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**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes 07/06/2023  
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**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

Matthew Fazelpoor, 'Murphy takes action on slew of legislation', *NJBIZ*, 17 Jan 2024

Tina Kelley and Brent Johnson, 'Legislature Ok's more free school meals Measure to give 51K additional N.J. kids breakfast and lunch goes to Murphy for his signature.' *South Jersey Times*, 14 Jan 2024

CL/MM

§§7,8  
C.18A:33-14.2  
and 18A:33-14.3  
§8  
Note to  
C.52:27J-3  
and 52:27J-5

P.L. 2023, CHAPTER 336, *approved January 16, 2024*  
Assembly, No. 5684 (*First Reprint*)

1 **AN ACT** concerning school meals programs and expanded student  
2 access to free school lunches, supplementing Title 18A of the  
3 New Jersey Statutes, and amending various parts of the statutory  
4 law.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Section 1 of P.L.2022, c.104 (C.18A:33-3.2) is amended to  
10 read as follows:

11 1. As used in this chapter:

12 "Categorically eligible" means that a student is homeless, is a  
13 migrant child, is a runaway child, is a foster child, or is a Head Start  
14 child, as defined in 7 C.F.R. Part 245, or is receiving assistance under  
15 the Supplemental Nutrition Assistance Program (SNAP), the  
16 Temporary Assistance for Needy Families Program (TANF), the Food  
17 Distribution Program on Indian Reservations (FDPIR), or, to the  
18 extent that the United States Department of Agriculture authorizes the  
19 matching of Medicaid data to identify children who are eligible for  
20 free school meals, is a participant in the Medicaid program, and which  
21 student, by virtue of such status, is automatically eligible to be  
22 certified to receive free school meals under the National School Lunch  
23 Program or the federal School Breakfast Program, without first  
24 submitting an application or being subject to the federal income  
25 verification requirements established by 7 C.F.R. Part 245.

26 "Community Eligibility Provision" means a type of special  
27 assistance alternative, identified at 7 C.F.R. Part 245, pursuant to  
28 which the United States Department of Agriculture provides  
29 reimbursement for free school meals that are provided by eligible,  
30 high-poverty local educational agencies and schools that participate in  
31 both the National School Lunch Program and the federal School  
32 Breakfast Program.

33 "Eligible student" means a student who is **【either】** categorically  
34 eligible or income-eligible for one or more **【free or reduced price】**  
35 subsidized school meals.

**EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup>Senate SBA committee amendments adopted January 4, 2024.**

1 "Emergency meals distribution program" means **[the]** a program,  
2 established under section 1 of P.L.2020, c.6 (C.18A:33-27.2), pursuant  
3 to which a school district is required to provide subsidized school  
4 meals to eligible students, through designated distribution sites, during  
5 any period in which **[the schools]** a school in the district **[are]** is  
6 subject to a public health-related closure due to the COVID-19  
7 pandemic.

8 "Federal School Breakfast Program" means the federal  
9 reimbursement program, established under the "Child Nutrition Act of  
10 1966," 42 U.S.C. s.1771 et seq., pursuant to which the United States  
11 Department of Agriculture is authorized to provide grants-in-aid and  
12 other assistance to the States, as may be necessary to help finance the  
13 establishment, maintenance, operation, and expansion of school  
14 breakfast programs and facilitate the provision of free and reduced  
15 price breakfasts to eligible students.

16 "Federally eligible for free or reduced price meals" or "federally  
17 eligible" means that a student is categorically eligible for free lunch  
18 under the National School Lunch Program or for free breakfast under  
19 the federal School Breakfast Program, or that the student satisfies  
20 federal income eligibility requirements, adopted by the United States  
21 Department of Agriculture pursuant to 7 C.F.R. Part 245, as is  
22 necessary to federally qualify for and receive free or reduced price  
23 lunch under the National School Lunch Program or free or reduced  
24 price breakfast under the federal School Breakfast Program.

25 "Federally ineligible for free or reduced price meals" or "federally  
26 ineligible" means that a student is not categorically eligible for, and  
27 fails to satisfy federal income eligibility requirements, adopted by the  
28 United States Department of Agriculture pursuant to 7 C.F.R. Part 245,  
29 as is necessary for the student to federally qualify for and receive free  
30 or reduced price lunch under the National School Lunch Program or  
31 free or reduced price breakfast under the federal School Breakfast  
32 Program.

33 "Income-eligible" means that a student either satisfies federal  
34 income eligibility requirements, adopted by the United States  
35 Department of Agriculture pursuant to 7 C.F.R. Part 245, or satisfies  
36 State-level income eligibility requirements, set forth in subsection a. of  
37 section 1 of P.L.1974, c.53 (C.18A:33-4) or subsection a. of section 12  
38 of P.L.2022, c.104 (C.18A:33-14a), as is necessary for the student to  
39 qualify for and receive **[free or reduced price]** subsidized lunch under  
40 the National School Lunch Program or **[free or reduced price]**  
41 subsidized breakfast under the federal School Breakfast Program, on  
42 the basis of income.

43 "Low-income family" means a family with an annual household  
44 income amounting to not more than 185 percent of the federal poverty  
45 level.

1 "Middle-income family" means a family with an annual household  
2 income amounting to not less than 186 percent, and not more than  
3 ~~199~~ <sup>1</sup>~~249~~ 224<sup>1</sup> percent, of the federal poverty level.

4 "National School Lunch Program" means the federal  
5 reimbursement program established under the "Richard B. Russell  
6 National School Lunch Act," 42 U.S.C. s.1751 et seq., pursuant to  
7 which the United States Department of Agriculture is authorized to  
8 provide grants-in-aid and other assistance to the States, as may be  
9 necessary to help finance the establishment, maintenance, operation,  
10 and expansion of school lunch programs and facilitate the provision of  
11 free and reduced price lunches to eligible students.

12 "Participating school" means a public or nonpublic school that  
13 provides daily lunch to enrolled students, through a school lunch  
14 program operated pursuant to the National School Lunch Program, or  
15 that provides daily breakfast to enrolled students, through a school  
16 breakfast program or breakfast after the bell program operated  
17 pursuant to the federal School Breakfast Program, or both.

18 "Participating school district or nonpublic school" means a public  
19 school district or a nonpublic school that is required, or elects, to  
20 participate in the National School Lunch Program, the federal School  
21 Breakfast Program, or both, as the case may be.

22 "School breakfast program" means a program that is established  
23 and operated by a public or nonpublic school, in accordance with the  
24 requirements of the federal School Breakfast Program and, in the case  
25 of a public school, in accordance with a plan adopted pursuant to  
26 section 2 of P.L.2003, c.4 (C.18A:33-10) or section 6 of P.L.2022,  
27 c.104 (C.18A:33-10.1), and pursuant to which the school offers daily  
28 breakfasts to all enrolled students.

29 "School lunch program" means a program that is established and  
30 operated by a school district, or by a nonpublic school, in accordance  
31 with the requirements of the National School Lunch Program and the  
32 provisions of section 1 of P.L.1974, c.53 (C.18A:33-4), and pursuant  
33 to which the district or nonpublic school offers daily lunches to all  
34 students enrolled ~~in the district~~ therein.

35 "Special assistance alternative" means a special nutrition assistance  
36 alternative federal reimbursement method that is authorized by the  
37 United States Department of Agriculture, pursuant to 42 U.S.C.  
38 s.1759a and 7 C.F.R. Part 245, for eligible schools that serve free  
39 meals to all enrolled students. "Special assistance alternative" includes  
40 Provision 2, Provision 3, and the Community Eligibility Provision, as  
41 described in 7 C.F.R. Part 245, as well as any other similar alternative  
42 reimbursement method that is authorized by the United States  
43 Department of Agriculture, now or in the future, for schools that serve  
44 free meals to all enrolled students.

45 "Student" means a child 18 years of age or younger who is enrolled  
46 at a school in the State.

1       **["Subsidized student" means a categorically eligible student or**  
2 **income-eligible student who, as provided by subsection a. of section 1**  
3 **of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section 12 of**  
4 **P.L.2022, c.104 (C.18A:33-14a), is not required to pay for meals that**  
5 **are served to the student under the National School Lunch Program or**  
6 **the federal School Breakfast Program.]**

7       "Subsidized school breakfast" or "subsidized breakfast" means a  
8 school breakfast that is offered to an eligible student, free of charge,  
9 and the costs of which are reimbursed by the State or federal  
10 government, as provided by subsections a. and b. of section 12 of  
11 P.L.2022, c.104 (C.18A:33-14a).

12       "Subsidized school lunch" or "subsidized lunch" means a school  
13 lunch that is offered to an eligible student, free of charge, and the costs  
14 of which are reimbursed by the State or federal government, as  
15 provided by subsections a. and b. of section 1 of P.L.1974, c.53  
16 (C.18A:33-4).

17       "Subsidized school meals" or "subsidized meals" includes both  
18 subsidized school breakfasts and subsidized school lunches.

19       "Subsidized school meals application" means an application that  
20 identifies a student's annual household income and is completed by the  
21 student's parent or guardian, pursuant to section 16 of P.L.2022, c.104  
22 (C.18A:33-21b1), subsection c. of section 1 of P.L.2015, c.15  
23 (C.18A:33-21), or applicable federal law, and which may be used by a  
24 school district, or by a public school or nonpublic school, both for the  
25 purposes of determining whether a student is income-eligible for  
26 subsidized school meals and for the other limited purposes specified in  
27 subsection c. of section 16 of P.L.2022, c.104 (C.18A:33-21b1).

28       "Subsidized school meals certification process" or "subsidized  
29 meals certification" means the process pursuant to which a school or  
30 school district obtains and reviews a student's subsidized school meals  
31 application, or engages in the review of other relevant documentation  
32 and materials pertaining to the student, as necessary to determine  
33 whether the student is categorically eligible or income-eligible for  
34 subsidized school meals under the National School Lunch Program, or  
35 under the federal School Breakfast Program, or both.

36       "Summer Food Service Program" means the federal  
37 reimbursement program, established under 42 U.S.C. s.1761 and 7  
38 C.F.R. Part 225, pursuant to which the United States Department of  
39 Agriculture is authorized to provide grants-in-aid and other assistance  
40 to the States, as may be necessary to help schools, local government  
41 agencies, nonprofit organizations, colleges and universities, and  
42 summer camps finance the administrative and operational costs of  
43 providing meals to children, in low-income areas, during the summer  
44 months and other planned periods of school closure.

45       "Summer meals program" means the Summer Food Service  
46 Program, the Seamless Summer Option authorized by 42 U.S.C.  
47 s.1761, or any other similar State or federal program that is designed to

1 ensure that children have access to nutritious meals during the summer  
2 months and other planned periods of school closure.

3 **["Unsubsidized student" means a student who is neither**  
4 **categorically eligible nor income-eligible for free or reduced price**  
5 **school meals, and who is, consequently, required to pay for any such**  
6 **meals that are served to the student under the National School Lunch**  
7 **Program or the federal School Breakfast Program.]**

8 "Unreimbursed costs" means the costs of a school lunch or school  
9 breakfast, which costs are not eligible for reimbursement from the  
10 federal government.

11 "Unsubsidized school breakfast" or "unsubsidized breakfast"  
12 means a school breakfast that is offered, upon the payment of a fee, to  
13 a student who is neither categorically eligible nor income-eligible for  
14 subsidized breakfast, regardless of whether such student remains  
15 income-eligible for subsidized school lunch under the provisions of  
16 paragraph (4) of subsection a. of section 1 of P.L.1974, c.53  
17 (C.18A:33-4), and the cost of which breakfast is not reimbursable by  
18 the State or federal government.

19 "Unsubsidized school lunch" or "unsubsidized lunch" means a  
20 school lunch that is offered, upon the payment of a fee, to a student  
21 who is not categorically eligible or income-eligible for subsidized  
22 lunch, and the cost of which is not reimbursable by the State or federal  
23 government.

24 (cf: P.L.2022, c.104, s.1)

25

26 2. Section 1 of P.L.1974, c.53 (C.18A:33-4) is amended to read as  
27 follows:

28 1. a. (1) Each school district shall make school lunch available to  
29 all students enrolled in the district, except at those schools that are  
30 exempt from the requirements of this section, as provided by section 2  
31 of P.L.1974, c.53 (C.18A:33-5), within one year after the effective  
32 date of P.L.1974, c.53 (C.18A:33-4 et seq.). Each nonpublic school  
33 participating in the National School Lunch Program shall make school  
34 lunch available to all students enrolled at the nonpublic school within  
35 one year after the effective date of P.L. , c. (C. ) (pending  
36 before the Legislature as this bill).

37 (2) School lunches **made available** offered to students, pursuant  
38 to this section, shall meet minimum nutritional standards**,**  
39 established by the <sup>1</sup>**Department of Education** United States  
40 Department of Agriculture<sup>1</sup> .

41 (3) **Free or reduced price lunches, as appropriate, shall be**  
42 **School lunches** offered, **under a school lunch program,** pursuant to  
43 **this section, shall be made available, free of charge, to** **each student**  
44 **all students** enrolled in the district **who is** or in the nonpublic school,  
45 **as the case may be, who are** determined to be federally eligible for free  
46 or reduced price meals. As provided by section 1 of P.L.2019, c.445  
47 (C.18A:33-21.1), **any student** the unreimbursed costs of free lunches

1 being made available, pursuant to this paragraph, to students who **[is]**  
2 are eligible for **[a]** reduced price lunch, [pursuant to federal income  
3 eligibility standards and criteria, shall not be required to pay for such  
4 lunch] **[shall be borne by the State. [Free]**

5 (4) Notwithstanding any law, rule, or regulation to the contrary,  
6 school lunches offered to students, pursuant to this section, shall also  
7 be [offered] made available, free of charge, to [each student] those  
8 students enrolled in the participating school district or nonpublic  
9 school, who are federally ineligible for free or reduced price meals, in  
10 accordance with the following schedule: (a) during the 2023-2024  
11 school year, to each enrolled student who is federally ineligible for  
12 free or reduced price meals, but who has an annual household income  
13 that is not less than 186 percent, and not more than 199 percent, of the  
14 federal poverty level, as determined pursuant to section 16 of  
15 P.L.2022, c.104 (C.18A:33-21b1); and (b) during the 2024-2025  
16 school year, to each enrolled student who is federally ineligible for  
17 free or reduced price meals, but who has an annual household income  
18 that is not less than 186 percent, and not more than **^[249]** 224<sup>1</sup>  
19 percent, of the federal poverty level, as determined pursuant to section  
20 16 of P.L.2022, c.104 (C.18A:33-21b1).

21 b. The State shall provide funding to each participating school  
22 district [,] and nonpublic school, as may be necessary to reimburse the  
23 [costs associated with the district's provision] cost of free lunches  
24 being served thereby to federally ineligible students, pursuant to  
25 paragraph (4) of subsection a. of this section[, to students who are  
26 federally ineligible for free or reduced price meals].

27 c. The Department of Agriculture, in consultation with the  
28 Department of Education, shall annually prepare and submit, to the  
29 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
30 to the Legislature, a written report that identifies, for each [school  
31 and] participating school district and nonpublic school in the State:

32 (1) the methods that are being used [by each school or school  
33 district] thereby to facilitate the prompt identification and subsidized  
34 [meal] meals certification of students who are, respectively,  
35 categorically eligible or income-eligible for free or reduced price lunch  
36 under the National School Lunch Program; [and]

37 (2) the total number and percentage of [income-eligible] students  
38 [from low-income families and from middle-income families,  
39 respectively, that are] receiving [free or reduced price] subsidized  
40 school lunches [under the National School Lunch Program and the  
41 provisions of this section] in the preceding school year who have been  
42 determined to be, respectively, federally eligible for free school lunch,  
43 federally eligible for reduced price lunch, income-eligible for free  
44 school lunch on the basis of State-level income eligibility  
45 requirements, or neither categorically eligible nor income-eligible for  
46 free or reduced price school lunch; and

1       (3) the number and percentage of all students, identified pursuant  
 2 to paragraph (2) of this subsection, who are, respectively, from low-  
 3 income families and from middle-income families.

4       d. The Department of Agriculture, in consultation with the  
 5 Department of Education, shall adopt rules and regulations, pursuant  
 6 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
 7 seq.), to implement the provisions of this section, including, but not  
 8 limited to, rules and regulations<sup>1</sup>]:

9       (1)]<sup>1</sup> establishing a schedule for, and identifying the manner in  
 10 which, State-level reimbursements are to be made pursuant to  
 11 subsection b. of this section <sup>1</sup>]; and

12       (2) establishing a standardized means by which the department  
 13 will annually review the State reimbursement amounts being allocated  
 14 under this chapter in order to determine whether, and the extent to  
 15 which, participating school districts and nonpublic schools have  
 16 received adequate reimbursement, from the State, sufficient to account  
 17 for each participating school's actual costs of free lunch delivery to  
 18 eligible students, including, but not limited to, food, labor, and other  
 19 related costs]<sup>1</sup>.

20 (cf: P.L.2022, c.104, s.2)

21  
 22       3. Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended to read  
 23 as follows:

24       3. In implementing a school lunch program, pursuant to  
 25 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program,  
 26 pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.) or section 6 of  
 27 P.L.2022, c.104 (C.18A:33-10.1), or a breakfast after the bell  
 28 program, pursuant to section 1 of P.L.2014, c.66 (C.18A:33-11.1)  
 29 or section 2 of P.L.2018, c.25 (C.18A:33-11.3), each school and  
 30 school district shall:

31       a. publicize, to parents and students, the availability of the  
 32 respective school meals program, as well as the various ways in  
 33 which a student may qualify to receive **free or reduced price**  
 34 **subsidized school** meals under the program, as provided by  
 35 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and  
 36 subsection a. of section 12 of P.L.2022, c.104 (C.18A:33-14a);

37       b. make every effort to ensure that **subsidized** students  
 38 **receiving subsidized school meals** are not **recognized as program**  
 39 **participants** **identified**, by the student body, faculty, or staff, in a  
 40 manner that is **different** **distinct** from the manner in which  
 41 **unsubsidized** students **receiving unsubsidized school meals** are  
 42 **recognized** **identified** as program participants. Such efforts shall  
 43 include, but need not be limited to, the establishment of a neutral  
 44 meal plan or voucher system that does not make a distinction  
 45 between **subsidized and unsubsidized** **these two groups of**  
 46 students; and

47       c. **make every effort** to the greatest extent practicable:

1 (1) facilitate and expedite the prompt and accurate identification  
2 of categorically eligible students who may be certified to  
3 **【participate in the program, on a】** receive subsidized **【basis,】**  
4 school meals without first submitting an application therefor, and,  
5 whenever an application is required to establish income eligibility  
6 for subsidized meals, encourage students and their families to  
7 submit a subsidized school meals application for that purpose;

8 (2) facilitate and expedite**【, to the greatest extent practicable,】**  
9 the subsidized school meals application and income**【-】** eligibility  
10 determination processes that are used, by the school or school  
11 district, to certify a student for **【free or reduced price】** subsidized  
12 school meals on the basis of income, and assist parents and  
13 guardians in completing the subsidized school meals application;  
14 and

15 (3) encourage students who are neither categorically eligible nor  
16 income-eligible for **【free or reduced price】** subsidized school  
17 **【meals】** lunch or subsidized school breakfast to nonetheless  
18 participate in the school lunch program or school breakfast  
19 program, or both, as appropriate, on a paid and unsubsidized basis**【,**  
20 in the program】.

21 (cf: P.L.2022, c.104, s.7)

22  
23 4. Section 4 of P.L.2018, c.25 (C.18A:33-11.5) is amended to  
24 read as follows:

25 4. The Department of Agriculture, in consultation with the  
26 Department of Education, shall develop guidelines**【, as may be**  
27 **necessary】** to facilitate the implementation and operation of  
28 breakfast after the bell programs by schools in the State, in  
29 accordance with the provisions of section 1 of P.L.2014, c.66  
30 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25 (C.18A:33-11.2  
31 and C.18A:33-11.3), and section 12 of P.L.2022, c.104 (C.18A:33-  
32 14a), including, but not limited to, guidelines, consistent with the  
33 provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),  
34 concerning a school's receipt of payment, from **【unsubsidized】**  
35 students, for unsubsidized school breakfasts that are served to such  
36 students under a breakfast after the bell program.

37 (cf: P.L.2022, c.104, s.11)

38  
39 5. Section 12 of P.L.2022, c.104 (C.18A:33-14a) is amended to  
40 read as follows:

41 12. a. (1) School breakfasts made available to students under a  
42 school breakfast program or a breakfast after the bell program shall  
43 meet minimum nutritional standards, established by the <sup>1</sup>**【Department**  
44 **of Education】** United States Department of Agriculture<sup>1</sup> .

45 (2) **【Free or reduced price breakfasts, as appropriate, shall be】**  
46 Breakfasts that are offered, by a participating school district or

1 nonpublic school, under a school breakfast program or a breakfast  
 2 after the bell program, shall be made available, free of charge, to all  
 3 students enrolled **【students who】** in the district or in the nonpublic  
 4 school, as the case may be, who are determined to be federally eligible  
 5 for free or reduced price meals. As provided by section 1 of P.L.2019,  
 6 c.445 (C.18A:33-21.1), **【any student who is eligible for a reduced**  
 7 **price breakfast, pursuant to federal income eligibility criteria, shall not**  
 8 **be required to pay for such breakfast. Free breakfasts shall also be】**  
 9 the unreimbursed costs of free breakfasts being made available,  
 10 pursuant to this paragraph, to students who are federally eligible for  
 11 reduced price breakfast, shall be borne by the State.

