

2023 -- H 5639

LC001539

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 Caldwell, McNamara, Potter, Knight, Ajello, Speakman,
Kazarian, Donovan, Fogarty, and Casimiro

Date Introduced: February 15, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Findings of fact. The general assembly finds as follows:
- 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 RI experienced food insecurity in 2022;
- 5 (3) Student hunger is associated with poor learning outcomes, absenteeism, and behavioral
6 issues;
- 7 (4) Healthy school meals are associated with improved test scores;
- 8 (5) Many children consume one-third (1/3) to one-half (1/2) of their daily calories during
9 the school day;
- 10 (6) The 2012 nutrition standards for school meals (Nutrition Standards in the National
11 School Lunch and School Breakfast Programs, 77 Fed. Reg. 4088 [Jan. 26, 2012]) and 2016
12 nutrition standards for competitive foods (National School Lunch Program and School Breakfast
13 Program - Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-
14 Free Kids Act of 2010, 81 Feb. Reg. 50131 [July 29, 2016]) promulgated by the U.S. Department
15 of Agriculture were estimated to save up to seven hundred ninety-two million dollars
16 (\$792,000,000) in health-care related costs over ten (10) years, prevent more than two million
17 (2,000,000) cases of childhood obesity, and reduce the risk of obesity by half among low-income
18 students over five (5) years;
- 19 (7) It is in the best interests of the people of the state to provide that all students have access

1 to a healthy and nutritious school breakfast and lunch during the school day.

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

5 **16-8-16. New mandatory school breakfast and lunch programs.**

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

10 (1) Schools that participate in the School Breakfast Program authorized under section 4 of
11 the Child Nutrition Act of 1966 (42 U.S.C. 1773) and National School Lunch Program authorized
12 under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) shall provide
13 breakfast and lunch without charge to all enrolled, attending students, every school day.

14 (b) In operating its school breakfast and lunch program pursuant to this section, each public
15 educational entity shall seek to achieve the highest level of student participation, which may include
16 any or all of the following:

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

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

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

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

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

27 (1) The Community Eligibility Provision (CEP);

28 (2) Special Provision 2; or

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

33 (d) In operating its school breakfast and lunch program, each public educational entity shall
34 seek to improve meal quality by:

1 (1) Complying with all state-specific nutrition requirements related to meals and snacks
2 served as part of the school day.

3 (2) Purchasing, to the maximum extent possible, locally grown/produced food items, as
4 defined by the department of elementary and secondary education;

5 (3) Freshly preparing scratch-cooked foods; and

6 (4) Providing culturally relevant meals and engaging student and family voices in menu
7 development

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

13 (f) The department of elementary and secondary education shall reimburse the public
14 educational entities described in and operating in accordance with the provisions and requirements
15 of this section, the difference between:

16 The federal free reimbursement rate established annually by the United States Department
17 of Agriculture for school breakfast and for school lunch; and

18 The federal reimbursement rate received for each school breakfast and school lunch served.

19 (g) The department of elementary and secondary education may adopt rules necessary for
20 making reimbursements under this section.

21 (h) For each fiscal year, the general assembly shall make an appropriation by separate line
22 item in the budget to allow school food authorities to provide lunches at no charge for children in
23 state-subsidized early childhood education programs administered by public educational entities or
24 in kindergarten through twelfth grade, participating in the school lunch or breakfast program who
25 would otherwise be required to pay for meals under these programs. The appropriation to the
26 department of elementary and secondary education shall be considered entitlement dollars and will
27 be adjusted as necessary to meet the needs of the program on an on-going basis, without disruption.

28 (i) In addition to the funding required to reimburse public educational entities as described
29 in this section, each fiscal year the general assembly shall make an appropriation by separate line
30 item in the budget to support the cost of one full-time equivalent employee at the department of
31 elementary and secondary education to aid in the administration and implementation of this
32 program.

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SECTION 3. This act shall take effect on July 1, 2023.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would establish a statewide universal school breakfast and lunch program in Rhode
2 Island public schools. The act would direct that in operating its school breakfast and lunch program,
3 each public educational entity would seek to maximize access to federal funds for the cost of the
4 school breakfast and lunch program by participating in one several identified federal programs so
5 as to obtain federal funds to partially offset the costs of providing the breakfasts and lunches.

6 This act would take effect on July 1, 2023.

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