

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Education

SUBTITLE 5A. BREAKFAST PROGRAM

7-5A-01.

BY JANUARY 1, 1981, THE STATE BOARD SHALL REQUIRE EACH COUNTY BOARD TO PROVIDE IN EACH ELEMENTARY SCHOOL RECEIVING FUNDS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (PUBLIC LAW 89-313) A FREE AND REDUCED PRICE BREAKFAST THAT MEETS THE STANDARDS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE.

7-5A-02.

THE STATE SUPERINTENDENT ~~MAY~~ SHALL EXEMPT ANY ELEMENTARY SCHOOL FROM THE REQUIREMENTS OF THIS SUBTITLE IF:

(1) (I) THE SCHOOL HAS MADE A BREAKFAST PROGRAM AVAILABLE FOR AT LEAST 3 CONSECUTIVE MONTHS; AND

(II) THE AVERAGE PARTICIPATION IS LESS THAN ~~30~~ 25 PERCENT OF THE NUMBER OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS IN EACH MONTH; OR

(2) (I) THE COUNTY BOARD APPROVES AN ALTERNATIVE NUTRITION PROGRAM THAT THE SCHOOL HAS INSTITUTED;

(II) THE SCHOOL REGULARLY CONDUCTS AN ASSESSMENT OF THE ALTERNATIVE PROGRAM THAT PROVIDES EVIDENCE OF SUCCESS IN ACHIEVING PROGRAM RESULTS OBJECTIVES; AND

(III) THE SCHOOL SUBMITS AN ANNUAL REPORT OF THE ASSESSMENT TO THE COUNTY BOARD AND THE STATE; OR

(3) (I) THE SCHOOL REQUESTS AN EXEMPTION FOR REASONS OF A COMPELLING NATURE TO THE COUNTY BOARD; AND

(II) AFTER REVIEW AND APPROVAL, THE COUNTY BOARD SUBMITS THE REQUEST FOR EXEMPTION TO THE STATE SUPERINTENDENT.

7-5A-03.

THE FREE AND REDUCED PRICE BREAKFAST PROGRAM UNDER THIS SUBTITLE SHALL BE SUSPENDED IF THE PER MEAL REIMBURSEMENT THAT THE FEDERAL GOVERNMENT PROVIDES FOR THE BREAKFAST PROGRAM IS:

(1) REDUCED BELOW THE RATE PRESCRIBED ON JULY 1, 1979; OR