12 (3) Notwithstanding any law, rule, or regulation to the contrary,  
 13 breakfasts offered under a school breakfast program or a breakfast  
 14 after the bell program shall also be made available, free of charge, to  
 15 each enrolled student who is determined to be federally ineligible for  
 16 free or reduced price meals, but who has an annual household income  
 17 **【that is】** amounting to not less than 186 percent, and not more than  
 18 **‘【199】 224’** percent, of the federal poverty level, as determined  
 19 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1). As  
 20 provided by subsection b. of this section, the unreimbursed costs of  
 21 free breakfasts being offered to federally ineligible students, pursuant  
 22 to this paragraph, shall be borne by the State.

23 b. The State shall provide funding to each school that operates a  
 24 School Breakfast Program or a breakfast after the bell program, as may  
 25 be necessary to reimburse the costs associated with the school's  
 26 provision of free breakfasts, pursuant to paragraph (4) of subsection a.  
 27 of this section, to students who are federally ineligible for free or  
 28 reduced price meals.

29 c. The Department of Agriculture, in consultation with the  
 30 Department of Education, shall annually prepare and issue, to the  
 31 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
 32 to the Legislature, a written report that identifies, for each **【school**  
 33 **and】** participating school district and nonpublic school in the State:

34 (1) the methods that are being used, by each such school or school  
 35 district, to facilitate the prompt identification and subsidized **【meal】**  
 36 meals certification of students who are categorically eligible or  
 37 income-eligible for free or reduced price breakfast under the federal  
 38 School Breakfast Program;

39 (2) the total number and percentage of **【income-eligible】** students  
 40 receiving subsidized school breakfasts, in the preceding year, who  
 41 have been determined to be, respectively, federally eligible for free  
 42 school breakfast, federally eligible for reduced price school breakfast,  
 43 income-eligible for free school breakfast on the basis of State-level  
 44 income eligibility requirements, or neither categorically eligible nor  
 45 income-eligible for free or reduced price school breakfast; and the  
 46 number and percentage of all such students who are, respectively, from  
 47 low-income families and from middle-income families【, respectively ,

1 in each such school and district, who are receiving free or reduced  
2 price breakfast under the federal School Breakfast Program and the  
3 provisions of this section]; and

4 (3) the methods that are being used, by each such school and  
5 district, to provide breakfast to students under the federal School  
6 Breakfast Program, including an indication as to whether breakfast is  
7 being provided to students through a breakfast after the bell program.

8 d. The Department of Agriculture, in consultation with the  
9 Department of Education, shall adopt rules and regulations pursuant to  
10 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
11 seq.), to implement the provisions of this section, including, but not  
12 limited to, rules and regulations<sup>1</sup>;

13 (1)]<sup>1</sup> establishing a schedule for, and identifying the manner in  
14 which, State-level reimbursements are to be made pursuant to  
15 subsection b. of this section<sup>1</sup>; and

16 (2) establishing a standardized means by which the department  
17 will annually review the State reimbursement amounts being allocated  
18 under this section in order to determine whether, and the extent to  
19 which, participating school districts and nonpublic schools have  
20 received adequate reimbursement, from the State, sufficient to account  
21 for each participating school's actual costs of free breakfast delivery to  
22 eligible students, including, but not limited to, food, labor, and other  
23 related costs]<sup>1</sup>.

24 (cf: P.L.2022, c.104, s.12)

25

26 6. Section 1 of P.L.2018, c.26 (C.18A:33-14.1) is amended to  
27 read as follows:

28 1. a. (1) **[A]** Each school district or nonpublic school that  
29 participates in the National School Lunch Program or the federal  
30 School Breakfast Program shall take steps to maximize the use of  
31 federal resources and to minimize the debt that is incurred by  
32 families for school meals, in accordance with a protocol established  
33 by the Department of Agriculture. The protocol established by the  
34 department, pursuant to this paragraph, shall be adopted within 180  
35 days after the effective date of P.L.2022, c.104 (C.18A:33-3.2 et  
36 al.), in consultation with the Department of Education, the School  
37 Nutrition Association of New Jersey, and all relevant stakeholders,  
38 shall be reviewed and updated on at least an annual basis thereafter,  
39 and shall provide for participating school districts and nonpublic  
40 schools to: (a) promote the **[increased]** prompt and accurate  
41 subsidized meals certification of all eligible students [from low-  
42 income families and middle-income families for free and reduced  
43 price school meals] enrolled therein, in accordance with the  
44 provisions of P.L.2022, c.104 (C.18A:33-3.2 et al.); and (b) identify  
45 best practices to maximize the receipt and use of federal resources  
46 by the district's schools.

1 (2) The Department of Agriculture and Department of  
2 Education, in cooperation with each other, shall consult with, and  
3 provide direct assistance to, participating school districts and  
4 nonpublic schools to help them improve, simplify, and expedite the  
5 **【free and reduced price meal】** subsidized school meals certification  
6 process and otherwise reduce the administrative burden on schools  
7 and school districts that results from such process.

8 (3) A school that serves lunch or breakfast to students and is  
9 eligible for special federal reimbursement under the Community  
10 Eligibility Provision, as provided by 7 C.F.R. Part 245, shall, to the  
11 greatest extent practicable, participate in, and maximize the receipt  
12 of federal resources available under, that special assistance  
13 alternative. Every school district in which there is at least one  
14 school that qualifies for the Community Eligibility Provision, but is  
15 not implementing it, shall report the reasons therefor, in writing, to  
16 the Department of Agriculture and the Department of Education, in  
17 the manner prescribed by those departments. The report shall  
18 include, but need not be limited to, a description of the specific  
19 impediments at the school district to implementing the program, the  
20 specific actions that could be taken to remove those impediments,  
21 and the specific steps required to successfully implement the  
22 program in the following school year.

23 b. The Department of Agriculture, in consultation with the  
24 Department of Education, shall adopt, pursuant to the  
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
26 seq.), such rules and regulations as may be necessary to effectuate  
27 the purposes of this section.

28 c. (Deleted by amendment, P.L.2022, c.104)  
29 (cf: P.L.2022, c.104, s.13)

30

31 7. (New section) a. A school district or nonpublic school that  
32 participates in the National School Lunch Program or the federal  
33 School Breakfast Program shall annually review the costs being  
34 expended thereby, in association with the implementation and  
35 expansion of school lunch and breakfast programs at schools in the  
36 district or at the nonpublic school, as the case may be, and shall  
37 take appropriate steps to minimize or offset those program costs, to  
38 the extent that such costs can be minimized or offset without  
39 compromising the ability of the participating school district or  
40 nonpublic school to comply with minimum nutritional standards  
41 and other program requirements established pursuant to State or  
42 federal law.

43 b. The Department of Agriculture, in consultation with the  
44 Department of Education, shall:

45 (1) monitor, and engage in the inspection and oversight of, each  
46 school lunch program and school breakfast program operating  
47 pursuant to this chapter, as necessary to ensure that school meals  
48 being served to students in the State continue to satisfy minimum

1 nutritional standards, on an ongoing basis, as required by paragraph  
2 (2) of subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and  
3 paragraph (1) of subsection a. of section 12 of P.L.2022, c.104  
4 (C.18A:33-14a);

5 (2) develop and publicize best practices, protocols, and model  
6 plans to help school districts effectively minimize and offset  
7 program costs, as required by this section, without compromising  
8 the nutritional value of meals being served to students; and

9 (3) work cooperatively with each participating school district  
10 and nonpublic school in the State to: (a) review the costs being  
11 expended by the district, and by each participating school, in  
12 association with the implementation and expansion of one or more  
13 school meals programs therein; (b) identify various means and  
14 methods by which program costs can be reduced, curtailed,  
15 eliminated, or offset without sacrificing the ability of the  
16 participating school district or nonpublic school to operate its  
17 school meals programs in compliance with minimum nutritional  
18 standards and other applicable State and federal requirements; (c)  
19 provide recommendations to help participating school districts and  
20 nonpublic schools timely and proactively address financial  
21 problems that have reduced, or that have the potential to reduce,  
22 their ability to properly or fully administer their school meals  
23 programs in compliance with minimum nutritional standards,  
24 expanded eligibility requirements, and all other applicable State and  
25 federal requirements; and (d) undertake, or recommend the  
26 undertaking of, other appropriate actions as may be necessary to  
27 prevent the State's school meals programs from becoming overly  
28 bloated with unnecessary expenses or otherwise becoming  
29 financially burdensome to participating school districts and  
30 nonpublic schools.

31 c. The Department of Agriculture, in consultation with the  
32 Department of Education, shall adopt, pursuant to the  
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
34 seq.), such rules and regulations as may be necessary to effectuate  
35 the purposes of this section.

36  
37 8. (New section) a. Not more than 180 days after the effective  
38 date of P.L. , c. (C. ) (pending before the Legislature as this  
39 bill), the Office of the Food Security Advocate, established  
40 pursuant to P.L.2021, c.242 (C.52:27J-1 et seq.), shall establish a  
41 Working Group on School Food Security to identify and develop  
42 best practices, policies, and plans, and to take other appropriate  
43 action, to promote and facilitate the effective functioning of the  
44 State's school meals programs and the expanded provision,  
45 thereunder, of free school meals to students in the State.

46 b. Within one year after its formation pursuant to subsection a.  
47 of this section, and on a regular basis thereafter as deemed by the

1 food security advocate to be appropriate, the Working Group on  
2 School Food Security shall:

3 (1) conduct a study on school food security issues, in  
4 accordance with the provisions of subsection c. of this section, and  
5 recommend further State-level action to facilitate the provision of  
6 free school meals to enhanced numbers or categories of students in  
7 the State; and

8 (2) develop and publish a plan to facilitate and promote the  
9 adoption, by the United States Congress and President, of federal  
10 legislation authorizing the nationwide provision of free school  
11 meals to all students in the country, and providing federal  
12 reimbursement for all such meals served by schools and school  
13 districts in the states.

14 c. When conducting a school food security study, pursuant to  
15 subsection b. of this section, the working group shall be required to  
16 determine and identify:

17 (1) the expected annual costs to be expended, by each  
18 participating school district and nonpublic school in the State, in  
19 providing free school meals to eligible students in accordance with  
20 the provisions of this chapter, including the amount by which such  
21 costs are expected to increase year-over-year;

22 (2) best practices to ensure the effective provision of school  
23 meals to students in the State, including, but not limited to, best  
24 practices to facilitate the non-stigmatizing provision of free school  
25 meals to all eligible students in the State, best practices to reduce  
26 food waste in schools, best practices to improve and facilitate the  
27 subsidized school meals application and certification processes that  
28 are used to certify students for free meals; and best practices for  
29 incentivizing the completion of subsidized school meals  
30 applications by parents and guardians of students in the State;

31 (3) policies and practices that have been employed by other  
32 states and jurisdictions to facilitate and enhance student access to  
33 free school meals in those other jurisdictions, and the extent to  
34 which such policies and practices have been successful in achieving  
35 their stated goals; and

36 (4) whether, and the extent to which, it would be feasible,  
37 beneficial, and fiscally responsible for the Legislature to take action  
38 to further expand student eligibility for free school meals under this  
39 chapter, following the effective date of P.L. , c. (C. )  
40 (pending before the Legislature as this bill), and whether, and the  
41 extent to which, such expansion of the State's free school meals  
42 programs would best be effectuated on an immediate basis, by  
43 extending eligibility to all students in the State, or on a phased-in  
44 basis, by extending eligibility to gradually increasing numbers and  
45 types of students in the State.

46 d. Not more than 60 days after the working group completes a  
47 school food security study, pursuant to subsection b. of this section,  
48 the working group shall submit, to the Secretary of Agriculture, the

1 Commissioner of Education, the Governor, and, pursuant to section  
2 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, a written  
3 report of its findings and recommendations from the study,  
4 including, at a minimum, its recommendations regarding the  
5 appropriate executive, legislative, and other actions, if any, that  
6 should be undertaken in the State to ensure the ongoing successful  
7 operation of the State's school meals programs, to facilitate the  
8 cost-effective provision of free school meals to students who are  
9 categorically eligible or income-eligible therefore, as provided by  
10 this chapter, and to further expand the categories of students who  
11 are eligible for such free school meals under State law.

12

13 9. Section 1 of P.L.2015, c.15 (C.18A:33-21) is amended to  
14 read as follows:

15 1. a. (1) In the event that a participating school district or  
16 nonpublic school determines that **[an] a [unsubsidized]** student's  
17 unsubsidized school breakfast or unsubsidized school lunch bill is  
18 in arrears, the participating school district or nonpublic school shall  
19 contact the student's parent or guardian to provide notice of the  
20 arrearage, and shall provide the parent or guardian with a period of  
21 10 school days to pay the amount due. If the student's parent or  
22 guardian has not made full payment by the end of the designated  
23 10-day period, then the participating school district or nonpublic  
24 school shall again contact the student's parent or guardian to  
25 provide notice of any action to be taken **[by the school district]** in  
26 response to the arrearage.

27 (2) A participating school district or nonpublic school shall  
28 report, at least biannually to the Department of Agriculture, the  
29 number and percentage of enrolled students who **[are] have been**  
30 denied school breakfast or school lunch on the basis of an  
31 unsubsidized meals bill arrearage, pursuant to this section.

32 (3) Nothing in this section shall be construed to: (a) require a  
33 participating school district or nonpublic school to deny or restrict  
34 the ability of **[an unsubsidized]** a student to access unsubsidized  
35 school breakfast or unsubsidized school lunch [when],  
36 respectively, whenever the student's unsubsidized school breakfast  
37 or unsubsidized school lunch bill is in arrears; or (b) authorize a  
38 participating school district or nonpublic school to deny or restrict  
39 the ability of a student who is income-eligible for subsidized school  
40 lunch, but who is not income-eligible for subsidized school  
41 breakfast, to continue to access subsidized school lunch whenever  
42 the student's unsubsidized school breakfast bill is in arrears.

43 b. A **[school or]** participating school district or nonpublic  
44 school shall not:

45 (1) publicly identify or stigmatize **[an unsubsidized]** a student  
46 who cannot pay for [a] an unsubsidized school breakfast or [a] an  
47 unsubsidized school lunch, or whose unsubsidized school breakfast

1 or **[school]** lunch bill is in arrears, for example, by requiring the  
 2 student to sit at a separate table, **[by requiring that the student]** to  
 3 wear a wristband, hand stamp, or identifying mark, or **[by serving**  
 4 **the student]** to accept an alternative meal;

5 (2) require **[an unsubsidized]** a student, **[,]** who cannot pay for  
 6 **[a]** an unsubsidized school breakfast or **[a]** an unsubsidized school  
 7 lunch, or whose unsubsidized school breakfast or **[school]** lunch  
 8 bill is in arrears, to do chores or other work to pay for the  
 9 unsubsidized school breakfast or unsubsidized school lunch;

10 (3) require **[an unsubsidized]** a student to discard **[a]** an  
 11 unsubsidized school breakfast or an unsubsidized school lunch,  
 12 after it has been served, either because **[of]** the **[student's inability]**  
 13 student is unable to pay for **[a school]** the unsubsidized breakfast  
 14 or **[a school]** unsubsidized lunch or because **[money is owed for**  
 15 **previously provided meals]** the student's unsubsidized school  
 16 breakfast or lunch bill is in arrears;

17 (4) prohibit **[an unsubsidized]** a student, or a sibling **[of such a**  
 18 **student]** thereof, from attending or participating in non-fee-based  
 19 extracurricular activities, field trips, or school events, from  
 20 receiving grades, official transcripts, or report cards, or from  
 21 graduating or attending graduation events, solely because of the  
 22 student's unresolved **[meal]** breakfast or lunch debt; or

23 (5) require **[the]** a student's parent or guardian **[of an**  
 24 **unsubsidized student]** to pay fees or costs in excess of the actual  
 25 amounts owed for **[meals]** unsubsidized school breakfasts or  
 26 unsubsidized school lunches, or both, which have been previously  
 27 served to the student.

28 c. If **[an unsubsidized]** a student owes money for the  
 29 equivalent of five or more unsubsidized school meals, **[a]** the  
 30 participating school district or nonpublic school shall:

31 (1) (Deleted by amendment, P.L.2022, c.104)

32 (2) determine whether the student is **[categorically]** eligible **[or**  
 33 **income-eligible]** for **[free or reduced price]** subsidized school  
 34 meals, by conducting a review of all available records related to the  
 35 student, and by making at least two attempts, not including the  
 36 initial attempt made pursuant to section **[3]** 16 of **[P.L.2020, c.29**  
 37 **(C.18A:33-21b)]** P.L.2022, c.104 (C.18A:33-21b1), to contact the  
 38 student's parent or guardian and have the parent or guardian **[fill**  
 39 **out]** complete a subsidized school meals application; and

40 (3) require a principal, or a person designated by the principal, to  
 41 contact the student's parent or guardian **[of the unsubsidized**  
 42 **student]** to: (a) offer assistance with respect to the completion of  
 43 the subsidized school meals application, **[, to];** (b) determine **[if]**  
 44 whether there are other issues in the household that have caused the  
 45 **[child]** student to have insufficient funds to purchase **[a]** an

1 unsubsidized school breakfast or unsubsidized school lunch, as the  
2 case may be; and **【to】** (c) offer any other appropriate assistance.

3 d. A participating school district or nonpublic school shall  
4 direct communications about a student's unsubsidized school  
5 **【breakfast or school lunch bill being in arrears】** meals arrearage to  
6 the parent or guardian and not to the student. Nothing in this  
7 subsection shall prohibit a participating school district or nonpublic  
8 school from sending a student home with a letter addressed to a  
9 parent or guardian.

10 e. Notwithstanding the provisions of this section and the  
11 provisions of any other law, rule, or regulation to the contrary, **【an**  
12 **unsubsidized】** a student shall not be denied access to a school meal,  
13 regardless of the student's ability to pay or the status of the student's  
14 meal arrearages, during any period of time in which the student's  
15 participating school district or nonpublic school is making a  
16 determination, pursuant to subsection c. of this section, as to  
17 whether the student is eligible for, and can be certified to receive,  
18 **【free or reduced price】** subsidized school meals.

19 (cf: P.L.2022, c.104, s.14)

20

21 10. Section 16 of P.L.2022, c.104 (C.18A:33-21b1) is amended  
22 to read as follows:

23 16. a. At the beginning of each school year, or upon initial  
24 enrollment**【,】** in the case of a student who enrolls during the school  
25 year, a participating school district or nonpublic school shall  
26 provide each student's parent or guardian with:

27 (1) information on the National School Lunch Program and the  
28 federal School Breakfast Program, including, but not limited to**【,】**:  
29 (a) information on the **【availability】** ability of all categorically  
30 eligible and income-eligible students to receive free 【or reduced  
31 price meals for eligible students,】 school lunch under the National  
32 School Lunch Program, as provided by subsection a. of section 1 of  
33 P.L.1974, c.53 (C.18A:33-4), and free school breakfast under the  
34 federal School Breakfast Program, as provided by subsection a. of  
35 section 12 of P.L.2022, c.104 (C.18A:33-14a); (b) information on  
36 the subsidized school meals application and 【determination】  
37 certification processes that are used to 【certify eligible students】  
38 determine whether a student is categorically eligible or income-  
39 eligible for subsidized school meals【,】; (c) information highlighting  
40 the need for parents and guardians to complete a subsidized school  
41 meals application for each student, and encouraging parents and  
42 guardians to complete the application, both to ensure that the  
43 student will have access to all subsidized school meals for which  
44 the student is eligible and to ensure that the school and the district  
45 have the necessary information to facilitate relevant eligibility  
46 determinations, receive appropriate reimbursement, and engage in  
47 all other activities authorized under subsection c. of this section;

1 and (d) information on the rights that are available to students and  
2 their families under this section and section 1 of P.L.2015, c.15  
3 (C.18A:33-21); and

4 (2) a subsidized school meals application **【form】**, as well as  
5 instructions for completing the application, and, as necessary,  
6 assistance in completing the application.

7 b. The school meals information and application provided to  
8 parents and guardians, pursuant to subsection a. of this section,  
9 shall:

10 (1) be communicated in a language that the parent or guardian  
11 understands;

12 (2) specify the limited purposes for which collected personal  
13 data may be used, as provided by subsection c. of this section; and

14 (3) be submitted to the parent or guardian either in writing or  
15 electronically. In the latter case, the participating school district or  
16 nonpublic school shall use the usual means by which it  
17 communicates with parents and guardians electronically.

