

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Maine ranks first in New England in food insecurity; and

**Whereas, Maine has a moral obligation to care for students; and**

**Whereas**, Maine has underutilized up to \$30,000,000 per year of federal funding for student meals; and

**Whereas**, the Task Force To End Student Hunger in Maine has compiled a 5-year plan to end student hunger that requires immediate action; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

## PART A

**Sec. A-1. 5 MRSA §12004-I, sub-§12-B is enacted to read:**

**12-B.**

<u>Education</u>	<u>Commission To End</u>	<u>Expenses Only</u>	<u>20-A MRSA §6663</u>
	<u>Student Hunger</u>		

**Sec. A-2. 20-A MRSA §6663** is enacted to read:

**§6663. Commission To End Student Hunger**

The Commission To End Student Hunger, as established in Title 5, section 12004-I, subsection 12-B and referred to in this section as "the commission," is established within the department as set forth in this section.

**1. Commission membership.** The commission consists of 17 members as follows:

A. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

B. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

C. Four public members appointed by the President of the Senate:

(1) One member from a statewide organization dedicated to food security;

1           (2) One member from a statewide or regional organization dedicated to  
2           alleviating child hunger;

3           (3) One member from a statewide or regional organization that runs a food  
4           pantry; and

5           (4) One member who is a food service director in a municipality or school  
6           administrative unit that uses the United States Department of Agriculture  
7           community eligibility provision, as provided in 42 United States Code, Section  
8           1759a(a)(1)(F);

9           D. Four public members appointed by the Speaker of the House:

10           (1) One member from a statewide or regional farm organization;

11           (2) One member from a statewide or regional organization that runs a school  
12           food program for students in at-risk areas;

13           (3) One member who is a superintendent of a school administrative unit; and

14           (4) One member who is an elected official in a municipality that participates in  
15           the United States Department of Agriculture community eligibility provision, as  
16           provided in 42 United States Code, Section 1759a(a)(1)(F);

17           E. Two public members appointed by the Governor each of whom is a parent of a  
18           child who has used or is using free or reduced-price student meal programs;

19           F. The commissioner or the commissioner's designee; and

20           G. The Commissioner of Health and Human Services or the commissioner's  
21           designee.

22           **2. Chairs.** For the first 2 years of the commission, the first-named Senate member is  
23           the Senate chair and the first-named House of Representatives member is the House  
24           chair. In subsequent years, the chair of the commission must be elected by the members  
25           of the commission at the first meeting of each year.

26           **3. Appointments; vacancies; quorum.** A nonlegislative member of the  
27           commission must be appointed for a 2-year term. A member may continue to serve until  
28           the member's replacement is appointed. When a vacancy exists, the appointing authority  
29           shall appoint a new member from the same category as the member vacating the  
30           commission. A quorum consists of 12 members.

31           **4. Duties; funding.** The commission shall meet at least 2 and no more than 4 times  
32           per year. The commission shall work to implement the 5-year plan to end student hunger  
33           developed by the Task Force To End Student Hunger in Maine pursuant to Resolve 2013,  
34           chapter 107, shall monitor the plan and shall update it if necessary. In addition, the  
35           commission may conduct public meetings throughout the State to highlight the issue of  
36           student hunger. Every one or 2 years the commission may conduct a statewide summit of  
37           state leaders regarding ending student hunger. The commission shall provide advice  
38           regarding the responsibilities of and supervision of the hunger coordinators in their  
39           working across the State and performing the following functions within school  
40           administrative units and communities:

1       A. Compile and analyze data to identify opportunities to increase food security and  
2       the progress made in decreasing student hunger;

3       B. Raise awareness of food insecurity and of opportunities and best practices to  
4       decrease food insecurity;

5       C. Assist school board and school food service directors and community leaders in  
6       understanding, applying for and complying with the requirements of the child  
7       nutrition programs offered by the United States Department of Agriculture and  
8       understanding the effect of the programs on students, schools and communities; and

9       D. Report by November 15th each year to the commission on food insecurity in  
10       communities and school administrative units and the progress made in decreasing  
11       student hunger.

12       **5. Staff assistance.** The Legislative Council shall provide necessary staffing  
13       services to the commission, except that the Legislative Council support is not authorized  
14       when the Legislature is in regular or special session. In addition, the commission may  
15       contract for administrative, professional and clerical services if funding permits.

16       **6. Report; legislation.** By January 10th each year, the commission shall submit to  
17       the joint standing committee of the Legislature having jurisdiction over education matters  
18       a report that includes findings and recommendations for action to eliminate student  
19       hunger. The commission is authorized to submit to the Legislature legislation as the  
20       commission may determine to be appropriate.

21       **Sec. A-3. Appropriations and allocations.** The following appropriations and  
22       allocations are made.

23       **LEGISLATURE**

24       **Commission To End Student Hunger**

25       Initiative: Allocates funds for the Commission To End Student Hunger, including 4  
26       hunger coordinators.

