

~~(H)~~ FOR A SCHOOL THAT DESIRES TO PARTICIPATE IN THE PROGRAM; AND

~~(H) A BUSINESS ENTITY THAT DESIRES TO RECEIVE A STATE INCOME TAX CREDIT FOR CONTRIBUTIONS TO THE PROGRAM;~~

(2) ENSURE THAT THE SCHOOLS THAT PARTICIPATE IN THE PROGRAM REPRESENT GEOGRAPHIC AND SOCIOECONOMIC BALANCE STATEWIDE;

(3) ENSURE THAT A SCHOOL THAT PARTICIPATES IN THE PROGRAM IS A SCHOOL AT WHICH AT LEAST 40% OF THE REGISTERED STUDENTS ARE ELIGIBLE FOR THE FEDERAL FREE OR REDUCED PRICE MEAL PROGRAM;

(4) SELECT SCHOOLS TO PARTICIPATE IN THE PROGRAM, ENSURING THAT AN EVALUATION OF THE PROGRAM IS CONDUCTED BY ~~A PUBLIC~~ AN INSTITUTION OF HIGHER EDUCATION OR OTHER UNIT OF STATE GOVERNMENT THAT IS INDEPENDENT OF THE DEPARTMENT; ~~AND~~

(5) ANNUALLY REVIEW AND SET THE MEAL REIMBURSEMENT RATE FOR SCHOOLS THAT PARTICIPATE IN THE PROGRAM TO COMPLEMENT THE FEDERAL MEAL REIMBURSEMENT RATE DETERMINED UNDER § 7-703 OF THIS SUBTITLE; AND

(6) DISBURSE THE PROGRAM FUNDS TO THE COUNTY BOARD OR THE SPONSORING AGENCY.

~~(D)~~ (E) A COUNTY BOARD OR A SPONSORING AGENCY FOR AN ELIGIBLE NONPUBLIC SCHOOL SHALL:

(1) APPLY TO THE DEPARTMENT FOR FUNDS FOR SCHOOLS WITHIN THE JURISDICTION OF THE BOARD OR FOR SCHOOLS THAT ARE UNDER THE SPONSORING AGENCY THAT:

(I) ARE ELIGIBLE TO PARTICIPATE IN THE PROGRAM; AND

(II) APPLY TO THE BOARD OR TO THE SPONSORING AGENCY TO PARTICIPATE IN THE PROGRAM; AND

~~(2) DISBURSE THE PROGRAM FUNDS TO THE SCHOOLS UNDER THE JURISDICTION OF THE BOARD OR THE SCHOOLS THAT ARE UNDER THE SPONSORING AGENCY THAT ARE PARTICIPANTS IN THE PROGRAM IN CONJUNCTION WITH FEDERAL REIMBURSEMENT FUNDS THROUGH THE FEDERAL SCHOOL BREAKFAST PROGRAM; AND~~

~~(3)~~ (2) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT ON THE PROGRAM, INCLUDING THE MANNER IN WHICH THE FUNDS HAVE BEEN EXPENDED.

~~(E)~~ (F) A SCHOOL THAT PARTICIPATES IN THE PROGRAM SHALL:

(1) IMPLEMENT AN IN-CLASSROOM BREAKFAST PROGRAM IN WHICH ALL STUDENTS IN THE SCHOOL MAY PARTICIPATE REGARDLESS OF FAMILY INCOME;