18 c. A subsidized school meals application that is completed by a  
19 parent or guardian shall be confidential, and shall not be used or  
20 shared by the student's school or school district, except as may be  
21 necessary to:

22 (1) determine whether a student identified in the application is  
23 income-eligible for free or reduced price school meals and, if so,  
24 whether the student satisfies federal or State-level income eligibility  
25 requirements for subsidized school lunches, subsidized school  
26 breakfasts, or both;

27 (2) determine whether the school or school district is required,  
28 by section 2 of P.L.2018, c.25 (C.18A:33-11.3) or by section 1 of  
29 P.L.2018, c.28 (C.18A:33-24), to establish a breakfast after the bell  
30 program**【,】** or to participate as a sponsor or site in the federal  
31 Summer Meals Service Program;

32 (3) ensure that the school receives appropriate reimbursement,  
33 from the State and federal governments, for subsidized school meals  
34 **【provided】** served to eligible students, free of charge, through a  
35 school lunch program, a school breakfast program, a breakfast after  
36 the bell program, a summer meals program, or an emergency meals  
37 distribution program; and

38 (4) facilitate school aid determinations under the "School  
39 Funding Reform Act of 2008," P.L.2007, c.260 (C.18A:7F-43 et  
40 seq.).

41 (cf: P.L.2022, c.104, s.16)

42 11. Section 1 of P.L.2019, c.445 (C.18A:33-21.1) is amended to  
43 read as follows:

44 1. a. Notwithstanding any other law, or rule or regulation  
45 adopted pursuant thereto, to the contrary, a **【public school】** student  
46 who is enrolled in a participating school district or nonpublic school  
47 and is eligible for a reduced price breakfast under the federal

1 School Breakfast Program or a reduced price lunch under the  
2 National School Lunch Program, shall not be required to pay for  
3 any such reduced price breakfast or reduced price lunch.

4 b. The State shall pay the difference between the federal  
5 allocation for reduced price breakfasts and reduced price lunches  
6 and the total cost of the reduced price breakfasts and reduced price  
7 lunches that are served, by participating school districts and  
8 nonpublic schools, to **public school** enrolled students who are  
9 federally eligible for reduced price meals.

10 c. The Department of Agriculture, in consultation with the  
11 Department of Education, shall adopt rules and regulations pursuant  
12 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
13 1 et seq.), to implement the provisions of this section, including, but  
14 not limited to, rules and regulations establishing the schedule for,  
15 and identifying the manner in which, State-level reimbursements  
16 are to be made pursuant to subsection b. of this section.

17 (cf: P.L.2022, c.104, s.17)

18

19 12. Section 1 of P.L.2019, c.307 (C.18A:33-27.1) is amended to  
20 read as follows:

21 1. a. Each school food authority that provides a food service to  
22 students **at a public** enrolled in a participating school district or  
23 nonpublic school in the State shall, in the two languages that are  
24 most commonly spoken in the homes of students in **the public**  
25 each participating school served by the school food authority:

26 (1) develop and implement **a public education** an educational  
27 campaign to **educate** inform the parents and guardians of such  
28 students **at schools served by the school food authority** about the  
29 various school meals programs that are available for students in  
30 New Jersey, and about the availability of **free and reduced price**  
31 subsidized school meals, under such programs, for students who  
32 **satisfy federal or State-level eligibility criteria** are categorically  
33 eligible or income-eligible therefor; and

34 (2) develop promotional materials for the State's school meals  
35 programs, and provide copies of the promotional materials to each  
36 school that is served by the school food authority in the State, for  
37 distribution, by school staff, to the parents and guardians of  
38 students **who are** enrolled at the school. The school food  
39 authority shall utilize existing resources, which have been made  
40 available by the United States Department of Agriculture and the  
41 New Jersey Department of Agriculture, in developing promotional  
42 materials for the purposes of this paragraph. The promotional  
43 materials **developed pursuant to this paragraph** shall include, but  
44 need not be limited to, pamphlets, presentation materials, webinars,  
45 and sample letters that schools may send to parents and guardians.

- 1       b. The **【public education】** educational campaign and  
2 promotional materials developed under subsection a. of this section  
3 shall:
- 4       (1) satisfy the standards, and comply with the guidelines,  
5 established by the Department of Agriculture, in consultation with  
6 the Department of Education, pursuant to subsection c. of this  
7 section;
- 8       (2) highlight and promote the nature, purposes, value, and  
9 importance of the National School Lunch Program, the federal  
10 School Breakfast Program, the federal Summer Food Service  
11 Program, and other similar summer meals programs, as well as the  
12 State's breakfast after the bell programs, established pursuant to  
13 section 1 of P.L.2014, c.66 (C.18A:33-11.1) or section 2 of  
14 P.L.2018, c.25 (C.18A:33-11.3), the State's emergency meals  
15 distribution **【program】** programs, established pursuant to section 1  
16 of P.L.2020, c.6 (C.18A:33-27.2), and any new school meals  
17 programs that are implemented in the State after the effective date  
18 of P.L.2022, c.103;
- 19       (3) emphasize the importance of providing a nutritious meal to  
20 all children for their general health and success in school;
- 21       (4) emphasize and promote the ability of eligible students to  
22 obtain **【free or reduced price】** subsidized meals under the State's  
23 school meals programs, **【and】** inform parents and guardians about  
24 the various ways in which a student may be determined to be  
25 categorically eligible or income-eligible **【for free meals under these**  
26 **programs, and】** therefor, and identify the federal and State-level  
27 **【income-based】** criteria that must be satisfied in order for a student  
28 to obtain **【free or reduced price】** subsidized school meals, under  
29 these programs, on the basis of annual household income;
- 30       (5) highlight and describe the application and determination  
31 processes that are used, by schools and school districts, to certify  
32 categorically eligible and income-eligible students for **【free or**  
33 **reduced price】** subsidized school meals;
- 34       (6) highlight and describe the rights that are applicable to  
35 students and families in association with a student's receipt of  
36 subsidized or unsubsidized **【receipt of】** school meals in the State;  
37 and
- 38       (7) inform parents and guardians about the nature and extent of  
39 any proposed or implemented expansion of the existing school  
40 meals programs in the State, including, but not limited to, the nature  
41 and extent of any proposed or implemented expansion of the  
42 categories of students who are eligible for **【free or reduced price】**  
43 subsidized school meals under such programs.
- 44       c. (1) Within 60 days after the effective date of P.L.2022,  
45 c.103, the Department of Agriculture, in consultation with the  
46 Department of Education, shall adopt standards and guidelines to  
47 ensure the uniformity and accuracy of school meals-related

1 information being presented by school food authorities as part of  
 2 the educational campaigns conducted, and in the promotional  
 3 materials distributed, pursuant to this section.

4 (2) Within 60 days of the effective date of P.L.2022, c.103, and  
 5 on a periodic basis thereafter, as necessary, the Department of  
 6 Education shall provide, to each school food authority that  
 7 **【provides】** offers a food service to students at a **【public】**  
 8 participating school in the State **【with】**, information concerning the  
 9 two languages that are most commonly spoken in the homes of  
 10 students **【in】** enrolled at each 【of the public schools that the school  
 11 food authority serves】 such participating school served thereby.  
 12 The Department of Education shall periodically, and at least every  
 13 five years, verify the two languages that are most commonly spoken  
 14 in the homes of students in each **【public】** such participating school  
 15 **【served by each school food authority】**.

16 d. As used in this section:

17 "School food authority" shall mean the school, school district, or  
 18 third-party food service vendor, as applicable.

19 (cf: P.L.2022, c.103, s.1)

20

21 13. Section 1 of P.L.2020, c.6 (C.18A:33-27.2) is amended to  
 22 read as follows:

23 1. a. **【In the event that】** Whenever a local board of education  
 24 **【is provided】** receives a written directive, **【by】** from either the New  
 25 Jersey Department of Health or the health officer of the jurisdiction,  
 26 **【to institute】** instituting a public health-related school closure due  
 27 to the COVID-19 epidemic, the district having jurisdiction over the  
 28 closed school shall implement **【a】** and operate an emergency school  
 29 meals distribution program**【,】** during the period of the school  
 30 closure**【, to】**. An emergency school meals distribution program  
 31 implemented pursuant to this section shall provide for subsidized  
 32 school meals to be made available, at meal distribution sites  
 33 designated pursuant to subsection b. of this section, to all students  
 34 enrolled in the district who are either categorically eligible or  
 35 income-eligible **【for free or reduced price school meals】** therefor.

36 b. In order to facilitate the emergency distribution of  
 37 subsidized school meals in the event of an emergency public school  
 38 closure, as described in subsection a. of this section, **【the】** each  
 39 school district shall identify one or more school meal distribution  
 40 sites that are walkable and easily accessible to students in the  
 41 district. The school district shall collaborate with county and  
 42 municipal government officials in identifying appropriate  
 43 distribution sites**【.** A school meals distribution site may include**】**  
 44 including, but **【need】** not **【be】** limited to: faith-based locations;  
 45 community centers, such as YMCAs; and locations in the school  
 46 district where meals are made available through a summer meals

1 program. In a school district that includes high density housing, the  
 2 district shall make every effort to identify **【a】** an emergency school  
 3 **【meal】** meals distribution site in that housing area.

4 c. A school district shall identify students enrolled in the  
 5 district who are categorically eligible or income-eligible for **【free or**  
 6 **reduced price meals】** subsidized school lunch, subsidized school  
 7 breakfast, or both, and for whom **【a】** an emergency school meal  
 8 distribution site, identified pursuant to subsection b. of this section,  
 9 is not within walking distance. In the case of these students, the  
 10 school district shall distribute the subsidized school meals to the  
 11 student's residence or to the student's bus stop along an established  
 12 bus route, provided that, in the latter case, the student or the  
 13 student's parent or guardian **【is】** shall be present at the bus stop  
 14 **【for】** to accept the distribution. **【Food distributed】** Distributions  
 15 made pursuant to this subsection may include up to a total of three  
 16 school days' worth of food per delivery.

17 d. A school district may use school buses owned and operated  
 18 by the district to distribute subsidized school meals pursuant to this  
 19 section. In the case of a school district that does not own and  
 20 operate its own buses, the district may enter into a contract **【for】**  
 21 authorizing another party to engage in the emergency distribution of  
 22 subsidized school meals, on the district's behalf, pursuant to this  
 23 section, and **【these contracts】** any such contract shall **【not】** be  
 24 **【subject to】** exempt from the public bidding requirements  
 25 established pursuant to the "Public School Contracts Law,"  
 26 **【P.L.1977, c.114 (C.) N.J.S.18A:18A-1 et seq.】**.

27 e. A school district shall collaborate, as feasible, with other  
 28 school districts and with local government units **【to implement the】**  
 29 when implementing an emergency meals distribution program, **【as**  
 30 **required by】** pursuant to this section, in order to promote  
 31 administrative and operational efficiencies and cost savings.

32 f. School lunches and breakfasts that are made available**【,】**  
 33 through an emergency meals distribution program operating  
 34 pursuant to this section**【,】** shall be provided to eligible students,  
 35 free of charge, in accordance with the provisions of subsection a. of  
 36 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of  
 37 section 12 of P.L.2022, c.104 (C.18A:33-14a).  
 38 (cf: P.L.2022, c.104, s.20)

39  
 40 14. This act shall take effect immediately.  
 41  
 42  
 43  
 44

45 \_\_\_\_\_  
 46 Requires certain nonpublic schools to provide meals to all  
 students under "Working Class Families Anti-Hunger Act";

**A5684 [1R]**

22

- 1 authorizes limited expansion of income eligibility to qualify public
- 2 and nonpublic school students for free lunch.

# ASSEMBLY, No. 5684

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 28, 2023

**Sponsored by:**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblywoman SHAMA A. HAIDER**

**District 37 (Bergen)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

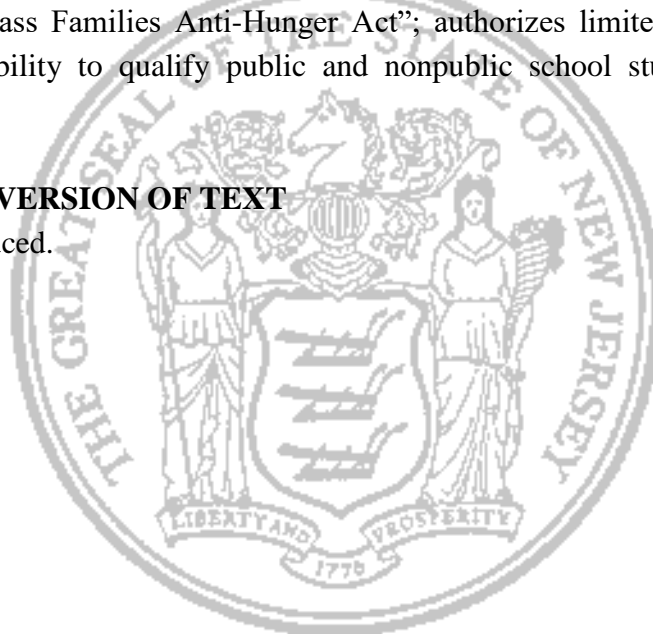
**Assemblywomen Lopez, Pintor Marin and Mosquera**

**SYNOPSIS**

Requires certain nonpublic schools to provide meals to all students under “Working Class Families Anti-Hunger Act”; authorizes limited expansion of income eligibility to qualify public and nonpublic school students for free lunch.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/2023)**

1 AN ACT concerning school meals programs and expanded student  
2 access to free school lunches, supplementing Title 18A of the  
3 New Jersey Statutes, and amending various parts of the statutory  
4 law.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Section 1 of P.L.2022, c.104 (C.18A:33-3.2) is amended to  
10 read as follows:

11 1. As used in this chapter:

12 "Categorically eligible" means that a student is homeless, is a  
13 migrant child, is a runaway child, is a foster child, or is a Head Start  
14 child, as defined in 7 C.F.R. Part 245, or is receiving assistance  
15 under the Supplemental Nutrition Assistance Program (SNAP), the  
16 Temporary Assistance for Needy Families Program (TANF), the  
17 Food Distribution Program on Indian Reservations (FDPIR), or, to  
18 the extent that the United States Department of Agriculture  
19 authorizes the matching of Medicaid data to identify children who  
20 are eligible for free school meals, is a participant in the Medicaid  
21 program, and which student, by virtue of such status, is  
22 automatically eligible to be certified to receive free school meals  
23 under the National School Lunch Program or the federal School  
24 Breakfast Program, without first submitting an application or being  
25 subject to the federal income verification requirements established  
26 by 7 C.F.R. Part 245.

27 "Community Eligibility Provision" means a type of special  
28 assistance alternative, identified at 7 C.F.R. Part 245, pursuant to  
29 which the United States Department of Agriculture provides  
30 reimbursement for free school meals that are provided by eligible,  
31 high-poverty local educational agencies and schools that participate  
32 in both the National School Lunch Program and the federal School  
33 Breakfast Program.

34 "Eligible student" means a student who is **【either】** categorically  
35 eligible or income-eligible for one or more **【free or reduced price】**  
36 subsidized school meals.

37 "Emergency meals distribution program" means **【the】** a  
38 program, established under section 1 of P.L.2020, c.6 (C.18A:33-  
39 27.2), pursuant to which a school district is required to provide  
40 subsidized school meals to eligible students, through designated  
41 distribution sites, during any period in which **【the schools】** a school  
42 in the district **【are】** is subject to a public health-related closure due  
43 to the COVID-19 pandemic.

44 "Federal School Breakfast Program" means the federal  
45 reimbursement program, established under the "Child Nutrition Act

**EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 of 1966," 42 U.S.C. s.1771 et seq., pursuant to which the United  
2 States Department of Agriculture is authorized to provide grants-in-  
3 aid and other assistance to the States, as may be necessary to help  
4 finance the establishment, maintenance, operation, and expansion of  
5 school breakfast programs and facilitate the provision of free and  
6 reduced price breakfasts to eligible students.

7 "Federally eligible for free or reduced price meals" or "federally  
8 eligible" means that a student is categorically eligible for free lunch  
9 under the National School Lunch Program or for free breakfast  
10 under the federal School Breakfast Program, or that the student  
11 satisfies federal income eligibility requirements, adopted by the  
12 United States Department of Agriculture pursuant to 7 C.F.R. Part  
13 245, as is necessary to federally qualify for and receive free or  
14 reduced price lunch under the National School Lunch Program or  
15 free or reduced price breakfast under the federal School Breakfast  
16 Program.

17 "Federally ineligible for free or reduced price meals" or  
18 "federally ineligible" means that a student is not categorically  
19 eligible for, and fails to satisfy federal income eligibility  
20 requirements, adopted by the United States Department of  
21 Agriculture pursuant to 7 C.F.R. Part 245, as is necessary for the  
22 student to federally qualify for and receive free or reduced price  
23 lunch under the National School Lunch Program or free or reduced  
24 price breakfast under the federal School Breakfast Program.

25 "Income-eligible" means that a student either satisfies federal  
26 income eligibility requirements, adopted by the United States  
27 Department of Agriculture pursuant to 7 C.F.R. Part 245, or  
28 satisfies State-level income eligibility requirements, set forth in  
29 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) or  
30 subsection a. of section 12 of P.L.2022, c.104 (C.18A:33-14a), as is  
31 necessary for the student to qualify for and receive **[free or reduced**  
32 **price]** subsidized lunch under the National School Lunch Program  
33 or **[free or reduced price]** subsidized breakfast under the federal  
34 School Breakfast Program, on the basis of income.

35 "Low-income family" means a family with an annual household  
36 income amounting to not more than 185 percent of the federal  
37 poverty level.

38 "Middle-income family" means a family with an annual  
39 household income amounting to not less than 186 percent, and not  
40 more than **[199]** 249 percent, of the federal poverty level.

41 "National School Lunch Program" means the federal  
42 reimbursement program established under the "Richard B. Russell  
43 National School Lunch Act," 42 U.S.C. s.1751 et seq., pursuant to  
44 which the United States Department of Agriculture is authorized to  
45 provide grants-in-aid and other assistance to the States, as may be  
46 necessary to help finance the establishment, maintenance,

1 operation, and expansion of school lunch programs and facilitate  
2 the provision of free and reduced price lunches to eligible students.

3 “Participating school” means a public or nonpublic school that  
4 provides daily lunch to enrolled students, through a school lunch  
5 program operated pursuant to the National School Lunch Program,  
6 or that provides daily breakfast to enrolled students, through a  
7 school breakfast program or breakfast after the bell program  
8 operated pursuant to the federal School Breakfast Program, or both.

9 “Participating school district or nonpublic school” means a  
10 public school district or a nonpublic school that is required, or  
11 elects, to participate in the National School Lunch Program, the  
12 federal School Breakfast Program, or both, as the case may be.

13 "School breakfast program" means a program that is established  
14 and operated by a public or nonpublic school, in accordance with  
15 the requirements of the federal School Breakfast Program and, in  
16 the case of a public school, in accordance with a plan adopted  
17 pursuant to section 2 of P.L.2003, c.4 (C.18A:33-10) or section 6 of  
18 P.L.2022, c.104 (C.18A:33-10.1), and pursuant to which the school  
19 offers daily breakfasts to all enrolled students.

20 "School lunch program" means a program that is established and  
21 operated by a school district, or by a nonpublic school, in  
22 accordance with the requirements of the National School Lunch  
23 Program and the provisions of section 1 of P.L.1974, c.53  
24 (C.18A:33-4), and pursuant to which the district or nonpublic  
25 school offers daily lunches to all students enrolled **【in the district】**  
26 therein.

27 "Special assistance alternative" means a special nutrition  
28 assistance alternative federal reimbursement method that is  
29 authorized by the United States Department of Agriculture,  
30 pursuant to 42 U.S.C. s.1759a and 7 C.F.R. Part 245, for eligible  
31 schools that serve free meals to all enrolled students. "Special  
32 assistance alternative" includes Provision 2, Provision 3, and the  
33 Community Eligibility Provision, as described in 7 C.F.R. Part 245,  
34 as well as any other similar alternative reimbursement method that  
35 is authorized by the United States Department of Agriculture, now  
36 or in the future, for schools that serve free meals to all enrolled  
37 students.

38 "Student" means a child 18 years of age or younger who is  
39 enrolled at a school in the State.

40 **【**"Subsidized student" means a categorically eligible student or  
41 income-eligible student who, as provided by subsection a. of section  
42 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section 12 of  
43 P.L.2022, c.104 (C.18A:33-14a), is not required to pay for meals  
44 that are served to the student under the National School Lunch  
45 Program or the federal School Breakfast Program. **】**

46 “Subsidized school breakfast” or “subsidized breakfast” means a  
47 school breakfast that is offered to an eligible student, free of charge,  
48 and the costs of which are reimbursed by the State or federal

1 government, as provided by subsections a. and b. of section 12 of  
2 P.L.2022, c.104 (C.18A:33-14a).

3 “Subsidized school lunch” or “subsidized lunch” means a school  
4 lunch that is offered to an eligible student, free of charge, and the  
5 costs of which are reimbursed by the State or federal government,  
6 as provided by subsections a. and b. of section 1 of P.L.1974, c.53  
7 (C.18A:33-4).

8 “Subsidized school meals” or “subsidized meals” includes both  
9 subsidized school breakfasts and subsidized school lunches.

10 “Subsidized school meals application” means an application that  
11 identifies a student’s annual household income and is completed by  
12 the student’s parent or guardian, pursuant to section 16 of P.L.2022,  
13 c.104 (C.18A:33-21b1), subsection c. of section 1 of P.L.2015, c.15  
14 (C.18A:33-21), or applicable federal law, and which may be used  
15 by a school district, or by a public school or nonpublic school, both  
16 for the purposes of determining whether a student is income-eligible  
17 for subsidized school meals and for the other limited purposes  
18 specified in subsection c. of section 16 of P.L.2022, c.104  
19 (C.18A:33-21b1).