27	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2014-15</b>	<b>2015-16</b>
28	All Other	\$500	\$500
29			
30	OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

31       **PART B**

32       **Sec. B-1. 20-A MRSA §15681-A, sub-§4,** as amended by PL 2013, c. 595, Pt.  
33       C, §4, is further amended to read:

34       **4. Career and technical education costs.** Career and technical education costs in  
35       the base year adjusted to the year prior to the allocation year. This subsection does not  
36       apply to the 2015-16 funding year and thereafter; ~~and~~

**Sec. B-2. 20-A MRSA §15681-A, sub-§5**, as enacted by PL 2005, c. 2, Pt. D, §44 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

**5. Gifted and talented education costs.** Gifted and talented education costs in the base year adjusted to the year prior to the allocation year-; and

**Sec. B-3. 20-A MRSA §15681-A, sub-§6** is enacted to read:

**6. School nutrition costs.** Beginning in fiscal year 2014-15, the full costs of school nutrition, including the costs of the school nutrition director, supplies, equipment, staff and other costs.

## PART C

**Sec. C-1. Collaboration to reduce student hunger.** The Department of Education and the Department of Health and Human Services shall collaborate to reduce student hunger through the following actions.

1. The Department of Education shall establish a grant program to help end student hunger and award the initial grants under the program by October 1, 2015. The program must make grants available to school administrative units and schools to enable them to increase the rates at which students eligible for free and reduced-price meals participate in the meal programs, to meet equipment and operational costs and to address transportation and other needs.

2. Using new state funding and creating a new position, the Department of Education and the Department of Health and Human Services shall increase communication and cooperation between the 2 departments and the monitoring of child hunger and nutrition programs in both departments. Representatives of the departments shall meet quarterly to collaborate on child hunger and nutrition programs. The departments shall provide quarterly reports to the joint standing committee of the Legislature having jurisdiction over education matters and to the Commission To End Student Hunger, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 12-B, on their quarterly meetings and on cooperation between the departments regarding child hunger and nutrition programs.

3. The Department of Education and the Department of Health and Human Services shall expand access to departmental data in order to measure and track access to and participation in child hunger and nutrition programs under the jurisdiction of both departments. The departments shall provide each school administrative unit and school with analyses of its existing child hunger and nutrition programs and their funding and federal funding not being used. The departments shall make student meal program data available on their publicly accessible websites.

**Sec. C-2. Community eligibility provision working group.** By March 1, 2015, the Department of Education shall convene a working group to review the opportunities and challenges of the community eligibility provision, as provided in 42 United States Code, Section 1759a(a)(1)(F), best practices related to the community eligibility provision for school administrative units and barriers to use of the community

1 eligibility provision and to make recommendations to the Department of Education and  
2 the Department of Health and Human Services. The working group shall review options  
3 for reconciling the differing requirements for the community eligibility provision, for  
4 reimbursement under Title I of the United States Elementary and Secondary Education  
5 Act of 1965, 20 United States Code, Section 6301 et seq., as amended, and for essential  
6 programs and services funding and shall recommend any needed legislation, rule changes  
7 or alternative solutions to address these issues. The Department of Education shall, on  
8 behalf of the working group, issue a report to the Legislature and the Governor by April  
9 30, 2015.

10 **Sec. C-3. Encouraging participation in federal meals and snacks**  
11 **programs for students.** The Department of Education and the Department of Health  
12 and Human Services shall encourage the congressional delegation of the State to make  
13 participation in federal meals and snacks programs for students easier for school  
14 administrative units and nonprofit organizations and to make administration of the  
15 programs easier for the Department of Education and the Department of Health and  
16 Human Services.

17 **Emergency clause.** In view of the emergency cited in the preamble, this  
18 legislation takes effect when approved.

## 19 SUMMARY

20 This bill implements the recommendations of the Task Force To End Student Hunger  
21 in Maine as follows.

22 1. The bill establishes the Commission To End Student Hunger, an ongoing  
23 commission of 17 appointed members, which is directed to work to implement a 5-year  
24 plan to end student hunger, is authorized to conduct a statewide summit of state leaders to  
25 end student hunger and is required to advise 4 hunger coordinators who will assist in  
26 implementing the 5-year plan.

27 2. The bill provides that the full costs of school nutrition are subsidizable costs in the  
28 state education funding formula.

29 3. The bill directs the Department of Education and the Department of Health and  
30 Human Services to collaborate to reduce student hunger. The bill requires the 2  
31 departments to meet quarterly to collaborate on child hunger and nutrition programs. The  
32 bill requires the 2 departments to provide quarterly reports to the joint standing  
33 committee of the Legislature having jurisdiction over education matters and to the  
34 Commission To End Student Hunger. The bill requires the 2 departments to expand  
35 access to departmental data and to provide each school administrative unit and school  
36 with analyses of its existing child nutrition programs and their funding and federal  
37 funding not being used. The bill requires child nutrition data to be publicly available on  
38 the websites of the Department of Education and the Department of Health and Human  
39 Services. The bill requires the Department of Education to establish a grant program to  
40 assist schools and school administrative units in ending student hunger.

1           4. The bill requires the Department of Education to convene a working group by  
2 March 1, 2015 to review the opportunities and challenges of the community eligibility  
3 provision administered by the United States Department of Agriculture and study best  
4 practices and barriers related to the community eligibility provision and make  
5 recommendations to the Department of Education and the Department of Health and  
6 Human Services. The bill requires the Department of Education to submit a report to the  
7 Legislature and the Governor by April 30, 2015.

8           5. The bill requires the Department of Education and the Department of Health and  
9 Human Services to encourage the congressional delegation of the State to make  
10 participation in federal meals and snacks programs for students easier for school  
11 administrative units and nonprofit organizations and to make administration of the  
12 programs easier for the departments.