

HOUSE BILL NO. 5042

September 26, 2023, Introduced by Reps. Churches, Miller, O'Neal, Brenda Carter, Neeley, Hope, Brabec, Price, McFall, Tsernoglou, Rheingans, Koleszar, Morse, Martus, Hoskins, MacDonell, Conlin, Puri, Arbit, Weiss, Morgan, Andrews, Coffia, Mentzer, McKinney, Paiz, Hill, Whitsett, Steckloff, Byrnes, Hood, Haadsma, Witwer, Wilson, Liberati, Rogers, Wegela, Coleman, Fitzgerald, Tyrone Carter, Edwards, Scott, Stone, Grant, Dievendorf, Farhat and Aiyash and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 30d (MCL 388.1630d), as added by 2023 PA 103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30d. (1) From the state school aid fund money
2 appropriated in section 11, there is allocated an amount not to
3 exceed \$100,000,000.00 for 2023-2024, and from the school meals
4 reserve fund money appropriated in section 11, there is allocated
5 an amount not to exceed \$25,000,000.00 for 2022-2023 and an amount
6 not to exceed \$60,000,000.00 for 2023-2024 for the purpose of

1 making payments to participating entities to provide free school
2 lunch and breakfast to public school pupils in grades pre-K to 12.

3 ~~(2) In order to~~ **To** receive funding ~~from~~ **under** this section, a
4 participating entity must ~~participate in the National School Lunch~~
5 ~~Program and must do all of the following:~~

6 ~~(a) Provide reimbursable breakfasts and reimbursable lunches~~
7 ~~at no cost to all students for any school breakfast program or~~
8 ~~school lunch program operated by the participating entity.~~

9 ~~(b) Except for 2022-2023, submit information regarding the~~
10 ~~number of reimbursable breakfasts and reimbursable lunches served~~
11 ~~in a manner prescribed by the department.~~

12 ~~(c) Maximize federal reimbursement for reimbursable breakfasts~~
13 ~~and reimbursable lunches by operating under the CEP if the~~
14 ~~participating entity has an identified student percentage greater~~
15 ~~than or equal to the minimum requirement to be eligible to~~
16 ~~participate in the CEP. For purposes of this subdivision, all~~
17 ~~eligible participating entities must elect CEP on behalf of a~~
18 ~~single school, a group or groups of schools, or all schools in the~~
19 ~~participating entity, as applicable, in a manner that maximizes~~
20 ~~federal reimbursement.~~

21 ~~(d) The participating entity meets all applicable state and~~
22 ~~federal standards in its school breakfast and lunch programs, as~~
23 ~~determined by the department.~~

24 ~~(e) The participating entity takes all efforts to maximize and~~
25 ~~implement policies that require parents or guardians to fill out~~
26 ~~relevant family income information, in a manner prescribed by the~~
27 ~~department, for the purposes of determining student eligibility for~~
28 ~~federal free or reduced cost meal reimbursement rates and CEP~~
29 ~~eligibility determinations.~~

1 ~~(f) By not later than February 1, 2024, all school meal debt~~
 2 ~~has been forgiven by the participating entity, as determined by the~~
 3 ~~department.~~

4 ~~(3) Participating entities are encouraged to offer meals that~~
 5 ~~meet students' dietary restrictions, including the provision of~~
 6 ~~gluten-free meals, vegetarian meals, vegan meals, and, upon~~
 7 ~~request, kosher meals, halal meals, and meals meeting any allergy~~
 8 ~~restrictions as confirmed by a doctor's note.~~ **meet the requirements**
 9 **of the free school lunch and breakfast program under section 1271**
 10 **of the revised school code, MCL 380.1271.**

11 **(3) (4) For each eligible participating entity that meets the**
 12 **requirements of the free school lunch and breakfast program under**
 13 **section 1271 of the revised school code, MCL 380.1271, the**
 14 department shall pay an amount equal to the following:

15 (a) The amount equal to the federal rate per student paid per
 16 pupil per free breakfast and lunch under the Child Nutrition Act of
 17 1966, 42 USC 21 1771 to 1793, and the Richard B. Russell National
 18 School Lunch Act, 42 USC 1751 to 1769j, multiplied by the number of
 19 breakfasts and lunches provided by the participating entity to
 20 students, less the federal revenue received by the participating
 21 entity under the school breakfast program and the school lunch
 22 program under the Child Nutrition Act of 1966, 42 USC 21 1771 to
 23 1793, and the Richard B. Russell National School Lunch Act, 42 USC
 24 1751 to 1769j, and other state lunch payments received under
 25 section 31d.

26 (b) The amount equal to the federal rate per student paid per
 27 pupil per free breakfast and lunch under the Child Nutrition Act of
 28 1966, 42 USC 21 1771 to 1793, and the Richard B. Russell National
 29 School Lunch Act, 42 USC 1751 to 1769j, multiplied by the number of

1 breakfasts and lunches provided by the participating entity, as
 2 applicable, to children participating in the ~~Great Start Readiness~~
 3 ~~Program~~**great start readiness program** under section 32d at the
 4 participating entity, less all other federal and state lunch
 5 payments made for those children. For purposes of this subdivision,
 6 compliance with 7 CFR 226.9 is required. The department shall
 7 assign rates of reimbursement pursuant to 7 CFR 226.9, at least
 8 annually, on the basis of family size and income information
 9 reported by each eligible participating entity. Assigned rates of
 10 reimbursement must be adjusted annually to reflect changes in the
 11 national average payment rates.

12 (4) ~~(5)~~—Notwithstanding section 17b, the department may make
 13 payments under this section on a schedule determined by the
 14 department.

15 (5) ~~(6)~~—As used in this section, ÷

16 ~~(a) "CEP" means the Community Eligibility Provision under the~~
 17 ~~Richard B. Russell National School Lunch Act, 42 USC 1751 to 1769j.~~

18 ~~(b) "Participating"~~**participating** entity" means a district,
 19 intermediate district, or the Michigan Schools for the Deaf and
 20 Blind.**that term as defined in section 1271 of the revised school**
 21 **code, MCL 380.1271.**

22 (6) ~~(7)~~—In addition to the appropriations in section 11, if
 23 the amount allocated in subsection (1) is not sufficient to fully
 24 reimburse districts for meals as required in this section, there is
 25 appropriated from the school meals reserve fund created in section
 26 30e the amount necessary to fully fund these reimbursements.

27 Enacting section 1. This amendatory act does not take effect
 28 unless Senate Bill No.____ or House Bill No.____ (request no.
 29 02898'23) of the 102nd Legislature is enacted into law.