20 “Subsidized school meals certification process” or “subsidized  
21 meals certification” means the process pursuant to which a school  
22 or school district obtains and reviews a student’s subsidized school  
23 meals application, or engages in the review of other relevant  
24 documentation and materials pertaining to the student, as necessary  
25 to determine whether the student is categorically eligible or income-  
26 eligible for subsidized school meals under the National School  
27 Lunch Program, or under the federal School Breakfast Program, or  
28 both.

29 "Summer Food Service Program" means the federal  
30 reimbursement program, established under 42 U.S.C. s.1761 and 7  
31 C.F.R. Part 225, pursuant to which the United States Department of  
32 Agriculture is authorized to provide grants-in-aid and other  
33 assistance to the States, as may be necessary to help schools, local  
34 government agencies, nonprofit organizations, colleges and  
35 universities, and summer camps finance the administrative and  
36 operational costs of providing meals to children, in low-income  
37 areas, during the summer months and other planned periods of  
38 school closure.

39 "Summer meals program" means the Summer Food Service  
40 Program, the Seamless Summer Option authorized by 42 U.S.C.  
41 s.1761, or any other similar State or federal program that is  
42 designed to ensure that children have access to nutritious meals  
43 during the summer months and other planned periods of school  
44 closure.

45 ["Unsubsidized student" means a student who is neither  
46 categorically eligible nor income-eligible for free or reduced price  
47 school meals, and who is, consequently, required to pay for any

1 such meals that are served to the student under the National School  
2 Lunch Program or the federal School Breakfast Program. **】**

3 “Unreimbursed costs” means the costs of a school lunch or  
4 school breakfast, which costs are not eligible for reimbursement  
5 from the federal government.

6 “Unsubsidized school breakfast” or “unsubsidized breakfast”  
7 means a school breakfast that is offered, upon the payment of a fee,  
8 to a student who is neither categorically eligible nor income-eligible  
9 for subsidized breakfast, regardless of whether such student remains  
10 income-eligible for subsidized school lunch under the provisions of  
11 paragraph (4) of subsection a. of section 1 of P.L.1974, c.53  
12 (C.18A:33-4), and the cost of which breakfast is not reimbursable  
13 by the State or federal government.

14 “Unsubsidized school lunch” or “unsubsidized lunch” means a  
15 school lunch that is offered, upon the payment of a fee, to a student  
16 who is not categorically eligible or income-eligible for subsidized  
17 lunch, and the cost of which is not reimbursable by the State or  
18 federal government.

19 (cf: P.L.2022, c.104, s.1)

20

21 2. Section 1 of P.L.1974, c.53 (C.18A:33-4) is amended to read  
22 as follows:

23 1. a. (1) Each school district shall make school lunch available  
24 to all students enrolled in the district, except at those schools that  
25 are exempt from the requirements of this section, as provided by  
26 section 2 of P.L.1974, c.53 (C.18A:33-5), within one year after the  
27 effective date of P.L.1974, c.53 (C.18A:33-4 et seq.). Each  
28 nonpublic school participating in the National School Lunch  
29 Program shall make school lunch available to all students enrolled  
30 at the nonpublic school within one year after the effective date of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill).

32 (2) School lunches **【made available】** offered to students,  
33 pursuant to this section, shall meet minimum nutritional  
34 standards**【,】** established by the Department of Education.

35 (3) **【Free or reduced price lunches, as appropriate, shall be】**  
36 School lunches offered, 【under a school lunch program,】 pursuant  
37 to this section, shall be made available, free of charge, to 【each  
38 student】 all students enrolled in the district 【who is】 or in the  
39 nonpublic school, as the case may be, who are determined to be  
40 federally eligible for free or reduced price meals. As provided by  
41 section 1 of P.L.2019, c.445 (C.18A:33-21.1), 【any student】 the  
42 unreimbursed costs of free lunches being made available, pursuant  
43 to this paragraph, to students who 【is】 are eligible for 【a】 reduced  
44 price lunch, 【pursuant to federal income eligibility standards and  
45 criteria, shall not be required to pay for such lunch】 shall be borne  
46 by the State. 【Free】

1       (4) Notwithstanding any law, rule, or regulation to the contrary,  
2 school lunches offered to students, pursuant to this section, shall  
3 also be [offered] made available, free of charge, to [each student]  
4 those students enrolled in the participating school district or  
5 nonpublic school, who are federally ineligible for free or reduced  
6 price meals, in accordance with the following schedule: (a) during  
7 the 2023-2024 school year, to each enrolled student who is federally  
8 ineligible for free or reduced price meals, but who has an annual  
9 household income that is not less than 186 percent, and not more  
10 than 199 percent, of the federal poverty level, as determined  
11 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1); and (b)  
12 during the 2024-2025 school year, to each enrolled student who is  
13 federally ineligible for free or reduced price meals, but who has an  
14 annual household income that is not less than 186 percent, and not  
15 more than 249 percent, of the federal poverty level, as determined  
16 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1).

17       b. The State shall provide funding to each participating school  
18 district [.] and nonpublic school, as may be necessary to reimburse  
19 the [costs associated with the district's provision] cost of free  
20 lunches being served thereby to federally ineligible students,  
21 pursuant to paragraph (4) of subsection a. of this section[, to  
22 students who are federally ineligible for free or reduced price  
23 meals].

24       c. The Department of Agriculture, in consultation with the  
25 Department of Education, shall annually prepare and submit, to the  
26 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
27 19.1), to the Legislature, a written report that identifies, for each  
28 [school and] participating school district and nonpublic school in  
29 the State:

30       (1) the methods that are being used [by each school or school  
31 district] thereby to facilitate the prompt identification and  
32 subsidized [meal] meals certification of students who are,  
33 respectively, categorically eligible or income-eligible for free or  
34 reduced price lunch under the National School Lunch Program;  
35 [and]

36       (2) the total number and percentage of [income-eligible]  
37 students [from low-income families and from middle-income  
38 families, respectively, that are] receiving [free or reduced price]  
39 subsidized school lunches [under the National School Lunch  
40 Program and the provisions of this section] in the preceding school  
41 year who have been determined to be, respectively, federally  
42 eligible for free school lunch, federally eligible for reduced price  
43 lunch, income-eligible for free school lunch on the basis of State-  
44 level income eligibility requirements, or neither categorically  
45 eligible nor income-eligible for free or reduced price school lunch;  
46 and

1       (3) the number and percentage of all students, identified  
2 pursuant to paragraph (2) of this subsection, who are, respectively,  
3 from low-income families and from middle-income families.

4       d. The Department of Agriculture, in consultation with the  
5 Department of Education, shall adopt rules and regulations,  
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
7 (C.52:14B-1 et seq.), to implement the provisions of this section,  
8 including, but not limited to, rules and regulations;

9       (1) establishing a schedule for, and identifying the manner in  
10 which, State-level reimbursements are to be made pursuant to  
11 subsection b. of this section ; and

12       (2) establishing a standardized means by which the department  
13 will annually review the State reimbursement amounts being  
14 allocated under this chapter in order to determine whether, and the  
15 extent to which, participating school districts and nonpublic schools  
16 have received adequate reimbursement, from the State, sufficient to  
17 account for each participating school's actual costs of free lunch  
18 delivery to eligible students, including, but not limited to, food,  
19 labor, and other related costs.

20 (cf: P.L.2022, c.104, s.2)

21

22       3. Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended to read  
23 as follows:

24       3. In implementing a school lunch program, pursuant to  
25 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program,  
26 pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.) or section 6 of  
27 P.L.2022, c.104 (C.18A:33-10.1), or a breakfast after the bell  
28 program, pursuant to section 1 of P.L.2014, c.66 (C.18A:33-11.1)  
29 or section 2 of P.L.2018, c.25 (C.18A:33-11.3), each school and  
30 school district shall:

31       a. publicize, to parents and students, the availability of the  
32 respective school meals program, as well as the various ways in  
33 which a student may qualify to receive **【free or reduced price】**  
34 **subsidized school meals** under the program, as provided by  
35 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and  
36 subsection a. of section 12 of P.L.2022, c.104 (C.18A:33-14a);

37       b. make every effort to ensure that **【subsidized】** students  
38 **receiving subsidized school meals** are not **【recognized as program**  
39 **participants】 identified**, by the student body, faculty, or staff, in a  
40 manner that is **【different】 distinct** from the manner in which  
41 **【unsubsidized】** students **receiving unsubsidized school meals** are  
42 **【recognized】 identified** as program participants. Such efforts shall  
43 include, but need not be limited to, the establishment of a neutral  
44 meal plan or voucher system that does not make a distinction  
45 between **【subsidized and unsubsidized】** these two groups of  
46 students; and

47       c. **【make every effort】** to the greatest extent practicable:

1 (1) facilitate and expedite the prompt and accurate identification  
 2 of categorically eligible students who may be certified to  
 3 **【participate in the program, on a】** receive subsidized **【basis,】**  
 4 school meals without first submitting an application therefor, and,  
 5 whenever an application is required to establish income eligibility  
 6 for subsidized meals, encourage students and their families to  
 7 submit a subsidized school meals application for that purpose;

8 (2) facilitate and expedite**【, to the greatest extent practicable,】**  
 9 the subsidized school meals application and income**【-】** eligibility  
 10 determination processes that are used, by the school or school  
 11 district, to certify a student for **【free or reduced price】** subsidized  
 12 school meals on the basis of income, and assist parents and  
 13 guardians in completing the subsidized school meals application;  
 14 and

15 (3) encourage students who are neither categorically eligible nor  
 16 income-eligible for **【free or reduced price】** subsidized school  
 17 **【meals】** lunch or subsidized school breakfast to nonetheless  
 18 participate in the school lunch program or school breakfast  
 19 program, or both, as appropriate, on a paid and unsubsidized basis**【,**  
 20 in the program】.

21 (cf: P.L.2022, c.104, s.7)

22

23 4. Section 4 of P.L.2018, c.25 (C.18A:33-11.5) is amended to  
 24 read as follows:

25 4. The Department of Agriculture, in consultation with the  
 26 Department of Education, shall develop guidelines**【, as may be**  
 27 **necessary】** to facilitate the implementation and operation of  
 28 breakfast after the bell programs by schools in the State, in  
 29 accordance with the provisions of section 1 of P.L.2014, c.66  
 30 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25 (C.18A:33-11.2  
 31 and C.18A:33-11.3), and section 12 of P.L.2022, c.104 (C.18A:33-  
 32 14a), including, but not limited to, guidelines, consistent with the  
 33 provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),  
 34 concerning a school's receipt of payment, from **【unsubsidized】**  
 35 students, for unsubsidized school breakfasts that are served to such  
 36 students under a breakfast after the bell program.

37 (cf: P.L.2022, c.104, s.11)

38

39 5. Section 12 of P.L.2022, c.104 (C.18A:33-14a) is amended to  
 40 read as follows:

41 12. a. (1) School breakfasts made available to students under a  
 42 school breakfast program or a breakfast after the bell program shall  
 43 meet minimum nutritional standards, established by the Department  
 44 of Education.

45 (2) **【Free or reduced price breakfasts, as appropriate, shall be】**  
 46 Breakfasts that are offered, by a participating school district or  
 47 nonpublic school, under a school breakfast program or a breakfast

1 after the bell program, shall be made available, free of charge, to all  
2 students enrolled **【students who】** in the district or in the nonpublic  
3 school, as the case may be, who are determined to be federally  
4 eligible for free or reduced price meals. As provided by section 1  
5 of P.L.2019, c.445 (C.18A:33-21.1), **【any student who is eligible**  
6 **for a reduced price breakfast, pursuant to federal income eligibility**  
7 **criteria, shall not be required to pay for such breakfast. Free**  
8 **breakfasts shall also be】** the unreimbursed costs of free breakfasts  
9 being made available, pursuant to this paragraph, to students who  
10 are federally eligible for reduced price breakfast, shall be borne by  
11 the State.

12 (3) Notwithstanding any law, rule, or regulation to the contrary,  
13 breakfasts offered under a school breakfast program or a breakfast  
14 after the bell program shall also be made available, free of charge,  
15 to each enrolled student who is determined to be federally ineligible  
16 for free or reduced price meals, but who has an annual household  
17 income **【that is】** amounting to not less than 186 percent, and not  
18 more than 199 percent, of the federal poverty level, as determined  
19 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1). As  
20 provided by subsection b. of this section, the unreimbursed costs of  
21 free breakfasts being offered to federally ineligible students,  
22 pursuant to this paragraph, shall be borne by the State.

23 b. The State shall provide funding to each school that operates  
24 a School Breakfast Program or a breakfast after the bell program, as  
25 may be necessary to reimburse the costs associated with the school's  
26 provision of free breakfasts, pursuant to paragraph (4) of subsection  
27 a. of this section, to students who are federally ineligible for free or  
28 reduced price meals.

29 c. The Department of Agriculture, in consultation with the  
30 Department of Education, shall annually prepare and issue, to the  
31 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
32 19.1), to the Legislature, a written report that identifies, for each  
33 **【school and】** participating school district and nonpublic school  
34 in the State:

35 (1) the methods that are being used, by each such school or  
36 school district, to facilitate the prompt identification and subsidized  
37 **【meal】** meals certification of students who are categorically eligible  
38 or income-eligible for free or reduced price breakfast under the  
39 federal School Breakfast Program;

40 (2) the total number and percentage of **【income-eligible】**  
41 students receiving subsidized school breakfasts, in the preceding  
42 year, who have been determined to be, respectively, federally  
43 eligible for free school breakfast, federally eligible for reduced  
44 price school breakfast, income-eligible for free school breakfast on  
45 the basis of State-level income eligibility requirements, or neither  
46 categorically eligible nor income-eligible for free or reduced price  
47 school breakfast; and the number and percentage of all such

1 students who are, respectively, from low-income families and from  
2 middle-income families**],** respectively , in each such school and  
3 district, who are receiving free or reduced price breakfast under the  
4 federal School Breakfast Program and the provisions of this  
5 section**];** and

6 (3) the methods that are being used, by each such school and  
7 district, to provide breakfast to students under the federal School  
8 Breakfast Program, including an indication as to whether breakfast  
9 is being provided to students through a breakfast after the bell  
10 program.

11 d. The Department of Agriculture, in consultation with the  
12 Department of Education, shall adopt rules and regulations pursuant  
13 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
14 1 et seq.), to implement the provisions of this section, including, but  
15 not limited to, rules and regulations;

16 (1) establishing a schedule for, and identifying the manner in  
17 which, State-level reimbursements are to be made pursuant to  
18 subsection b. of this section; and

19 (2) establishing a standardized means by which the department  
20 will annually review the State reimbursement amounts being  
21 allocated under this section in order to determine whether, and the  
22 extent to which, participating school districts and nonpublic schools  
23 have received adequate reimbursement, from the State, sufficient to  
24 account for each participating school's actual costs of free breakfast  
25 delivery to eligible students, including, but not limited to, food,  
26 labor, and other related costs.

27 (cf: P.L.2022, c.104, s.12)

28

29 6. Section 1 of P.L.2018, c.26 (C.18A:33-14.1) is amended to  
30 read as follows:

31 1. a. (1) **[A]** Each school district or nonpublic school that  
32 participates in the National School Lunch Program or the federal  
33 School Breakfast Program shall take steps to maximize the use of  
34 federal resources and to minimize the debt that is incurred by  
35 families for school meals, in accordance with a protocol established  
36 by the Department of Agriculture. The protocol established by the  
37 department, pursuant to this paragraph, shall be adopted within 180  
38 days after the effective date of P.L.2022, c.104 (C.18A:33-3.2 et  
39 al.), in consultation with the Department of Education, the School  
40 Nutrition Association of New Jersey, and all relevant stakeholders,  
41 shall be reviewed and updated on at least an annual basis thereafter,  
42 and shall provide for participating school districts and nonpublic  
43 schools to: (a) promote the **[increased]** prompt and accurate  
44 subsidized meals certification of all eligible students **[from low-**  
45 **income families and middle-income families for free and reduced**  
46 **price school meals]** enrolled therein, in accordance with the  
47 provisions of P.L.2022, c.104 (C.18A:33-3.2 et al.); and (b) identify

1 best practices to maximize the receipt and use of federal resources  
2 by the district's schools.

3 (2) The Department of Agriculture and Department of  
4 Education, in cooperation with each other, shall consult with, and  
5 provide direct assistance to, participating school districts and  
6 nonpublic schools to help them improve, simplify, and expedite the  
7 **【free and reduced price meal】** subsidized school meals certification  
8 process and otherwise reduce the administrative burden on schools  
9 and school districts that results from such process.

10 (3) A school that serves lunch or breakfast to students and is  
11 eligible for special federal reimbursement under the Community  
12 Eligibility Provision, as provided by 7 C.F.R. Part 245, shall, to the  
13 greatest extent practicable, participate in, and maximize the receipt  
14 of federal resources available under, that special assistance  
15 alternative. Every school district in which there is at least one  
16 school that qualifies for the Community Eligibility Provision, but is  
17 not implementing it, shall report the reasons therefor, in writing, to  
18 the Department of Agriculture and the Department of Education, in  
19 the manner prescribed by those departments. The report shall  
20 include, but need not be limited to, a description of the specific  
21 impediments at the school district to implementing the program, the  
22 specific actions that could be taken to remove those impediments,  
23 and the specific steps required to successfully implement the  
24 program in the following school year.

25 b. The Department of Agriculture, in consultation with the  
26 Department of Education, shall adopt, pursuant to the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
28 seq.), such rules and regulations as may be necessary to effectuate  
29 the purposes of this section.

30 c. (Deleted by amendment, P.L.2022, c.104)  
31 (cf: P.L.2022, c.104, s.13)

32

33 7. (New section) a. A school district or nonpublic school that  
34 participates in the National School Lunch Program or the federal  
35 School Breakfast Program shall annually review the costs being  
36 expended thereby, in association with the implementation and  
37 expansion of school lunch and breakfast programs at schools in the  
38 district or at the nonpublic school, as the case may be, and shall  
39 take appropriate steps to minimize or offset those program costs, to  
40 the extent that such costs can be minimized or offset without  
41 compromising the ability of the participating school district or  
42 nonpublic school to comply with minimum nutritional standards  
43 and other program requirements established pursuant to State or  
44 federal law.

45 b. The Department of Agriculture, in consultation with the  
46 Department of Education, shall:

47 (1) monitor, and engage in the inspection and oversight of, each  
48 school lunch program and school breakfast program operating

1 pursuant to this chapter, as necessary to ensure that school meals  
2 being served to students in the State continue to satisfy minimum  
3 nutritional standards, on an ongoing basis, as required by paragraph  
4 (2) of subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and  
5 paragraph (1) of subsection a. of section 12 of P.L.2022, c.104  
6 (C.18A:33-14a);

7 (2) develop and publicize best practices, protocols, and model  
8 plans to help school districts effectively minimize and offset  
9 program costs, as required by this section, without compromising  
10 the nutritional value of meals being served to students; and

11 (3) work cooperatively with each participating school district  
12 and nonpublic school in the State to: (a) review the costs being  
13 expended by the district, and by each participating school, in  
14 association with the implementation and expansion of one or more  
15 school meals programs therein; (b) identify various means and  
16 methods by which program costs can be reduced, curtailed,  
17 eliminated, or offset without sacrificing the ability of the  
18 participating school district or nonpublic school to operate its  
19 school meals programs in compliance with minimum nutritional  
20 standards and other applicable State and federal requirements; (c)  
21 provide recommendations to help participating school districts and  
22 nonpublic schools timely and proactively address financial  
23 problems that have reduced, or that have the potential to reduce,  
24 their ability to properly or fully administer their school meals  
25 programs in compliance with minimum nutritional standards,  
26 expanded eligibility requirements, and all other applicable State and  
27 federal requirements; and (d) undertake, or recommend the  
28 undertaking of, other appropriate actions as may be necessary to  
29 prevent the State's school meals programs from becoming overly  
30 bloated with unnecessary expenses or otherwise becoming  
31 financially burdensome to participating school districts and  
32 nonpublic schools.

33 c. The Department of Agriculture, in consultation with the  
34 Department of Education, shall adopt, pursuant to the  
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
36 seq.), such rules and regulations as may be necessary to effectuate  
37 the purposes of this section.

38  
39 8. (New section) a. Not more than 180 days after the effective  
40 date of P.L. , c. (C. ) (pending before the Legislature as this  
41 bill), the Office of the Food Security Advocate, established  
42 pursuant to P.L.2021, c.242 (C.52:27J-1 et seq.), shall establish a  
43 Working Group on School Food Security to identify and develop  
44 best practices, policies, and plans, and to take other appropriate  
45 action, to promote and facilitate the effective functioning of the  
46 State's school meals programs and the expanded provision,  
47 thereunder, of free school meals to students in the State.

