

1 **R277. Education, Administration.**

2 **R277-727. School Meals Program.**

3 **R277-727-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) [Utah Constitution Article X, Section 3](#), which vests general control and
6 supervision over public education in the Board;

7 (b) Section [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law; and

9 (c) Section [53E-3-510](#), which allows the Board to control how meals program
10 revenue may be disbursed, transferred, or drawn upon.

11 (2) The purpose of this rule is to:

12 (a) define school meals programs; and

13 (b) outline how the school meals program revenue may be distributed.

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15 **R277-727-2. Definitions.**

16 (1) "Federal child nutrition laws" means the Richard B. Russell National School
17 Lunch Act, 79 P.L. 396, 60 Stat. 230, and the Child Nutrition Act of 1966, 89 P.L. 642,
18 80 Stat. 885.

19 (2) "School meals program" means a program that meets the requirements in 7
20 CFR 210, 220, or 225.

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22 **R277-727-3. School Meals Reimbursement.**

23 (1) An LEA shall receive a state reimbursement for each meal served pursuant
24 to a school meals program through a state reimbursement rate established by the
25 Superintendent.

26 (2) The Superintendent shall determine the state reimbursement rate by
27 considering:

28 (a) the previous year's state reimbursement rate;

29 (b) statewide participation rates in school meals programs;

30 (c) the amount of state liquor tax revenues collected pursuant to Subsection
31 32B-2-304(4); and

32 (d) additional considerations established by the Board.

33 (3) The Superintendent shall establish at least twice a year a flat rate per
34 reimbursable meal served pursuant to a school meals program.

35 (4) The Superintendent may establish an additional reimbursement rate if there is
36 incremental state liquor tax revenue collected compared to the total collected amount in
37 fiscal year 2021.

38 (5) An LEA may receive an additional state reimbursement amount per
39 reimbursable meal served if the LEA has established school meals programs
40 enhancements including:

41 (a) increased meal quality;

42 (b) innovative meal access;

43 (c) locally purchased products; or

44 (d) improved meal presentation.

45 (6) The Superintendent shall establish:

46 (a) the qualifying criteria for an additional state reimbursement described in
47 Subsection (4); and

48 (b) appropriate monitoring procedures in accordance with Federal child nutrition
49 laws

50 (7) The Superintendent shall establish the additional state reimbursement rate by
51 considering:

52 (a) the previous year's additional state reimbursement rate;

53 (b) participation rates of school meals programs for LEAs with school meals
54 programs enhancements;

55 (c) the amount of incremental state liquor tax revenues collected to be set aside;
56 and

57 (d) additional considerations established by the Board.

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59 **KEY: school meals, child nutrition, reimbursement**
60 **Date of Enactment or Last Substantive Amendment: 2021**
61 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#);**
62 **and [53E-3-510](#).**