

R277-727 received final approval by the Utah State Board of Education on April 8, 2021. R277-727 will be published in the May 1, 2021 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of June 7, 2021.

R277. Education, Administration.

R277-727. School Meals Program.

R277-727-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

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

(2) The purpose of this rule is to:

(a) define school meals programs; and

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

R277-727-2. Definitions.

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

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

R277-727-3. School Meals Reimbursement.

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

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

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

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(b) statewide participation rates in school meals programs;

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

(d) additional considerations established by the Board.

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

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

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

(a) increased meal quality;

(b) innovative meal access;

(c) locally purchased products; or

(d) improved meal presentation.

(6) The Superintendent shall establish:

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

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

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

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

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

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

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(d) additional considerations established by the Board.

KEY: school meals, child nutrition, reimbursement

Date of Enactment or Last Substantive Amendment: 2021

**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4);
and 53E-3-510.**