1       b. Within one year after its formation pursuant to subsection a.  
2 of this section, and on a regular basis thereafter as deemed by the  
3 food security advocate to be appropriate, the Working Group on  
4 School Food Security shall:

5       (1) conduct a study on school food security issues, in  
6 accordance with the provisions of subsection c. of this section, and  
7 recommend further State-level action to facilitate the provision of  
8 free school meals to enhanced numbers or categories of students in  
9 the State; and

10       (2) develop and publish a plan to facilitate and promote the  
11 adoption, by the United States Congress and President, of federal  
12 legislation authorizing the nationwide provision of free school  
13 meals to all students in the country, and providing federal  
14 reimbursement for all such meals served by schools and school  
15 districts in the states.

16       c. When conducting a school food security study, pursuant to  
17 subsection b. of this section, the working group shall be required to  
18 determine and identify:

19       (1) the expected annual costs to be expended, by each  
20 participating school district and nonpublic school in the State, in  
21 providing free school meals to eligible students in accordance with  
22 the provisions of this chapter, including the amount by which such  
23 costs are expected to increase year-over-year;

24       (2) best practices to ensure the effective provision of school  
25 meals to students in the State, including, but not limited to, best  
26 practices to facilitate the non-stigmatizing provision of free school  
27 meals to all eligible students in the State, best practices to reduce  
28 food waste in schools, best practices to improve and facilitate the  
29 subsidized school meals application and certification processes that  
30 are used to certify students for free meals; and best practices for  
31 incentivizing the completion of subsidized school meals  
32 applications by parents and guardians of students in the State;

33       (3) policies and practices that have been employed by other  
34 states and jurisdictions to facilitate and enhance student access to  
35 free school meals in those other jurisdictions, and the extent to  
36 which such policies and practices have been successful in achieving  
37 their stated goals; and

38       (4) whether, and the extent to which, it would be feasible,  
39 beneficial, and fiscally responsible for the Legislature to take action  
40 to further expand student eligibility for free school meals under this  
41 chapter, following the effective date of P.L.     , c.     (C.     )  
42 (pending before the Legislature as this bill), and whether, and the  
43 extent to which, such expansion of the State's free school meals  
44 programs would best be effectuated on an immediate basis, by  
45 extending eligibility to all students in the State, or on a phased-in  
46 basis, by extending eligibility to gradually increasing numbers and  
47 types of students in the State.

1 d. Not more than 60 days after the working group completes a  
2 school food security study, pursuant to subsection b. of this section,  
3 the working group shall submit, to the Secretary of Agriculture, the  
4 Commissioner of Education, the Governor, and, pursuant to section  
5 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, a written  
6 report of its findings and recommendations from the study,  
7 including, at a minimum, its recommendations regarding the  
8 appropriate executive, legislative, and other actions, if any, that  
9 should be undertaken in the State to ensure the ongoing successful  
10 operation of the State's school meals programs, to facilitate the  
11 cost-effective provision of free school meals to students who are  
12 categorically eligible or income-eligible therefore, as provided by  
13 this chapter, and to further expand the categories of students who  
14 are eligible for such free school meals under State law.

15

16 9. Section 1 of P.L.2015, c.15 (C.18A:33-21) is amended to  
17 read as follows:

18 1. a. (1) In the event that a participating school district or  
19 nonpublic school determines that **【an】 a 【unsubsidized】** student's  
20 unsubsidized school breakfast or unsubsidized school lunch bill is  
21 in arrears, the participating school district or nonpublic school shall  
22 contact the student's parent or guardian to provide notice of the  
23 arrearage, and shall provide the parent or guardian with a period of  
24 10 school days to pay the amount due. If the student's parent or  
25 guardian has not made full payment by the end of the designated  
26 10-day period, then the participating school district or nonpublic  
27 school shall again contact the student's parent or guardian to  
28 provide notice of any action to be taken **【by the school district】** in  
29 response to the arrearage.

30 (2) A participating school district or nonpublic school shall  
31 report, at least biannually to the Department of Agriculture, the  
32 number and percentage of enrolled students who 【are】 have been  
33 denied school breakfast or school lunch on the basis of an  
34 unsubsidized meals bill arrearage, pursuant to this section.

35 (3) Nothing in this section shall be construed to: (a) require a  
36 participating school district or nonpublic school to deny or restrict  
37 the ability of **【an unsubsidized】 a student** to access unsubsidized  
38 school breakfast or unsubsidized school lunch 【when】,  
39 respectively, whenever the student's unsubsidized school breakfast  
40 or unsubsidized school lunch bill is in arrears; or (b) authorize a  
41 participating school district or nonpublic school to deny or restrict  
42 the ability of a student who is income-eligible for subsidized school  
43 lunch, but who is not income-eligible for subsidized school  
44 breakfast, to continue to access subsidized school lunch whenever  
45 the student's unsubsidized school breakfast bill is in arrears.

46 b. A **【school or】** participating school district or nonpublic  
47 school shall not:

1 (1) publicly identify or stigmatize **an unsubsidized** a student  
 2 who cannot pay for **a** an unsubsidized school breakfast or **a** an  
 3 unsubsidized school lunch, or whose unsubsidized school breakfast  
 4 or **school** lunch bill is in arrears, for example, by requiring the  
 5 student to sit at a separate table, **by requiring that the student** to  
 6 wear a wristband, hand stamp, or identifying mark, or **by serving**  
 7 the student **to accept** an alternative meal;

8 (2) require **an unsubsidized** a student~~[,]~~ who cannot pay for  
 9 **a** an unsubsidized school breakfast or **a** an unsubsidized school  
 10 lunch, or whose unsubsidized school breakfast or **school** lunch  
 11 bill is in arrears, to do chores or other work to pay for the  
 12 unsubsidized school breakfast or unsubsidized school lunch;

13 (3) require **an unsubsidized** a student to discard **a** an  
 14 unsubsidized school breakfast or an unsubsidized school lunch,  
 15 after it has been served, either because **of** the **student's inability**  
 16 student is unable to pay for **a school** the unsubsidized breakfast  
 17 or **a school** unsubsidized lunch or because **money is owed for**  
 18 previously provided meals the student's unsubsidized school  
 19 breakfast or lunch bill is in arrears;

20 (4) prohibit **an unsubsidized** a student, or a sibling **of such a**  
 21 **student** thereof, from attending or participating in non-fee-based  
 22 extracurricular activities, field trips, or school events, from  
 23 receiving grades, official transcripts, or report cards, or from  
 24 graduating or attending graduation events, solely because of the  
 25 student's unresolved **meal** breakfast or lunch debt; or

26 (5) require **the** a student's parent or guardian **of an**  
 27 unsubsidized student to pay fees or costs in excess of the actual  
 28 amounts owed for **meals** unsubsidized school breakfasts or  
 29 unsubsidized school lunches, or both, which have been previously  
 30 served to the student.

31 c. If **an unsubsidized** a student owes money for the  
 32 equivalent of five or more unsubsidized school meals, **a** the  
 33 participating school district or nonpublic school shall:

34 (1) (Deleted by amendment, P.L.2022, c.104)

35 (2) determine whether the student is **categorically** eligible **for**  
 36 **income-eligible** for **free or reduced price** subsidized school  
 37 meals, by conducting a review of all available records related to the  
 38 student, and by making at least two attempts, not including the  
 39 initial attempt made pursuant to section **3** 16 of **P.L.2020, c.29**  
 40 **(C.18A:33-21b)** P.L.2022, c.104 (C.18A:33-21b1), to contact the  
 41 student's parent or guardian and have the parent or guardian **fill**  
 42 **out** complete a subsidized school meals application; and

43 (3) require a principal, or a person designated by the principal, to  
 44 contact the student's parent or guardian **of the unsubsidized**  
 45 **student** to: (a) offer assistance with respect to the completion of

1 the subsidized school meals application~~], to~~; (b) determine ~~if~~  
 2 ~~whether~~ there are other issues in the household that have caused the  
 3 ~~child~~ student to have insufficient funds to purchase ~~a~~ an  
 4 unsubsidized school breakfast or unsubsidized school lunch, as the  
 5 case may be; and ~~to~~ (c) offer any other appropriate assistance.

6 d. A participating school district or nonpublic school shall  
 7 direct communications about a student's unsubsidized school  
 8 ~~breakfast or school lunch bill being in arrears~~ meals arrearage to  
 9 the parent or guardian and not to the student. Nothing in this  
 10 subsection shall prohibit a participating school district or nonpublic  
 11 school from sending a student home with a letter addressed to a  
 12 parent or guardian.

13 e. Notwithstanding the provisions of this section and the  
 14 provisions of any other law, rule, or regulation to the contrary, ~~an~~  
 15 unsubsidized a student shall not be denied access to a school meal,  
 16 regardless of the student's ability to pay or the status of the student's  
 17 meal arrearages, during any period of time in which the student's  
 18 participating school district or nonpublic school is making a  
 19 determination, pursuant to subsection c. of this section, as to  
 20 whether the student is eligible for, and can be certified to receive,  
 21 ~~free or reduced price~~ subsidized school meals.

22 (cf: P.L.2022, c.104, s.14)

23  
 24 10. Section 16 of P.L.2022, c.104 (C.18A:33-21b1) is amended  
 25 to read as follows:

26 16. a. At the beginning of each school year, or upon initial  
 27 enrollment~~],~~ in the case of a student who enrolls during the school  
 28 year, a participating school district or nonpublic school shall  
 29 provide each student's parent or guardian with:

30 (1) information on the National School Lunch Program and the  
 31 federal School Breakfast Program, including, but not limited to~~],~~  
 32 (a) information on the [availability] ability of all categorically  
 33 eligible and income-eligible students to receive free [or reduced  
 34 price meals for eligible students,] school lunch under the National  
 35 School Lunch Program, as provided by subsection a. of section 1 of  
 36 P.L.1974, c.53 (C.18A:33-4), and free school breakfast under the  
 37 federal School Breakfast Program, as provided by subsection a. of  
 38 section 12 of P.L.2022, c.104 (C.18A:33-14a); (b) information on  
 39 the subsidized school meals application and [determination]  
 40 certification processes that are used to [certify eligible students]  
 41 determine whether a student is categorically eligible or income-  
 42 eligible for subsidized school meals], (c) information highlighting  
 43 the need for parents and guardians to complete a subsidized school  
 44 meals application for each student, and encouraging parents and  
 45 guardians to complete the application, both to ensure that the  
 46 student will have access to all subsidized school meals for which

1 the student is eligible and to ensure that the school and the district  
2 have the necessary information to facilitate relevant eligibility  
3 determinations, receive appropriate reimbursement, and engage in  
4 all other activities authorized under subsection c. of this section;  
5 and (d) information on the rights that are available to students and  
6 their families under this section and section 1 of P.L.2015, c.15  
7 (C.18A:33-21); and

8 (2) a subsidized school meals application **[form]**, as well as  
9 instructions for completing the application, and, as necessary,  
10 assistance in completing the application.

11 b. The school meals information and application provided to  
12 parents and guardians, pursuant to subsection a. of this section,  
13 shall:

14 (1) be communicated in a language that the parent or guardian  
15 understands;

16 (2) specify the limited purposes for which collected personal  
17 data may be used, as provided by subsection c. of this section; and

18 (3) be submitted to the parent or guardian either in writing or  
19 electronically. In the latter case, the participating school district or  
20 nonpublic school shall use the usual means by which it  
21 communicates with parents and guardians electronically.

22 c. A subsidized school meals application that is completed by a  
23 parent or guardian shall be confidential, and shall not be used or  
24 shared by the student's school or school district, except as may be  
25 necessary to:

26 (1) determine whether a student identified in the application is  
27 income-eligible for free or reduced price school meals and, if so,  
28 whether the student satisfies federal or State-level income eligibility  
29 requirements for subsidized school lunches, subsidized school  
30 breakfasts, or both;

31 (2) determine whether the school or school district is required,  
32 by section 2 of P.L.2018, c.25 (C.18A:33-11.3) or by section 1 of  
33 P.L.2018, c.28 (C.18A:33-24), to establish a breakfast after the bell  
34 program**[,]** or to participate as a sponsor or site in the federal  
35 Summer Meals Service Program;

36 (3) ensure that the school receives appropriate reimbursement,  
37 from the State and federal governments, for subsidized school meals  
38 **[provided]** served to eligible students, free of charge, through a  
39 school lunch program, a school breakfast program, a breakfast after  
40 the bell program, a summer meals program, or an emergency meals  
41 distribution program; and

42 (4) facilitate school aid determinations under the "School  
43 Funding Reform Act of 2008," P.L.2007, c.260 (C.18A:7F-43 et  
44 seq.).

45 (cf: P.L.2022, c.104, s.16)

46

47 11. Section 1 of P.L.2019, c.445 (C.18A:33-21.1) is amended to  
48 read as follows:

1       1. a. Notwithstanding any other law, or rule or regulation  
2 adopted pursuant thereto, to the contrary, a **public school** student  
3 who is enrolled in a participating school district or nonpublic school  
4 and is eligible for a reduced price breakfast under the federal  
5 School Breakfast Program or a reduced price lunch under the  
6 National School Lunch Program, shall not be required to pay for  
7 any such reduced price breakfast or reduced price lunch.

8       b. The State shall pay the difference between the federal  
9 allocation for reduced price breakfasts and reduced price lunches  
10 and the total cost of the reduced price breakfasts and reduced price  
11 lunches that are served, by participating school districts and  
12 nonpublic schools, to **public school** enrolled students who are  
13 federally eligible for reduced price meals.

14       c. The Department of Agriculture, in consultation with the  
15 Department of Education, shall adopt rules and regulations pursuant  
16 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
17 1 et seq.), to implement the provisions of this section, including, but  
18 not limited to, rules and regulations establishing the schedule for,  
19 and identifying the manner in which, State-level reimbursements  
20 are to be made pursuant to subsection b. of this section.

21 (cf: P.L.2022, c.104, s.17)

22  
23       12. Section 1 of P.L.2019, c.307 (C.18A:33-27.1) is amended to  
24 read as follows:

25       1. a. Each school food authority that provides a food service to  
26 students **at a public** enrolled in a participating school district or  
27 nonpublic school in the State shall, in the two languages that are  
28 most commonly spoken in the homes of students in **the public**  
29 each participating school served by the school food authority:

30       (1) develop and implement **a public education** an educational  
31 campaign to educate **inform** the parents and guardians of such  
32 students at schools served by the school food authority about the  
33 various school meals programs that are available for students in  
34 New Jersey, and about the availability of **free and reduced price**  
35 subsidized school meals, under such programs, for students who  
36 **satisfy federal or State-level eligibility criteria** are categorically  
37 eligible or income-eligible therefor; and

38       (2) develop promotional materials for the State's school meals  
39 programs, and provide copies of the promotional materials to each  
40 school that is served by the school food authority in the State, for  
41 distribution, by school staff, to the parents and guardians of  
42 students **who are** enrolled at the school. The school food  
43 authority shall utilize existing resources, which have been made  
44 available by the United States Department of Agriculture and the  
45 New Jersey Department of Agriculture, in developing promotional  
46 materials for the purposes of this paragraph. The promotional  
47 materials **developed pursuant to this paragraph** shall include, but

1 need not be limited to, pamphlets, presentation materials, webinars,  
2 and sample letters that schools may send to parents and guardians.

3 b. The **【public education】** educational campaign and  
4 promotional materials developed under subsection a. of this section  
5 shall:

6 (1) satisfy the standards, and comply with the guidelines,  
7 established by the Department of Agriculture, in consultation with  
8 the Department of Education, pursuant to subsection c. of this  
9 section;

10 (2) highlight and promote the nature, purposes, value, and  
11 importance of the National School Lunch Program, the federal  
12 School Breakfast Program, the federal Summer Food Service  
13 Program, and other similar summer meals programs, as well as the  
14 State's breakfast after the bell programs, established pursuant to  
15 section 1 of P.L.2014, c.66 (C.18A:33-11.1) or section 2 of  
16 P.L.2018, c.25 (C.18A:33-11.3), the State's emergency meals  
17 distribution **【program】** programs, established pursuant to section 1  
18 of P.L.2020, c.6 (C.18A:33-27.2), and any new school meals  
19 programs that are implemented in the State after the effective date  
20 of P.L.2022, c.103;

21 (3) emphasize the importance of providing a nutritious meal to  
22 all children for their general health and success in school;

23 (4) emphasize and promote the ability of eligible students to  
24 obtain **【free or reduced price】** subsidized meals under the State's  
25 school meals programs, **【and】** inform parents and guardians about  
26 the various ways in which a student may be determined to be  
27 categorically eligible or income-eligible **【for free meals under these**  
28 **programs, and】** therefor, and identify the federal and State-level  
29 **【income-based】** criteria that must be satisfied in order for a student  
30 to obtain **【free or reduced price】** subsidized school meals, under  
31 these programs, on the basis of annual household income;

32 (5) highlight and describe the application and determination  
33 processes that are used, by schools and school districts, to certify  
34 categorically eligible and income-eligible students for **【free or**  
35 **reduced price】** subsidized school meals;

36 (6) highlight and describe the rights that are applicable to  
37 students and families in association with a student's receipt of  
38 subsidized or unsubsidized **【receipt of】** school meals in the State;  
39 and

40 (7) inform parents and guardians about the nature and extent of  
41 any proposed or implemented expansion of the existing school  
42 meals programs in the State, including, but not limited to, the nature  
43 and extent of any proposed or implemented expansion of the  
44 categories of students who are eligible for **【free or reduced price】**  
45 subsidized school meals under such programs.

46 c. (1) Within 60 days after the effective date of P.L.2022,  
47 c.103, the Department of Agriculture, in consultation with the

1 Department of Education, shall adopt standards and guidelines to  
 2 ensure the uniformity and accuracy of school meals-related  
 3 information being presented by school food authorities as part of  
 4 the educational campaigns conducted, and in the promotional  
 5 materials distributed, pursuant to this section.

6 (2) Within 60 days of the effective date of P.L.2022, c.103, and  
 7 on a periodic basis thereafter, as necessary, the Department of  
 8 Education shall provide, to each school food authority that  
 9 **【provides】** offers a food service to students at a **【public】**  
 10 participating school in the State **【with】**, information concerning the  
 11 two languages that are most commonly spoken in the homes of  
 12 students **【in】** enrolled at each **【of the public schools that the school**  
 13 **food authority serves】** such participating school served thereby.  
 14 The Department of Education shall periodically, and at least every  
 15 five years, verify the two languages that are most commonly spoken  
 16 in the homes of students in each **【public】** such participating school  
 17 **【served by each school food authority】**.

18 d. As used in this section:

19 "School food authority" shall mean the school, school district, or  
 20 third-party food service vendor, as applicable.

21 (cf: P.L.2022, c.103, s.1)

22  
 23 13. Section 1 of P.L.2020, c.6 (C.18A:33-27.2) is amended to  
 24 read as follows:

25 1. a. **【In the event that】** Whenever a local board of education  
 26 **【is provided】** receives a written directive, **【by】** from either the New  
 27 Jersey Department of Health or the health officer of the jurisdiction,  
 28 **【to institute】** instituting a public health-related school closure due  
 29 to the COVID-19 epidemic, the district having jurisdiction over the  
 30 closed school shall implement **【a】** and operate an emergency school  
 31 meals distribution program**【,】** during the period of the school  
 32 closure**【, to】**. An emergency school meals distribution program  
 33 implemented pursuant to this section shall provide for subsidized  
 34 school meals to be made available, at meal distribution sites  
 35 designated pursuant to subsection b. of this section, to all students  
 36 enrolled in the district who are either categorically eligible or  
 37 income-eligible **【for free or reduced price school meals】** therefor.

38 b. In order to facilitate the emergency distribution of  
 39 subsidized school meals in the event of an emergency public school  
 40 closure, as described in subsection a. of this section, **【the】** each  
 41 school district shall identify one or more school meal distribution  
 42 sites that are walkable and easily accessible to students in the  
 43 district. The school district shall collaborate with county and  
 44 municipal government officials in identifying appropriate  
 45 distribution sites**【.** A school meals distribution site may include**】**  
 46 including, but **【need】** not **【be】** limited to: faith-based locations;

1 community centers, such as YMCAs; and locations in the school  
2 district where meals are made available through a summer meals  
3 program. In a school district that includes high density housing, the  
4 district shall make every effort to identify **[a]** an emergency school  
5 **[meal]** meals distribution site in that housing area.

6 c. A school district shall identify students enrolled in the  
7 district who are categorically eligible or income-eligible for **[free or**  
8 **reduced price meals]** subsidized school lunch, subsidized school  
9 breakfast, or both, and for whom **[a]** an emergency school meal  
10 distribution site, identified pursuant to subsection b. of this section,  
11 is not within walking distance. In the case of these students, the  
12 school district shall distribute the subsidized school meals to the  
13 student's residence or to the student's bus stop along an established  
14 bus route, provided that, in the latter case, the student or the  
15 student's parent or guardian **[is]** shall be present at the bus stop  
16 **[for]** to accept the distribution. **[Food distributed]** Distributions  
17 made pursuant to this subsection may include up to a total of three  
18 school days' worth of food per delivery.

