

HOUSE BILL No. 4544

March 13, 1991, Introduced by Reps. Hood, Kilpatrick, Harrison, Richard A. Young, Emerson and Bennane and referred to the Committee on Military and Veterans' Affairs.

A bill to amend sections 1272b and 1272d of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

section 1272d as amended by Act No. 306 of the Public Acts of 1982, being sections 380.1272b and 380.1272d of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1272b and 1272d of Act No. 451 of the
2 Public Acts of 1976, section 1272d as amended by Act No. 306 of
3 the Public Acts of 1982, being sections 380.1272b and 380.1272d
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 1272b. (1) In all programs established and operated
6 pursuant to section 1272a:

7 (a) Nutritional standards prescribed by the United States
8 department of agriculture pursuant to section 9 of the national

1 school lunch act, CHAPTER 281, 60 STAT. 230, 42 U.S.C. 1758,
2 shall be met and maintained.

3 (b) The board may charge a fee for meals or milk, but the
4 fee shall not exceed the actual average daily cost, including
5 necessary supervision, of the meal or milk and accessories, less
6 the amount of food and financial assistance received by the board
7 for the meal or milk.

8 (c) The board shall provide free and reduced price meals and
9 free milk to all pupils eligible under the maximum standards pre-
10 scribed by the United States department of agriculture pursuant
11 to section 9 of the national school lunch act, 42 U.S.C. 1758;
12 shall ensure the confidentiality of all information contained in
13 applications for eligibility; and shall ~~further~~ ensure that eli-
14 gible pupils are not discriminated against or overtly identified
15 in any manner.

16 (d) The board shall provide for parent and pupil participa-
17 tion in the planning and evaluation of school meals and other
18 foods sold or dispensed on school premises.

19 (E) THE BOARD SHALL PROVIDE FREE MEALS AND FREE MILK TO ALL
20 PUPILS WHO ARE NOT ELIGIBLE FOR FREE MEALS AND FREE MILK UNDER
21 SUBDIVISION (C) AND WHO ARE DEPENDENTS OF 1 OR MORE OF THE
22 FOLLOWING:

23 (i) A RESIDENT OF THIS STATE WHO IS ON ACTIVE DUTY IN THE
24 MICHIGAN NATIONAL GUARD OR THE UNITED STATES ARMED FORCES RESERVE
25 AND WHO WAS ORDERED TO ACTIVE DUTY AFTER AUGUST 2, 1990.

1 (ii) A RESIDENT OF THIS STATE WHO IS ON ACTIVE DUTY IN THE
2 REGULAR UNITED STATES ARMED FORCES SERVING IN AN AREA DESIGNATED
3 AS A COMBAT ZONE BY THE PRESIDENT OF THE UNITED STATES.

4 (F) THE BOARD SHALL ENSURE THE CONFIDENTIALITY OF ALL INFOR-
5 MATION CONTAINED IN APPLICATIONS FOR ELIGIBILITY UNDER SUBDIVI-
6 SION (E) AND SHALL ENSURE THAT THOSE PUPILS ARE NOT DISCRIMINATED
7 AGAINST OR OVERTLY IDENTIFIED IN ANY MANNER.

8 (2) AS USED IN THIS SECTION, "DEPENDENT" MEANS AN INDIVIDUAL
9 WHO CAN BE CLAIMED AS A DEPENDENT UNDER THE INTERNAL REVENUE
10 CODE.

11 Sec. 1272d. The department of education shall:

12 (a) Prescribe a uniform reporting system for the collection,
13 compilation, and analysis of data relative to the administration
14 of this section and section 1272a.

15 (b) Pay a school district for each free meal served pursuant
16 to section ~~+272b(e)~~ 1272B(1)(C) an amount calculated by sub-
17 tracting the federal reimbursement rate for a free meal from the
18 actual cost of the meal but not to exceed 5 cents per meal.

19 (c) Pay a school district for each reduced price meal served
20 pursuant to section ~~+272b(e)~~ 1272B(1)(C) an amount calculated
21 by subtracting the sum of the federal reimbursement rate for a
22 reduced price meal and the fee charged from the actual average
23 cost of the meal, but not to exceed 2 cents per meal.

24 (d) ~~For 1982-83 and thereafter, payments~~ PAYMENTS required
25 by subdivisions (b) and (c) to a school district shall be cred-
26 ited to the state's matching share required by section 7 of the

1 national school lunch act, CHAPTER 281, 60 STAT. 230, 42 U.S.C.
2 1756.

3 (e) Allocate, and the legislature shall appropriate, as part
4 of the annual department appropriations and allocations, all rea-
5 sonable and necessary direct and indirect costs incurred by a
6 school district in the establishment and operation of a breakfast
7 program, which costs would not have been incurred without the
8 establishment and operation of a breakfast program, to any extent
9 that ~~they~~ THE COSTS exceed state and federal breakfast subsi-
10 dies and permissible pupil breakfast fees. These costs shall be
11 reimbursed on a per-breakfast-served basis and may include, but
12 ~~shall not be~~ ARE NOT limited to, compensation for needed addi-
13 tional personnel and supervision of both participating and non-
14 participating pupils. In a school year in which reimbursements
15 for 100% of these costs, as determined by the legislature upon
16 the recommendation of the department, are not appropriated, the
17 requirements of section 1272a(2) shall not apply.

18 (F) PAY A SCHOOL DISTRICT THE ACTUAL COST TO THE SCHOOL DIS-
19 TRICT FOR EACH FREE MEAL AND ALL FREE MILK SERVED PURSUANT TO
20 SECTION 1272B(1)(E).