nutrition Act of 1966, more specifically, the School Breakfast Program (42 U.S.C. 1773) and
13 National School Lunch Program authorized by the Russell National School Lunch Act (42 U.S.C.
14 1751 et seq.), shall provide breakfast and lunch without charge to all enrolled, attending students,
15 every school day.

16 (2) In operating its school breakfast and lunch program, each public school shall seek to
17 achieve the highest level of student participation, which may include any or all of the following:

18 (i) Providing breakfast meals that can be picked up by students for consumption outside
19 the cafeteria;

20 (ii) Making breakfast available to students in the classroom after the start of the school day;

21 (iii) Collaborating with the school's health and wellness subcommittee, as established
22 under § 16-21-28, in planning school meals; and

23 (iv) Providing lunch periods that are at least thirty (30) minutes in duration, and no less
24 than twenty (20) minutes of which time is dedicated for students to be seated and consume their
25 lunch.

26 (3) In operating its school breakfast and lunch program, each public school shall seek to
27 maximize access to federal funds for the cost of the school breakfast and lunch program by
28 participating in one of the following options:

29 (i) USDA Food and Nutrition's Community Eligibility Provision (CEP);

30 (ii) USDA Food and Nutrition's Special Provision 2; or

31 (iii) Any other federal provision that in the opinion of the department of elementary and
32 secondary education draws down the most possible federal funding for meals served in that
33 program, including the active dissemination and collection of meal benefit applications, as
34 applicable

1 (4) In operating its school breakfast and lunch program, each public school shall seek to
2 improve meal quality by:

3 (i) Complying with all state-specific nutrition requirements related to meals and snacks
4 served as part of the school day;

5 (ii) Purchasing, to the maximum extent possible, locally grown or produced food items, as
6 defined by the department of elementary and secondary education;

7 (iii) Preparing fresh from scratch-cooked foods; and

8 (iv) Providing culturally relevant meals and engaging student and family voices in menu
9 development.

10 (5) No less frequently than quarterly, each public school shall report to the department of
11 elementary and secondary education data related to the purchasing of locally grown or produced
12 food items as referenced in subsection (4)(ii) of this section and used in the operation of its school
13 breakfast and lunch program. Specific reporting requirements, including data points and format
14 will be determined and communicated by the department annually.

15 (6) The department of elementary and secondary education shall reimburse all public
16 schools described in subsection (1) of this section and operating in accordance with subsections (2)
17 through (5) of this section the difference between:

18 (i) The federal free reimbursement rate established annually by the USDA for school
19 breakfast and for school lunch; and

20 (ii) The federal reimbursement rate received for each school breakfast and school lunch
21 served.

22 (7) For any public school described in subsection (1) of this section and failing to operate
23 in accordance with subsections (2) through (5) of this section, the department of elementary and
24 secondary education shall reimburse the public school the federal reimbursement rate established
25 for each school breakfast and school lunch served.

26 (8) All public schools described in subsection (1) of this section may accept payment from
27 families choosing to contribute funds for school meals to offset the cost of meals to the state
28 described in subsection (6) of this section or the public school described in subsection (7) of this
29 section; however, public schools may not solicit or otherwise require such payments.

30 (9) The department of elementary and secondary education shall adopt rules and
31 regulations necessary for making reimbursements under this section.

32 (10) For each fiscal year, the general assembly shall make an appropriation by a separate
33 line item in the budget to allow school food authorities to provide lunches at no charge for children
34 in state-subsidized early childhood education programs administered by public schools or in

1 kindergarten through grade twelve (K-12), participating in the school lunch or breakfast program
2 who would otherwise be required to pay for meals. The appropriation to the department of
3 elementary and secondary education shall be considered entitlement dollars and will be adjusted as
4 necessary to meet the needs of the program on an on-going basis, without disruption.

5 (11) In addition to the funding required to reimburse public schools as described in
6 subsection (10) of this section, each fiscal year the general assembly shall make an appropriation
7 by separate line item in the budget to support the cost of one full-time equivalent employee at the
8 department of elementary and secondary education to aid in the administration and implementation
9 of this program.

10 (12) Nothing in this section shall prevent a student from submitting payment for a school
11 meal.

12 SECTION 3. Sections 16-8-10 and 16-8-10.1 of the General Laws in Chapter 16-8 entitled
13 "Federal Aid [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" are hereby
14 repealed.

15 **16-8-10. Mandatory school lunch programs.**

16 ~~All public elementary and secondary schools shall be required to make type A lunches~~
17 ~~available to students attending those schools in accordance with rules and regulations adopted from~~
18 ~~time to time by the department of elementary and secondary education. To the extent that federal,~~
19 ~~state, and other funds are available, free and reduced price type A lunches shall be provided to all~~
20 ~~students from families that meet the current specific criteria established by federal and state~~
21 ~~regulations. The requirement that type A lunches be provided shall apply to locally managed school~~
22 ~~lunch programs, and school lunch programs administered directly by the department of elementary~~
23 ~~and secondary education or by any other public agency whether using school facilities or a~~
24 ~~commercial catering service. The department of elementary and secondary education is further~~
25 ~~authorized to expand the school lunch program to the extent that federal, state, and/or local funds~~
26 ~~are available by the utilization of one or more food preparation centers for delivery to participating~~
27 ~~schools for the purpose of providing meals to students on a more economical basis than could be~~
28 ~~provided by a community acting individually.~~

29 **16-8-10.1. Mandatory school breakfast programs.**

30 ~~(a) All public schools shall make a breakfast program available to students attending the~~
31 ~~school. The breakfast meal shall meet any rules and regulations that are adopted by the~~
32 ~~commissioner.~~

33 ~~(b) The state of Rhode Island shall provide school districts a per breakfast subsidy for each~~
34 ~~breakfast served to students. The general assembly shall annually appropriate some sum and~~

1 ~~distribute it based on each district's proportion of the number of breakfasts served in the prior~~
2 ~~school year relative to the statewide total in the same year. This subsidy shall augment the nonprofit~~
3 ~~school food service account and be used for expenses incurred in providing nutritious breakfast~~
4 ~~meals to students.~~

5 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would repeal the current laws on mandatory school lunch and breakfast programs
2 and establish a new standard that would require all public elementary and secondary schools to
3 make reimbursable breakfasts and lunches available to all students under the rules and regulations
4 of the United States Department of Agriculture (USDA) and the RI department of education. The
5 act would specifically require such matters as:

6 (1) Maximizing access to federal funds; (2) Providing breakfast meals that can be picked
7 up by students to eat outside the cafeteria; (3) Making breakfast available after the start of the
8 school day; (4) Providing longer lunch periods; (5) Improving meal quality by purchasing locally
9 grown or produced food items; (6) Preparing fresh from scratch-cooked foods; (7) Providing
10 culturally relevant meals; and (8) Engaging student and family voices in menu development. The
11 act would also mandate that the general assembly make two (2) annual appropriations to fulfill the
12 obligations of this act.

13 This act would take effect upon passage.

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