19 d. A school district may use school buses owned and operated  
20 by the district to distribute subsidized school meals pursuant to this  
21 section. In the case of a school district that does not own and  
22 operate its own buses, the district may enter into a contract **[for]**  
23 authorizing another party to engage in the emergency distribution of  
24 subsidized school meals, on the district's behalf, pursuant to this  
25 section, and **[these contracts]** any such contract shall **[not]** be  
26 **[subject to]** exempt from the public bidding requirements  
27 established pursuant to the "Public School Contracts Law,"  
28 **[P.L.1977, c.114 (C.) N.J.S.18A:18A-1 et seq.[]]**.

29 e. A school district shall collaborate, as feasible, with other  
30 school districts and with local government units **[to implement the]**  
31 when implementing an emergency meals distribution program, **[as**  
32 **required by]** pursuant to this section, in order to promote  
33 administrative and operational efficiencies and cost savings.

34 f. School lunches and breakfasts that are made available**[,]**  
35 through an emergency meals distribution program operating  
36 pursuant to this section**[,]** shall be provided to eligible students,  
37 free of charge, in accordance with the provisions of subsection a. of  
38 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of  
39 section 12 of P.L.2022, c.104 (C.18A:33-14a).  
40 (cf: P.L.2022, c.104, s.20)

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42 14. This act shall take effect immediately.

STATEMENT

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This bill would require school districts and nonpublic schools participating in the National School Lunch Program to provide free lunch, during the 2024-2025 school year, to students who are federally eligible for free or reduced price school lunch, as well as to students who are federally ineligible for free or reduced price school meals, but who have an annual household income of not more than 249 percent of the federal poverty level (FPL). The bill would additionally amend existing law at section 12 of P.L.2022, c.104 (C.18A:33-14a) to clarify that both public and nonpublic schools offering school breakfasts to students in the State, pursuant to the federal School Breakfast Program, will be required to provide such breakfasts, free of charge, both to federally eligible students and to students who are federally ineligible for free or reduced price school meals, but who have an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the FPL.

Under existing federal law, a student is federally eligible to receive free or reduced price school lunch under the National School Lunch Program, or free or reduced price school breakfast under the federal School Breakfast Program, only if the student is determined to be categorically eligible for such benefits (i.e., is determined to be a homeless child, a migrant child, a runaway child, a foster child, or a Head Start Child, or is a participant in certain public benefits programs) or can demonstrate that the student lives in a low-income household (i.e., a household with an annual income that is not more than 185 percent of the federal poverty level). Through the recent enactment of the “Working Class Families’ Anti-Hunger Act,” P.L.2022, c.104 (C.18A:33-3.2 et al.), the State of New Jersey has also provided for the expanded provision of free school lunches and breakfasts to students in the State who reside in certain middle-income families (i.e., those families having an annual household income of up to 199 percent of the FPL). This bill would further amend and supplement the Working Class Families Anti-Hunger Act to expressly apply the provisions of that existing law to nonpublic schools that elect to participate in the National School Lunch Program, and to additionally expand the income eligibility standards applicable to students in the 2024-2025 school year.

All students who become newly eligible for free school lunch, under the bill’s expanded, but term-limited, income eligibility provisions, would be eligible to continue receiving such free lunches through a summer meals program, and, if enrolled at a public school, would also be able to continue receiving free lunches through an emergency meals distribution program that is activated during a period of public school closure resulting from COVID-19.

1 Consistent with the reimbursement requirements established  
2 under the Working Class Families Anti-Hunger Act, the bill would  
3 require the State to provide funding to each school district and  
4 nonpublic school that participates in the National School Lunch  
5 Program, as may be necessary to reimburse the costs associated  
6 with the provision of free lunches thereby, in school year 2024-  
7 2025, to students who are federally ineligible for such meals, but  
8 who satisfy the bill's expanded, State-level income eligibility  
9 requirements for that year. The bill would further require the  
10 Department of Agriculture, in consultation with the Department of  
11 Education, to establish a standardized means by which to review the  
12 State reimbursement amounts being allocated under the bill, and  
13 under the existing Working Class Families Anti-Hunger Act, in  
14 order to determine whether, and the extent to which, participating  
15 school districts and nonpublic schools are receiving adequate  
16 reimbursement, from the State, sufficient to account for each  
17 participating school's actual costs of meal delivery, including, but  
18 not limited to, food, labor, and other related costs.

19 The bill would require each report that is annually submitted, to  
20 the Governor and Legislature, on the State's school lunch and  
21 breakfast programs to identify, as appropriate, for each participating  
22 school district and nonpublic school in the State: (1) the total  
23 number and percentage of students receiving subsidized school  
24 meals who have been determined to be, respectively, federally  
25 eligible for free school lunch or breakfast, federally eligible for  
26 reduced price school lunch or breakfast, income-eligible for free  
27 school lunch or breakfast on the basis of State-level income  
28 eligibility requirements, or neither categorically eligible nor  
29 income-eligible for free or reduced price lunch or breakfast; and (2)  
30 the number and percentage of such students who reside,  
31 respectively, in low-income families and in middle-income families.

32 In addition to providing for the term-limited expansion of  
33 income eligibility requirements necessary for students to qualify for  
34 subsidized school lunches, the bill would also require school  
35 districts and nonpublic schools participating in the National School  
36 Lunch Program or the federal School Breakfast Program to take  
37 steps to minimize or offset program costs, to the extent that such  
38 costs can be minimized or offset without compromising the ability  
39 of the district or nonpublic school to comply with minimum  
40 nutritional standards and other program requirements. To facilitate  
41 such legally compliant cost minimization activities, the bill would  
42 require the Department of Agriculture, in consultation with the  
43 Department of Education, to: (1) monitor, inspect, and oversee  
44 school meals programs operating in the State to ensure that school  
45 meals served thereunder continue to satisfy minimum nutritional  
46 standards; (2) develop and publicize best practices, protocols, and  
47 model plans to help participating school districts and nonpublic  
48 schools effectively minimize and offset program costs without

1 compromising the nutritional value of meals being served; and (3)  
2 work cooperatively with each participating school district and  
3 nonpublic school to review the program costs being expended  
4 thereby, identify various means and methods by which those  
5 program costs can be reduced, curtailed, or eliminated without  
6 sacrificing nutritional value or legal compliance, provide relevant  
7 financial recommendations, and undertake or recommend other  
8 appropriate actions to prevent the State's school meals programs  
9 from becoming overly bloated with unnecessary expenses and from  
10 otherwise becoming financially burdensome.

11 Finally, the bill would require the Office of the Food Security  
12 Advocate to establish a Working Group on School Food Security to  
13 identify and develop best practices, policies, and plans, and to take  
14 other appropriate action, to promote and facilitate the effective  
15 functioning of the State's school meals programs and the expanded  
16 provision, thereunder, of free school meals to students in the State.  
17 Within one year after its formation, and on a regular basis thereafter  
18 as deemed by the food security advocate to be appropriate, the  
19 Working Group on School Food Security would be tasked with: (1)  
20 conducting a study on school food security issues, in accordance  
21 with the bill's provisions, and recommending further State-level  
22 action to facilitate the provision of free school meals to enhanced  
23 numbers or categories of students in the State; and (2) develop and  
24 publish a plan to facilitate and promote the adoption, by the United  
25 States Congress and President, of federal legislation authorizing the  
26 nationwide provision of free school meals to all students in the  
27 country, and providing federal reimbursement for all such meals  
28 served by schools and school districts in the states.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5684

# STATE OF NEW JERSEY

DATED: JUNE 28, 2023

The Assembly Budget Committee reports favorably Assembly Bill No. 5684.

This bill would require school districts and nonpublic schools participating in the National School Lunch Program to provide free lunch, during the 2024-2025 school year, to students who are federally eligible for free or reduced price school lunch, as well as to students who are federally ineligible for free or reduced price school meals, but who have an annual household income of not more than 249 percent of the federal poverty level (FPL). The bill would additionally amend existing law at section 12 of P.L.2022, c.104 (C.18A:33-14a) to clarify that both public and nonpublic schools offering school breakfasts to students in the State, pursuant to the federal School Breakfast Program, will be required to provide such breakfasts, free of charge, both to federally eligible students and to students who are federally ineligible for free or reduced price school meals, but who have an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the FPL.

Under existing federal law, a student is federally eligible to receive free or reduced price school lunch under the National School Lunch Program, or free or reduced price school breakfast under the federal School Breakfast Program, only if the student is determined to be categorically eligible for such benefits (i.e., is determined to be a homeless child, a migrant child, a runaway child, a foster child, or a Head Start Child, or is a participant in certain public benefits programs) or can demonstrate that the student lives in a low-income household (i.e., a household with an annual income that is not more than 185 percent of the federal poverty level). Through the recent enactment of the “Working Class Families’ Anti-Hunger Act,” P.L.2022, c.104 (C.18A:33-3.2 et al.), the State of New Jersey has also provided for the expanded provision of free school lunches and breakfasts to students in the State who reside in certain middle-income families (i.e., those families having an annual household income of up to 199 percent of the FPL). This bill would further amend and supplement the Working Class Families Anti-Hunger Act to expressly apply the provisions of that existing law to nonpublic schools that elect to participate in the National School Lunch Program, and to additionally expand the

income eligibility standards applicable to students in the 2024-2025 school year.

All students who become newly eligible for free school lunch, under the bill's expanded, but term-limited, income eligibility provisions, would be eligible to continue receiving such free lunches through a summer meals program, and, if enrolled at a public school, would also be able to continue receiving free lunches through an emergency meals distribution program that is activated during a period of public school closure resulting from COVID-19.

Consistent with the reimbursement requirements established under the Working Class Families Anti-Hunger Act, the bill would require the State to provide funding to each school district and nonpublic school that participates in the National School Lunch Program, as may be necessary to reimburse the costs associated with the provision of free lunches thereby, in school year 2024-2025, to students who are federally ineligible for such meals, but who satisfy the bill's expanded, State-level income eligibility requirements for that year. The bill would further require the Department of Agriculture, in consultation with the Department of Education, to establish a standardized means by which to review the State reimbursement amounts being allocated under the bill, and under the existing Working Class Families Anti-Hunger Act, in order to determine whether, and the extent to which, participating school districts and nonpublic schools are receiving adequate reimbursement, from the State, sufficient to account for each participating school's actual costs of meal delivery, including, but not limited to, food, labor, and other related costs.

The bill would require each report that is annually submitted, to the Governor and Legislature, on the State's school lunch and breakfast programs to identify, as appropriate, for each participating school district and nonpublic school in the State: (1) the total number and percentage of students receiving subsidized school meals who have been determined to be, respectively, federally eligible for free school lunch or breakfast, federally eligible for reduced price school lunch or breakfast, income-eligible for free school lunch or breakfast on the basis of State-level income eligibility requirements, or neither categorically eligible nor income-eligible for free or reduced price lunch or breakfast; and (2) the number and percentage of such students who reside, respectively, in low-income families and in middle-income families.

In addition to providing for the term-limited expansion of income eligibility requirements necessary for students to qualify for subsidized school lunches, the bill would also require school districts and nonpublic schools participating in the National School Lunch Program or the federal School Breakfast Program to take steps to minimize or offset program costs, to the extent that such costs can be minimized or offset without compromising the ability

of the district or nonpublic school to comply with minimum nutritional standards and other program requirements. To facilitate such legally compliant cost minimization activities, the bill would require the Department of Agriculture, in consultation with the Department of Education, to: (1) monitor, inspect, and oversee school meals programs operating in the State to ensure that school meals served thereunder continue to satisfy minimum nutritional standards; (2) develop and publicize best practices, protocols, and model plans to help participating school districts and nonpublic schools effectively minimize and offset program costs without compromising the nutritional value of meals being served; and (3) work cooperatively with each participating school district and nonpublic school to review the program costs being expended thereby, identify various means and methods by which those program costs can be reduced, curtailed, or eliminated without sacrificing nutritional value or legal compliance, provide relevant financial recommendations, and undertake or recommend other appropriate actions to prevent the State's school meals programs from becoming overly bloated with unnecessary expenses and from otherwise becoming financially burdensome.

Finally, the bill would require the Office of the Food Security Advocate to establish a Working Group on School Food Security to identify and develop best practices, policies, and plans, and to take other appropriate action, to promote and facilitate the effective functioning of the State's school meals programs and the expanded provision, thereunder, of free school meals to students in the State. Within one year after its formation, and on a regular basis thereafter as deemed by the food security advocate to be appropriate, the Working Group on School Food Security would be tasked with: (1) conducting a study on school food security issues, in accordance with the bill's provisions, and recommending further State-level action to facilitate the provision of free school meals to enhanced numbers or categories of students in the State; and (2) develop and publish a plan to facilitate and promote the adoption, by the United States Congress and President, of federal legislation authorizing the nationwide provision of free school meals to all students in the country, and providing federal reimbursement for all such meals served by schools and school districts in the states.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5684

# STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5684.

As amended by the committee, this bill would require school districts and nonpublic schools participating in the National School Lunch Program to provide free lunch, during the 2024-2025 school year, to students who are federally eligible for free or reduced price school lunch, as well as to students who are federally ineligible for free or reduced price school meals, but who have an annual household income of not more than 224 percent of the federal poverty level (FPL). The bill would additionally amend existing law at section 12 of P.L.2022, c.104 (C.18A:33-14a) to clarify that both public and nonpublic schools offering school breakfasts to students in the State, pursuant to the federal School Breakfast Program, will be required to provide such breakfasts, free of charge, both to federally eligible students and to students who are federally ineligible for free or reduced price school meals, but who have an annual household income amounting to not less than 186 percent, and not more than 224 percent, of the FPL.

Under existing federal law, a student is federally eligible to receive free or reduced price school lunch under the National School Lunch Program, or free or reduced price school breakfast under the federal School Breakfast Program, only if the student is determined to be categorically eligible for such benefits (i.e., is determined to be a homeless child, a migrant child, a runaway child, a foster child, or a Head Start Child, or is a participant in certain public benefits programs) or can demonstrate that the student lives in a low-income household (i.e., a household with an annual income that is not more than 185 percent of the federal poverty level). Through the recent enactment of the “Working Class Families’ Anti-Hunger Act,” P.L.2022, c.104 (C.18A:33-3.2 et al.), the State of New Jersey has also provided for the expanded provision of free school lunches and breakfasts to students in the State who reside in certain middle-income families (previously defined as those families having an annual household income of up to 199 percent of the FPL). This bill would further amend and supplement the Working Class Families Anti-Hunger Act to expressly apply the provisions of that existing law to nonpublic schools that elect to participate in the National School

Lunch Program, and to additionally expand the income eligibility standards applicable to students in the 2024-2025 school year.

All students who become newly eligible for free school lunch or breakfast, under the bill's expanded income eligibility provisions, would be eligible to continue receiving such free meals through a summer meals program, and, if enrolled at a public school, would also be able to continue receiving free meals through an emergency meals distribution program that is activated during a period of public school closure resulting from COVID-19.

Consistent with the reimbursement requirements established under the Working Class Families Anti-Hunger Act, the bill would require the State to provide funding to each school district and nonpublic school that participates in the National School Lunch Program, as may be necessary to reimburse the costs associated with the provision of free lunches thereby, in school year 2024-2025, to students who are federally ineligible for such meals, but who satisfy the bill's expanded, State-level income eligibility requirements for that year. The bill would further require the Department of Agriculture, in consultation with the Department of Education, to establish a standardized means by which to review the State reimbursement amounts being allocated under the bill, and under the existing Working Class Families Anti-Hunger Act, in order to determine whether, and the extent to which, participating school districts and nonpublic schools are receiving adequate reimbursement, from the State, sufficient to account for each participating school's actual costs of meal delivery, including, but not limited to, food, labor, and other related costs.

The bill would require each report that is annually submitted, to the Governor and Legislature, on the State's school lunch and breakfast programs to identify, as appropriate, for each participating school district and nonpublic school in the State: (1) the total number and percentage of students receiving subsidized school meals who have been determined to be, respectively, federally eligible for free school lunch or breakfast, federally eligible for reduced price school lunch or breakfast, income-eligible for free school lunch or breakfast on the basis of State-level income eligibility requirements, or neither categorically eligible nor income-eligible for free or reduced price lunch or breakfast; and (2) the number and percentage of such students who reside, respectively, in low-income families and in middle-income families, as defined under the bill.

The bill would require school districts and nonpublic schools that participate in the National School Lunch Program or the federal School Breakfast Program to take steps to minimize or offset program costs, to the extent that such costs can be minimized or offset without compromising the ability of the district or nonpublic school to comply with minimum nutritional standards and other program requirements. To facilitate such legally compliant cost minimization activities, the bill would require the Department of Agriculture, in consultation with

the Department of Education, to: (1) monitor, inspect, and oversee school meals programs operating in the State to ensure that school meals served thereunder continue to satisfy minimum nutritional standards; (2) develop and publicize best practices, protocols, and model plans to help participating school districts and nonpublic schools effectively minimize and offset program costs without compromising the nutritional value of meals being served; and (3) work cooperatively with each participating school district and nonpublic school to review the program costs being expended thereby, identify various means and methods by which those program costs can be reduced, curtailed, or eliminated without sacrificing nutritional value or legal compliance, provide relevant financial recommendations, and undertake or recommend other appropriate actions to prevent the State's school meals programs from becoming overly bloated with unnecessary expenses and from otherwise becoming financially burdensome.

Finally, the bill would require the Office of the Food Security Advocate to establish a Working Group on School Food Security to identify and develop best practices, policies, and plans, and to take other appropriate action, to promote and facilitate the effective functioning of the State's school meals programs and the expanded provision, thereunder, of free school meals to students in the State. Within one year after its formation, and on a regular basis thereafter as deemed by the food security advocate to be appropriate, the Working Group on School Food Security would be tasked with: (1) conducting a study on school food security issues, in accordance with the bill's provisions, and recommending further State-level action to facilitate the provision of free school meals to enhanced numbers or categories of students in the State; and (2) develop and publish a plan to facilitate and promote the adoption, by the United States Congress and President, of federal legislation authorizing the nationwide provision of free school meals to all students in the country, and providing federal reimbursement for all such meals served by schools and school districts in the states.

As amended and reported by the committee, Assembly Bill No. 5684 is identical to Senate Bill No. 4055, which was also amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) alter the household income range necessary to qualify as a "middle-income family" under the bill, from an original range of 186-249 percent of the federal poverty level to a narrower range of 186-224 percent of the federal poverty level, and authorize free breakfasts, as well as free lunches, to be provided to students in that middle-income bracket.

(2) delete provisions of the bill that would have required the Department of Agriculture, in consultation with the Department of Education, to adopt rules and regulations establishing a standardized means by which to annually review, and determine the adequacy of, the State reimbursement amounts being allocated under the bill and existing law; and

(3) make technical changes to replace certain prior references to the State Department of Education with corrected references to the United States Department of Agriculture, which is responsible for setting minimum nutritional standards for school meals.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school lunches during the 2024-2025 school year will increase State expenditures from the General Fund by approximately \$27.1 million during FY 2025.

In addition, the OLS estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school breakfasts provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school breakfasts will increase State expenditures from the General Fund by approximately \$7 million annually.

The bill will also result in expenditure increases by the State and by school districts, since it requires various additional administrative tasks, such as processing an increased amount of meals reimbursement requests and approvals. However, the OLS estimates that these tasks can be subsumed within existing staff duties. The OLS notes that the bill requires the Office of the Food Security Advocate, in but not of the Department of Agriculture, to establish a Working Group on School Food Security, which will, among other things, conduct regular studies on school food security issues. It is unclear whether the Office of the Food Security Advocate can accomplish this task using moneys already appropriated to it, or whether it will require an additional appropriation in future fiscal years.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 5684**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: JULY 6, 2023

**SUMMARY**

- Synopsis:** Requires certain nonpublic schools to provide meals to all students under “Working Class Families Anti-Hunger Act”; authorizes limited expansion of income eligibility to qualify public and nonpublic school students for free lunch.
- Type of Impact:** State expenditure increase from the General Fund. Local expenditure and revenue increases.
- Agencies Affected:** Department of Agriculture, Department of Education, school districts.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>
<b>State Expenditure Increase</b>	\$706,000	\$56.3 million
<b>Local Revenue Increase</b>	\$0	\$54.5 million
<b>Local Expenditure Increase</b>	\$0	\$54.5 million

- The Office of Legislative Services (OLS) estimates that raising the income threshold for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for free school lunches will increase State expenditures from the General Fund by approximately \$56.3 million during FY 2025.
- In addition, the OLS estimates that directing the Department of Agriculture to reimburse nonpublic schools for free lunches and breakfasts served to students whose family income is between 185 percent and 199 percent of the federal poverty level will increase State expenditures from the General Fund by approximately \$706,000 during FY 2024.
- Because the State will reimburse school districts for these expenditures, the bill would result in local expenditure and revenue increases for nearly the same amounts, minus the portion that is attributable to nonpublic schools.

## **BILL DESCRIPTION**

This bill would require school districts and nonpublic schools participating in the National School Lunch Program to provide free lunch, during the 2024-2025 school year, to students who are federally eligible for free or reduced price school lunch, as well as to students who are federally ineligible for free or reduced price school meals, but who have an annual household income of not more than 249 percent of the federal poverty level. The bill would additionally amend existing law at section 12 of P.L.2022, c.104 to clarify that both public and nonpublic schools offering school breakfasts to students in the State, pursuant to the federal School Breakfast Program, will be required to provide such breakfasts, free of charge, both to federally eligible students and to students who are federally ineligible for free or reduced price school meals, but who have an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the federal poverty level.

The bill would require the State to provide funding to each school district and nonpublic school that participates in the National School Lunch Program, as may be necessary to reimburse the costs associated with the provision of free lunches thereby, in school year 2024-2025, to students who are federally ineligible for such meals, but who satisfy the bill's expanded, State-level income eligibility requirements for that year. The bill would further require the Department of Agriculture, in consultation with the Department of Education, to establish a standardized means by which to review the State reimbursement amounts being allocated under the bill, and under the existing Working Class Families Anti-Hunger Act, in order to determine whether, and the extent to which, participating school districts and nonpublic schools are receiving adequate reimbursement, from the State, sufficient to account for each participating school's actual costs of meal delivery, including, but not limited to, food, labor, and other related costs.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that raising the income threshold for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for free school lunches will increase State expenditures from the General Fund by approximately \$56.3 million during FY 2025. In addition, the OLS estimates that directing the Department of Agriculture to reimburse nonpublic schools for free lunches and breakfasts served to students whose family income is between 185 percent and 199 percent of the federal poverty level will increase State expenditures from the General Fund by approximately \$706,000 during FY 2024. Because the State will reimburse school districts for these expenditures, the bill would result in local expenditure and revenue increases for nearly the same amounts, minus the portion that is attributable to nonpublic schools.

These estimates assume: (1) that there are 40,424 families in the State with an income between 185 percent and 199 percent of the federal poverty level; (2) that there are 128,866 families in the State with an income between 200 percent and 249 percent of the federal poverty level; (3) that each family in the State has 0.68 children enrolled in a public school and 0.01 children enrolled in a nonpublic school that participates in the National School Lunch Program; (4) that 79 percent of

students in the 185-199 federal poverty level bracket will utilize free lunches and breakfasts; (5) that 71 percent of students in the 200-249 federal poverty level bracket will utilize free lunches; (6) that each participating student will utilize 180 school lunches or breakfasts per year, as applicable; and (7) that the State will reimburse schools at the rate of \$4.87 per lunch and \$2.77 per breakfast. These figures are partially derived from United States Census Bureau data and partially derived from National School Lunch participation data found in Volume 3 of the "School Nutrition and Meal Cost Study," published in 2019 by the United States Department of Agriculture (USDA).

The OLS notes that the USDA estimates that the actual costs to schools of providing school lunches is greater than the federal reimbursement rate. Thus, the State reimbursement rate may need to be higher than the estimate provided above (\$4.87 per lunch) in order to ensure that schools break even, resulting in a larger State expenditure increase. This expenditure increase may be mitigated by the provisions of the bill that require school districts to take steps to minimize the costs of their school lunch programs.

The bill will also result in expenditure increases by the State and by school districts, since it requires various additional administrative tasks, such as processing an increased amount of meals reimbursement requests and approvals. However, the OLS estimates that these tasks can be subsumed within existing staff duties. The OLS notes that the bill requires the Office of Food Security Advocate, in but not of the Department of Agriculture, to establish a Working Group on School Food Security, which will, among other things, conduct regular studies on school food security issues. It is unclear whether the Office of Food Security Advocate can accomplish this task using moneys already appropriated to it, or whether it will require an additional appropriation in future fiscal years.

*Section: Environment, Agriculture, Energy, and Natural Resources*

*Analyst: Eric Hansen  
Senior Research Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 5684

### STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JANUARY 10, 2024

#### SUMMARY

- Synopsis:** Requires certain nonpublic schools to provide meals to all students under “Working Class Families Anti-Hunger Act”; authorizes limited expansion of income eligibility to qualify public and nonpublic school students for free lunch.
- Type of Impact:** State expenditure increase from the General Fund. Local expenditure and revenue increases.
- Agencies Affected:** Department of Agriculture, Department of Education, school districts.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>	<b><u>FY 2026 and Thereafter</u></b>
<b>State Expenditure Increase</b>	\$353,000	\$34.1 million	\$7.0 million
<b>Local Expenditure Increase</b>	\$0	\$33.0 million	\$6.8 million
<b>Local Revenue Increase</b>	\$0	\$33.0 million	\$6.8 million

- The Office of Legislative Services (OLS) estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school lunches during the 2024-2025 school year will increase State expenditures from the General Fund by approximately \$27.1 million during FY 2025.
- In addition, the OLS estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school breakfasts provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school breakfasts will increase State expenditures from the General Fund by approximately \$7 million annually.
- These expenditure increases would total \$34.1 million during FY 2025 and \$7 million annually thereafter. Because the State will reimburse school districts for these expenditures, the bill would result in local expenditure and revenue increases for nearly the same amounts, minus the portion that is attributable to nonpublic schools.

- The OLS also estimates that the bill would necessitate an expenditure increase of approximately \$353,000 during FY 2024, in order to reimburse the costs of certain free meals provided to nonpublic school students, as required under the bill.

## **BILL DESCRIPTION**

This bill would require school districts and nonpublic schools participating in the National School Lunch Program to provide free lunch, during the 2024-2025 school year, to students who are federally eligible for free or reduced price school lunch, as well as to students who are federally ineligible for free or reduced price school meals, but who have an annual household income of not more than 224 percent of the federal poverty level. The bill would additionally amend existing law at section 12 of P.L.2022, c.104 to clarify that both public and nonpublic schools offering school breakfasts to students in the State, pursuant to the federal School Breakfast Program, will be required to provide such breakfasts, free of charge, both to federally eligible students and to students who are federally ineligible for free or reduced price school meals, but who have an annual household income amounting to not less than 186 percent, and not more than 224 percent, of the federal poverty level.

The bill would require the State to provide funding to each school district and nonpublic school that participates in the National School Lunch Program, as may be necessary to reimburse the costs associated with the provision of free lunches thereby, in school year 2024-2025, to students who are federally ineligible for such meals, but who satisfy the bill's expanded, State-level income eligibility requirements for that year.

The bill would require school districts and nonpublic schools that participate in the National School Lunch Program or the federal School Breakfast Program to take steps to minimize or offset program costs, to the extent that such costs can be minimized or offset without compromising the ability of the district or nonpublic school to comply with minimum nutritional standards and other program requirements. Finally, the bill would require the Office of the Food Security Advocate to establish a Working Group on School Food Security to identify and develop best practices, policies, and plans, and to take other appropriate action, to promote and facilitate the effective functioning of the State's school meals programs.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school lunches during the 2024-2025 school year will increase State expenditures from the General Fund by approximately \$27.1 million during FY 2025. In addition, the OLS estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school breakfasts provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school

breakfasts will increase State expenditures from the General Fund by approximately \$7 million annually. These expenditure increases would total \$34.1 million during FY 2025 and \$7 million annually thereafter. Because the State will reimburse school districts for these expenditures, the bill would result in local expenditure and revenue increases for nearly the same amounts, minus the portion that is attributable to nonpublic schools.

These estimates assume: (1) that there are 40,424 families in the State with an income between 185 percent and 199 percent of the federal poverty level; (2) that there are 61,856 families in the State with an income between 200 percent and 224 percent of the federal poverty level; (3) that each family in the State has 0.68 children enrolled in a public school and 0.01 children enrolled in a nonpublic school that participates in the National School Lunch Program or federal School Breakfast Program; (4) that 79 percent of students in the 185-199 federal poverty level bracket will utilize free lunches and 36 percent of these students will utilize free breakfasts; (5) that 71 percent of students in the 200-224 federal poverty level bracket will utilize free lunches and 32 percent of these students will utilize free breakfasts; (6) that each participating student will utilize 180 school lunches or breakfasts per year, as applicable; and (7) that the State will reimburse schools at the rate of \$4.87 per lunch and \$2.77 per breakfast. These figures are partially derived from United States Census Bureau data and partially derived from National School Lunch participation data found in Volume 3 of the "School Nutrition and Meal Cost Study," published in 2019 by the United States Department of Agriculture (USDA).

The OLS also estimates that the bill would necessitate an expenditure increase of approximately \$353,000 during FY 2024, in order to reimburse the costs of certain free meals provided to nonpublic school students. This estimate assumes that the bill will take effect approximately halfway through the 2023-24 school year, and will thus apply to meals served during the spring semester, but will not apply retroactively to meals served during the fall semester.

The OLS notes that the USDA estimates that the actual costs to schools of providing school lunches is greater than the federal reimbursement rate. Thus, the State reimbursement rates may need to be higher than the estimates provided above in order to ensure that schools break even, resulting in a larger State expenditure increase. This expenditure increase may be mitigated by the provisions of the bill that require school districts to take steps to minimize the costs of their school lunch programs.

The bill will also result in expenditure increases by the State and by school districts, since it requires various additional administrative tasks, such as processing an increased amount of meals reimbursement requests and approvals. However, the OLS estimates that these tasks can be subsumed within existing staff duties. The OLS notes that the bill requires the Office of the Food Security Advocate, in but not of the Department of Agriculture, to establish a Working Group on School Food Security, which will, among other things, conduct regular studies on school food security issues. It is unclear whether the Office of the Food Security Advocate can accomplish this task using moneys already appropriated to it, or whether it will require an additional appropriation in future fiscal years.

*Section: Environment, Agriculture, Energy, and Natural Resources*

*Analyst: Eric Hansen  
Senior Research Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**SENATE, No. 4055**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED JUNE 27, 2023

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Co-Sponsored by:**

**Senator Burgess**

**SYNOPSIS**

Requires certain nonpublic schools to provide meals to all students under “Working Class Families Anti-Hunger Act”; authorizes limited expansion of income eligibility to qualify public and nonpublic school students for free lunch.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/2023)**

S4055 RUIZ

2

1 AN ACT concerning school meals programs and expanded student  
2 access to free school lunches, supplementing Title 18A of the  
3 New Jersey Statutes, and amending various parts of the statutory  
4 law.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Section 1 of P.L.2022, c.104 (C.18A:33-3.2) is amended to  
10 read as follows:

11 1. As used in this chapter:

12 "Categorically eligible" means that a student is homeless, is a  
13 migrant child, is a runaway child, is a foster child, or is a Head Start  
14 child, as defined in 7 C.F.R. Part 245, or is receiving assistance  
15 under the Supplemental Nutrition Assistance Program (SNAP), the  
16 Temporary Assistance for Needy Families Program (TANF), the  
17 Food Distribution Program on Indian Reservations (FDPIR), or, to  
18 the extent that the United States Department of Agriculture  
19 authorizes the matching of Medicaid data to identify children who  
20 are eligible for free school meals, is a participant in the Medicaid  
21 program, and which student, by virtue of such status, is  
22 automatically eligible to be certified to receive free school meals  
23 under the National School Lunch Program or the federal School  
24 Breakfast Program, without first submitting an application or being  
25 subject to the federal income verification requirements established  
26 by 7 C.F.R. Part 245.

27 "Community Eligibility Provision" means a type of special  
28 assistance alternative, identified at 7 C.F.R. Part 245, pursuant to  
29 which the United States Department of Agriculture provides  
30 reimbursement for free school meals that are provided by eligible,  
31 high-poverty local educational agencies and schools that participate  
32 in both the National School Lunch Program and the federal School  
33 Breakfast Program.

34 "Eligible student" means a student who is **[either]** categorically  
35 eligible or income-eligible for one or more **[free or reduced price]**  
36 subsidized school meals.

37 "Emergency meals distribution program" means **[the]** a  
38 program, established under section 1 of P.L.2020, c.6  
39 (C.18A:33-27.2), pursuant to which a school district is required to  
40 provide subsidized school meals to eligible students, through  
41 designated distribution sites, during any period in which **[the]**  
42 schools **[a school]** in the district **[are]** is subject to a public health-  
43 related closure due to the COVID-19 pandemic.

44 "Federal School Breakfast Program" means the federal  
45 reimbursement program, established under the "Child Nutrition Act

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 of 1966," 42 U.S.C. s.1771 et seq., pursuant to which the United  
2 States Department of Agriculture is authorized to provide grants-in-  
3 aid and other assistance to the States, as may be necessary to help  
4 finance the establishment, maintenance, operation, and expansion of  
5 school breakfast programs and facilitate the provision of free and  
6 reduced price breakfasts to eligible students.

7 "Federally eligible for free or reduced price meals" or "federally  
8 eligible" means that a student is categorically eligible for free lunch  
9 under the National School Lunch Program or for free breakfast  
10 under the federal School Breakfast Program, or that the student  
11 satisfies federal income eligibility requirements, adopted by the  
12 United States Department of Agriculture pursuant to 7 C.F.R. Part  
13 245, as is necessary to federally qualify for and receive free or  
14 reduced price lunch under the National School Lunch Program or  
15 free or reduced price breakfast under the federal School Breakfast  
16 Program.

17 "Federally ineligible for free or reduced price meals" or  
18 "federally ineligible" means that a student is not categorically  
19 eligible for, and fails to satisfy federal income eligibility  
20 requirements, adopted by the United States Department of  
21 Agriculture pursuant to 7 C.F.R. Part 245, as is necessary for the  
22 student to federally qualify for and receive free or reduced price  
23 lunch under the National School Lunch Program or free or reduced  
24 price breakfast under the federal School Breakfast Program.

25 "Income-eligible" means that a student either satisfies federal  
26 income eligibility requirements, adopted by the United States  
27 Department of Agriculture pursuant to 7 C.F.R. Part 245, or  
28 satisfies State-level income eligibility requirements, set forth in  
29 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) or  
30 subsection a. of section 12 of P.L.2022, c.104 (C.18A:33-14a), as is  
31 necessary for the student to qualify for and receive **[free or reduced**  
32 **price]** subsidized lunch under the National School Lunch Program  
33 or **[free or reduced price]** subsidized breakfast under the federal  
34 School Breakfast Program, on the basis of income.

35 "Low-income family" means a family with an annual household  
36 income amounting to not more than 185 percent of the federal  
37 poverty level.

38 "Middle-income family" means a family with an annual  
39 household income amounting to not less than 186 percent, and not  
40 more than **[199]** 249 percent, of the federal poverty level.

41 "National School Lunch Program" means the federal  
42 reimbursement program established under the "Richard B. Russell  
43 National School Lunch Act," 42 U.S.C. s.1751 et seq., pursuant to  
44 which the United States Department of Agriculture is authorized to  
45 provide grants-in-aid and other assistance to the States, as may be  
46 necessary to help finance the establishment, maintenance,

1 operation, and expansion of school lunch programs and facilitate  
2 the provision of free and reduced price lunches to eligible students.

3 “Participating school” means a public or nonpublic school that  
4 provides daily lunch to enrolled students, through a school lunch  
5 program operated pursuant to the National School Lunch Program,  
6 or that provides daily breakfast to enrolled students, through a  
7 school breakfast program or breakfast after the bell program  
8 operated pursuant to the federal School Breakfast Program, or both.

9 “Participating school district or nonpublic school” means a  
10 public school district or a nonpublic school that is required, or  
11 elects, to participate in the National School Lunch Program, the  
12 federal School Breakfast Program, or both, as the case may be.

13 "School breakfast program" means a program that is established  
14 and operated by a public or nonpublic school, in accordance with  
15 the requirements of the federal School Breakfast Program and, in  
16 the case of a public school, in accordance with a plan adopted  
17 pursuant to section 2 of P.L.2003, c.4 (C.18A:33-10) or section 6 of  
18 P.L.2022, c.104 (C.18A:33-10.1), and pursuant to which the school  
19 offers daily breakfasts to all enrolled students.

20 "School lunch program" means a program that is established and  
21 operated by a school district, or by a nonpublic school, in  
22 accordance with the requirements of the National School Lunch  
23 Program and the provisions of section 1 of P.L.1974, c.53  
24 (C.18A:33-4), and pursuant to which the district or nonpublic  
25 school offers daily lunches to all students enrolled **【in the district】**  
26 therein.

27 "Special assistance alternative" means a special nutrition  
28 assistance alternative federal reimbursement method that is  
29 authorized by the United States Department of Agriculture,  
30 pursuant to 42 U.S.C. s.1759a and 7 C.F.R. Part 245, for eligible  
31 schools that serve free meals to all enrolled students. "Special  
32 assistance alternative" includes Provision 2, Provision 3, and the  
33 Community Eligibility Provision, as described in 7 C.F.R. Part 245,  
34 as well as any other similar alternative reimbursement method that  
35 is authorized by the United States Department of Agriculture, now  
36 or in the future, for schools that serve free meals to all enrolled  
37 students.

38 "Student" means a child 18 years of age or younger who is  
39 enrolled at a school in the State.

40 **【**"Subsidized student" means a categorically eligible student or  
41 income-eligible student who, as provided by subsection a. of section  
42 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section 12 of  
43 P.L.2022, c.104 (C.18A:33-14a), is not required to pay for meals  
44 that are served to the student under the National School Lunch  
45 Program or the federal School Breakfast Program. **】**

46 “Subsidized school breakfast” or “subsidized breakfast” means a  
47 school breakfast that is offered to an eligible student, free of charge,  
48 and the costs of which are reimbursed by the State or federal

1 government, as provided by subsections a. and b. of section 12 of  
2 P.L.2022, c.104 (C.18A:33-14a).

3 “Subsidized school lunch” or “subsidized lunch” means a school  
4 lunch that is offered to an eligible student, free of charge, and the  
5 costs of which are reimbursed by the State or federal government,  
6 as provided by subsections a. and b. of section 1 of P.L.1974, c.53  
7 (C.18A:33-4).

8 “Subsidized school meals” or “subsidized meals” includes both  
9 subsidized school breakfasts and subsidized school lunches.

10 “Subsidized school meals application” means an application that  
11 identifies a student’s annual household income and is completed by  
12 the student’s parent or guardian, pursuant to section 16 of P.L.2022,  
13 c.104 (C.18A:33-21b1), subsection c. of section 1 of P.L.2015, c.15  
14 (C.18A:33-21), or applicable federal law, and which may be used  
15 by a school district, or by a public school or nonpublic school, both  
16 for the purposes of determining whether a student is income-eligible  
17 for subsidized school meals and for the other limited purposes  
18 specified in subsection c. of section 16 of P.L.2022, c.104  
19 (C.18A:33-21b1).

20 “Subsidized school meals certification process” or “subsidized  
21 meals certification” means the process pursuant to which a school  
22 or school district obtains and reviews a student’s subsidized school  
23 meals application, or engages in the review of other relevant  
24 documentation and materials pertaining to the student, as necessary  
25 to determine whether the student is categorically eligible or income-  
26 eligible for subsidized school meals under the National School  
27 Lunch Program, or under the federal School Breakfast Program, or  
28 both.

29 "Summer Food Service Program" means the federal  
30 reimbursement program, established under 42 U.S.C. s.1761 and 7  
31 C.F.R. Part 225, pursuant to which the United States Department of  
32 Agriculture is authorized to provide grants-in-aid and other  
33 assistance to the States, as may be necessary to help schools, local  
34 government agencies, nonprofit organizations, colleges and  
35 universities, and summer camps finance the administrative and  
36 operational costs of providing meals to children, in low-income  
37 areas, during the summer months and other planned periods of  
38 school closure.

39 "Summer meals program" means the Summer Food Service  
40 Program, the Seamless Summer Option authorized by 42 U.S.C.  
41 s.1761, or any other similar State or federal program that is  
42 designed to ensure that children have access to nutritious meals  
43 during the summer months and other planned periods of school  
44 closure.

45 ["Unsubsidized student" means a student who is neither  
46 categorically eligible nor income-eligible for free or reduced price  
47 school meals, and who is, consequently, required to pay for any

1 such meals that are served to the student under the National School  
2 Lunch Program or the federal School Breakfast Program. **】**

3 “Unreimbursed costs” means the costs of a school lunch or  
4 school breakfast, which costs are not eligible for reimbursement  
5 from the federal government.

6 “Unsubsidized school breakfast” or “unsubsidized breakfast”  
7 means a school breakfast that is offered, upon the payment of a fee,  
8 to a student who is neither categorically eligible nor income-eligible  
9 for subsidized breakfast, regardless of whether such student remains  
10 income-eligible for subsidized school lunch under the provisions of  
11 paragraph (4) of subsection a. of section 1 of P.L.1974, c.53  
12 (C.18A:33-4), and the cost of which breakfast is not reimbursable  
13 by the State or federal government.

14 “Unsubsidized school lunch” or “unsubsidized lunch” means a  
15 school lunch that is offered, upon the payment of a fee, to a student  
16 who is not categorically eligible or income-eligible for subsidized  
17 lunch, and the cost of which is not reimbursable by the State or  
18 federal government.

19 (cf: P.L.2022, c.104, s.1)

20

21 2. Section 1 of P.L.1974, c.53 (C.18A:33-4) is amended to read  
22 as follows:

23 1. a. (1) Each school district shall make school lunch available  
24 to all students enrolled in the district, except at those schools that  
25 are exempt from the requirements of this section, as provided by  
26 section 2 of P.L.1974, c.53 (C.18A:33-5), within one year after the  
27 effective date of P.L.1974, c.53 (C.18A:33-4 et seq.). Each  
28 nonpublic school participating in the National School Lunch  
29 Program shall make school lunch available to all students enrolled  
30 at the nonpublic school within one year after the effective date of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill).

32 (2) School lunches **【made available】** offered to students,  
33 pursuant to this section, shall meet minimum nutritional  
34 standards**【,】** established by the Department of Education.

35 (3) **【Free or reduced price lunches, as appropriate, shall be】**  
36 School lunches offered, 【under a school lunch program,】 pursuant  
37 to this section, shall be made available, free of charge, to 【each  
38 student】 all students enrolled in the district 【who is】 or in the  
39 nonpublic school, as the case may be, who are determined to be  
40 federally eligible for free or reduced price meals. As provided by  
41 section 1 of P.L.2019, c.445 (C.18A:33-21.1), 【any student】 the  
42 unreimbursed costs of free lunches being made available, pursuant  
43 to this paragraph, to students who 【is】 are eligible for 【a】 reduced  
44 price lunch, 【pursuant to federal income eligibility standards and  
45 criteria, shall not be required to pay for such lunch】 shall be borne  
46 by the State. 【Free】

1       (4) Notwithstanding any law, rule, or regulation to the contrary,  
2 school lunches offered to students, pursuant to this section, shall  
3 also be [offered] made available, free of charge, to [each student]  
4 those students enrolled in the participating school district or  
5 nonpublic school, who are federally ineligible for free or reduced  
6 price meals, in accordance with the following schedule: (a) during  
7 the 2023-2024 school year, to each enrolled student who is federally  
8 ineligible for free or reduced price meals, but who has an annual  
9 household income that is not less than 186 percent, and not more  
10 than 199 percent, of the federal poverty level, as determined  
11 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1); and (b)  
12 during the 2024-2025 school year, to each enrolled student who is  
13 federally ineligible for free or reduced price meals, but who has an  
14 annual household income that is not less than 186 percent, and not  
15 more than 249 percent, of the federal poverty level, as determined  
16 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1).

17       b. The State shall provide funding to each participating school  
18 district [.] and nonpublic school, as may be necessary to reimburse  
19 the [costs associated with the district's provision] cost of free  
20 lunches being served thereby to federally ineligible students,  
21 pursuant to paragraph (4) of subsection a. of this section[, to  
22 students who are federally ineligible for free or reduced price  
23 meals].

24       c. The Department of Agriculture, in consultation with the  
25 Department of Education, shall annually prepare and submit, to the  
26 Governor and, pursuant to section 2 of P.L.1991, c.164  
27 (C.52:14-19.1), to the Legislature, a written report that identifies,  
28 for each [school and] participating school district and nonpublic  
29 school in the State:

30       (1) the methods that are being used [by each school or school  
31 district] thereby to facilitate the prompt identification and  
32 subsidized [meal] meals certification of students who are,  
33 respectively, categorically eligible or income-eligible for free or  
34 reduced price lunch under the National School Lunch Program;  
35 [and]

36       (2) the total number and percentage of [income-eligible]  
37 students [from low-income families and from middle-income  
38 families, respectively, that are] receiving [free or reduced price]  
39 subsidized school lunches [under the National School Lunch  
40 Program and the provisions of this section] in the preceding school  
41 year who have been determined to be, respectively, federally  
42 eligible for free school lunch, federally eligible for reduced price  
43 lunch, income-eligible for free school lunch on the basis of State-  
44 level income eligibility requirements, or neither categorically  
45 eligible nor income-eligible for free or reduced price school lunch;  
46 and

1       (3) the number and percentage of all students, identified  
2 pursuant to paragraph (2) of this subsection, who are, respectively,  
3 from low-income families and from middle-income families.

4       d. The Department of Agriculture, in consultation with the  
5 Department of Education, shall adopt rules and regulations,  
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
7 (C.52:14B-1 et seq.), to implement the provisions of this section,  
8 including, but not limited to, rules and regulations;

9       (1) establishing a schedule for, and identifying the manner in  
10 which, State-level reimbursements are to be made pursuant to  
11 subsection b. of this section ; and

12       (2) establishing a standardized means by which the department  
13 will annually review the State reimbursement amounts being  
14 allocated under this chapter in order to determine whether, and the  
15 extent to which, participating school districts and nonpublic schools  
16 have received adequate reimbursement, from the State, sufficient to  
17 account for each participating school's actual costs of free lunch  
18 delivery to eligible students, including, but not limited to, food,  
19 labor, and other related costs.

20 (cf: P.L.2022, c.104, s.2)

21

22       3. Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended to read  
23 as follows:

24       3. In implementing a school lunch program, pursuant to  
25 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program,  
26 pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.) or section 6 of  
27 P.L.2022, c.104 (C.18A:33-10.1), or a breakfast after the bell  
28 program, pursuant to section 1 of P.L.2014, c.66 (C.18A:33-11.1)  
29 or section 2 of P.L.2018, c.25 (C.18A:33-11.3), each school and  
30 school district shall:

31       a. publicize, to parents and students, the availability of the  
32 respective school meals program, as well as the various ways in  
33 which a student may qualify to receive **【free or reduced price】**  
34 **subsidized school** meals under the program, as provided by  
35 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and  
36 subsection a. of section 12 of P.L.2022, c.104 (C.18A:33-14a);

37       b. make every effort to ensure that **【subsidized】** students  
38 **receiving subsidized school meals** are not **【recognized as program**  
39 **participants】 identified**, by the student body, faculty, or staff, in a  
40 manner that is **【different】 distinct** from the manner in which  
41 **【unsubsidized】 students receiving unsubsidized school meals** are  
42 **【recognized】 identified** as program participants. Such efforts shall  
43 include, but need not be limited to, the establishment of a neutral  
44 meal plan or voucher system that does not make a distinction  
45 between **【subsidized and unsubsidized】 these two groups of**  
46 students; and

47       c. **【make every effort】 to the greatest extent practicable:**

1 (1) facilitate and expedite the prompt and accurate identification  
2 of categorically eligible students who may be certified to  
3 **【participate in the program, on a】** receive subsidized **【basis,】**  
4 school meals without first submitting an application therefor, and,  
5 whenever an application is required to establish income eligibility  
6 for subsidized meals, encourage students and their families to  
7 submit a subsidized school meals application for that purpose;

8 (2) facilitate and expedite**【, to the greatest extent practicable,】**  
9 the subsidized school meals application and income**【-】** eligibility  
10 determination processes that are used, by the school or school  
11 district, to certify a student for **【free or reduced price】** subsidized  
12 school meals on the basis of income, and assist parents and  
13 guardians in completing the subsidized school meals application;  
14 and

15 (3) encourage students who are neither categorically eligible nor  
16 income-eligible for **【free or reduced price】** subsidized school  
17 **【meals】** lunch or subsidized school breakfast to nonetheless  
18 participate in the school lunch program or school breakfast  
19 program, or both, as appropriate, on a paid and unsubsidized basis**【,**  
20 in the program】.

21 (cf: P.L.2022, c.104, s.7)

22

23 4. Section 4 of P.L.2018, c.25 (C.18A:33-11.5) is amended to  
24 read as follows:

25 4. The Department of Agriculture, in consultation with the  
26 Department of Education, shall develop guidelines**【, as may be**  
27 **necessary】** to facilitate the implementation and operation of  
28 breakfast after the bell programs by schools in the State, in  
29 accordance with the provisions of section 1 of P.L.2014, c.66  
30 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25 (C.18A:33-11.2  
31 and C.18A:33-11.3), and section 12 of P.L.2022, c.104  
32 (C.18A:33-14a), including, but not limited to, guidelines, consistent  
33 with the provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),  
34 concerning a school's receipt of payment, from **【unsubsidized】**  
35 students, for unsubsidized school breakfasts that are served to such  
36 students under a breakfast after the bell program.

37 (cf: P.L.2022, c.104, s.11)

38

39 5. Section 12 of P.L.2022, c.104 (C.18A:33-14a) is amended to  
40 read as follows:

41 12. a. (1) School breakfasts made available to students under a  
42 school breakfast program or a breakfast after the bell program shall  
43 meet minimum nutritional standards, established by the Department  
44 of Education.

45 (2) **【Free or reduced price breakfasts, as appropriate, shall be】**  
46 Breakfasts that are offered, by a participating school district or  
47 nonpublic school, under a school breakfast program or a breakfast

1 after the bell program, shall be made available, free of charge, to all  
2 students enrolled **【students who】** in the district or in the nonpublic  
3 school, as the case may be, who are determined to be federally  
4 eligible for free or reduced price meals. As provided by section 1  
5 of P.L.2019, c.445 (C.18A:33-21.1), **【any student who is eligible**  
6 **for a reduced price breakfast, pursuant to federal income eligibility**  
7 **criteria, shall not be required to pay for such breakfast. Free**  
8 **breakfasts shall also be】** the unreimbursed costs of free breakfasts  
9 being made available, pursuant to this paragraph, to students who  
10 are federally eligible for reduced price breakfast, shall be borne by  
11 the State.

12 (3) Notwithstanding any law, rule, or regulation to the contrary,  
13 breakfasts offered under a school breakfast program or a breakfast  
14 after the bell program shall also be made available, free of charge,  
15 to each enrolled student who is determined to be federally ineligible  
16 for free or reduced price meals, but who has an annual household  
17 income **【that is】** amounting to not less than 186 percent, and not  
18 more than 199 percent, of the federal poverty level, as determined  
19 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1). As  
20 provided by subsection b. of this section, the unreimbursed costs of  
21 free breakfasts being offered to federally ineligible students,  
22 pursuant to this paragraph, shall be borne by the State.

23 b. The State shall provide funding to each school that operates  
24 a School Breakfast Program or a breakfast after the bell program, as  
25 may be necessary to reimburse the costs associated with the school's  
26 provision of free breakfasts, pursuant to paragraph (4) of subsection  
27 a. of this section, to students who are federally ineligible for free or  
28 reduced price meals.

29 c. The Department of Agriculture, in consultation with the  
30 Department of Education, shall annually prepare and issue, to the  
31 Governor and, pursuant to section 2 of P.L.1991, c.164  
32 (C.52:14-19.1), to the Legislature, a written report that identifies,  
33 for each **【school and】** participating school district and nonpublic  
34 school in the State:

35 (1) the methods that are being used, by each such school or  
36 school district, to facilitate the prompt identification and subsidized  
37 **【meal】** meals certification of students who are categorically eligible  
38 or income-eligible for free or reduced price breakfast under the  
39 federal School Breakfast Program;

40 (2) the total number and percentage of **【income-eligible】**  
41 students receiving subsidized school breakfasts, in the preceding  
42 year, who have been determined to be, respectively, federally  
43 eligible for free school breakfast, federally eligible for reduced  
44 price school breakfast, income-eligible for free school breakfast on  
45 the basis of State-level income eligibility requirements, or neither  
46 categorically eligible nor income-eligible for free or reduced price  
47 school breakfast; and the number and percentage of all such

1 students who are, respectively, from low-income families and from  
2 middle-income families**】, respectively** , in each such school and  
3 district, who are receiving free or reduced price breakfast under the  
4 federal School Breakfast Program and the provisions of this  
5 section**】**; and

6 (3) the methods that are being used, by each such school and  
7 district, to provide breakfast to students under the federal School  
8 Breakfast Program, including an indication as to whether breakfast  
9 is being provided to students through a breakfast after the bell  
10 program.

11 d. The Department of Agriculture, in consultation with the  
12 Department of Education, shall adopt rules and regulations pursuant  
13 to the "Administrative Procedure Act," P.L.1968, c.410  
14 (C.52:14B-1 et seq.), to implement the provisions of this section,  
15 including, but not limited to, rules and regulations:

16 (1) establishing a schedule for, and identifying the manner in  
17 which, State-level reimbursements are to be made pursuant to  
18 subsection b. of this section; and

19 (2) establishing a standardized means by which the department  
20 will annually review the State reimbursement amounts being  
21 allocated under this section in order to determine whether, and the  
22 extent to which, participating school districts and nonpublic schools  
23 have received adequate reimbursement, from the State, sufficient to  
24 account for each participating school's actual costs of free breakfast  
25 delivery to eligible students, including, but not limited to, food,  
26 labor, and other related costs.

27 (cf: P.L.2022, c.104, s.12)

28

29 6. Section 1 of P.L.2018, c.26 (C.18A:33-14.1) is amended to  
30 read as follows:

31 1. a. (1) **【A】** Each school district or nonpublic school that  
32 participates in the National School Lunch Program or the federal  
33 School Breakfast Program shall take steps to maximize the use of  
34 federal resources and to minimize the debt that is incurred by  
35 families for school meals, in accordance with a protocol established  
36 by the Department of Agriculture. The protocol established by the  
37 department, pursuant to this paragraph, shall be adopted within 180  
38 days after the effective date of P.L.2022, c.104 (C.18A:33-3.2 et  
39 al.), in consultation with the Department of Education, the School  
40 Nutrition Association of New Jersey, and all relevant stakeholders,  
41 shall be reviewed and updated on at least an annual basis thereafter,  
42 and shall provide for participating school districts and nonpublic  
43 schools to: (a) promote the **【increased】** prompt and accurate  
44 subsidized meals certification of all eligible students **【from low-**  
45 **income families and middle-income families for free and reduced**  
46 **price school meals】** enrolled therein, in accordance with the  
47 provisions of P.L.2022, c.104 (C.18A:33-3.2 et al.); and (b) identify

1 best practices to maximize the receipt and use of federal resources  
2 by the district's schools.

3 (2) The Department of Agriculture and Department of  
4 Education, in cooperation with each other, shall consult with, and  
5 provide direct assistance to, participating school districts and  
6 nonpublic schools to help them improve, simplify, and expedite the  
7 **【free and reduced price meal】** subsidized school meals certification  
8 process and otherwise reduce the administrative burden on schools  
9 and school districts that results from such process.

10 (3) A school that serves lunch or breakfast to students and is  
11 eligible for special federal reimbursement under the Community  
12 Eligibility Provision, as provided by 7 C.F.R. Part 245, shall, to the  
13 greatest extent practicable, participate in, and maximize the receipt  
14 of federal resources available under, that special assistance  
15 alternative. Every school district in which there is at least one  
16 school that qualifies for the Community Eligibility Provision, but is  
17 not implementing it, shall report the reasons therefor, in writing, to  
18 the Department of Agriculture and the Department of Education, in  
19 the manner prescribed by those departments. The report shall  
20 include, but need not be limited to, a description of the specific  
21 impediments at the school district to implementing the program, the  
22 specific actions that could be taken to remove those impediments,  
23 and the specific steps required to successfully implement the  
24 program in the following school year.

25 b. The Department of Agriculture, in consultation with the  
26 Department of Education, shall adopt, pursuant to the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
28 seq.), such rules and regulations as may be necessary to effectuate  
29 the purposes of this section.

30 c. (Deleted by amendment, P.L.2022, c.104)  
31 (cf: P.L.2022, c.104, s.13)

32

33 7. (New section) a. A school district or nonpublic school that  
34 participates in the National School Lunch Program or the federal  
35 School Breakfast Program shall annually review the costs being  
36 expended thereby, in association with the implementation and  
37 expansion of school lunch and breakfast programs at schools in the  
38 district or at the nonpublic school, as the case may be, and shall  
39 take appropriate steps to minimize or offset those program costs, to  
40 the extent that such costs can be minimized or offset without  
41 compromising the ability of the participating school district or  
42 nonpublic school to comply with minimum nutritional standards  
43 and other program requirements established pursuant to State or  
44 federal law.

45 b. The Department of Agriculture, in consultation with the  
46 Department of Education, shall:

47 (1) monitor, and engage in the inspection and oversight of, each  
48 school lunch program and school breakfast program operating

1 pursuant to this chapter, as necessary to ensure that school meals  
2 being served to students in the State continue to satisfy minimum  
3 nutritional standards, on an ongoing basis, as required by paragraph  
4 (2) of subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and  
5 paragraph (1) of subsection a. of section 12 of P.L.2022, c.104  
6 (C.18A:33-14a);

7 (2) develop and publicize best practices, protocols, and model  
8 plans to help school districts effectively minimize and offset  
9 program costs, as required by this section, without compromising  
10 the nutritional value of meals being served to students; and

11 (3) work cooperatively with each participating school district  
12 and nonpublic school in the State to: (a) review the costs being  
13 expended by the district, and by each participating school, in  
14 association with the implementation and expansion of one or more  
15 school meals programs therein; (b) identify various means and  
16 methods by which program costs can be reduced, curtailed,  
17 eliminated, or offset without sacrificing the ability of the  
18 participating school district or nonpublic school to operate its  
19 school meals programs in compliance with minimum nutritional  
20 standards and other applicable State and federal requirements; (c)  
21 provide recommendations to help participating school districts and  
22 nonpublic schools timely and proactively address financial  
23 problems that have reduced, or that have the potential to reduce,  
24 their ability to properly or fully administer their school meals  
25 programs in compliance with minimum nutritional standards,  
26 expanded eligibility requirements, and all other applicable State and  
27 federal requirements; and (d) undertake, or recommend the  
28 undertaking of, other appropriate actions as may be necessary to  
29 prevent the State's school meals programs from becoming overly  
30 bloated with unnecessary expenses or otherwise becoming  
31 financially burdensome to participating school districts and  
32 nonpublic schools.

33 c. The Department of Agriculture, in consultation with the  
34 Department of Education, shall adopt, pursuant to the  
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
36 seq.), such rules and regulations as may be necessary to effectuate  
37 the purposes of this section.

38

39 8. (New section) a. Not more than 180 days after the effective  
40 date of P.L. , c. (C. ) (pending before the Legislature as this  
41 bill), the Office of the Food Security Advocate, established  
42 pursuant to P.L.2021, c.242 (C.52:27J-1 et seq.), shall establish a  
43 Working Group on School Food Security to identify and develop  
44 best practices, policies, and plans, and to take other appropriate  
45 action, to promote and facilitate the effective functioning of the  
46 State's school meals programs and the expanded provision,  
47 thereunder, of free school meals to students in the State.

1       b. Within one year after its formation pursuant to subsection a.  
2 of this section, and on a regular basis thereafter as deemed by the  
3 food security advocate to be appropriate, the Working Group on  
4 School Food Security shall:

5       (1) conduct a study on school food security issues, in  
6 accordance with the provisions of subsection c. of this section, and  
7 recommend further State-level action to facilitate the provision of  
8 free school meals to enhanced numbers or categories of students in  
9 the State; and

10       (2) develop and publish a plan to facilitate and promote the  
11 adoption, by the United States Congress and President, of federal  
12 legislation authorizing the nationwide provision of free school  
13 meals to all students in the country, and providing federal  
14 reimbursement for all such meals served by schools and school  
15 districts in the states.

16       c. When conducting a school food security study, pursuant to  
17 subsection b. of this section, the working group shall be required to  
18 determine and identify:

19       (1) the expected annual costs to be expended, by each  
20 participating school district and nonpublic school in the State, in  
21 providing free school meals to eligible students in accordance with  
22 the provisions of this chapter, including the amount by which such  
23 costs are expected to increase year-over-year;

24       (2) best practices to ensure the effective provision of school  
25 meals to students in the State, including, but not limited to, best  
26 practices to facilitate the non-stigmatizing provision of free school  
27 meals to all eligible students in the State, best practices to reduce  
28 food waste in schools, best practices to improve and facilitate the  
29 subsidized school meals application and certification processes that  
30 are used to certify students for free meals; and best practices for  
31 incentivizing the completion of subsidized school meals  
32 applications by parents and guardians of students in the State;

33       (3) policies and practices that have been employed by other  
34 states and jurisdictions to facilitate and enhance student access to  
35 free school meals in those other jurisdictions, and the extent to  
36 which such policies and practices have been successful in achieving  
37 their stated goals; and

38       (4) whether, and the extent to which, it would be feasible,  
39 beneficial, and fiscally responsible for the Legislature to take action  
40 to further expand student eligibility for free school meals under this  
41 chapter, following the effective date of P.L.     , c. (C.     )  
42 (pending before the Legislature as this bill), and whether, and the  
43 extent to which, such expansion of the State's free school meals  
44 programs would best be effectuated on an immediate basis, by  
45 extending eligibility to all students in the State, or on a phased-in  
46 basis, by extending eligibility to gradually increasing numbers and  
47 types of students in the State.

1 d. Not more than 60 days after the working group completes a  
2 school food security study, pursuant to subsection b. of this section,  
3 the working group shall submit, to the Secretary of Agriculture, the  
4 Commissioner of Education, the Governor, and, pursuant to section  
5 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, a written  
6 report of its findings and recommendations from the study,  
7 including, at a minimum, its recommendations regarding the  
8 appropriate executive, legislative, and other actions, if any, that  
9 should be undertaken in the State to ensure the ongoing successful  
10 operation of the State's school meals programs, to facilitate the  
11 cost-effective provision of free school meals to students who are  
12 categorically eligible or income-eligible therefore, as provided by  
13 this chapter, and to further expand the categories of students who  
14 are eligible for such free school meals under State law.

15

16 9. Section 1 of P.L.2015, c.15 (C.18A:33-21) is amended to  
17 read as follows:

18 1. a. (1) In the event that a participating school district or  
19 nonpublic school determines that **【an】** a **【unsubsidized】** student's  
20 unsubsidized school breakfast or unsubsidized school lunch bill is  
21 in arrears, the participating school district or nonpublic school shall  
22 contact the student's parent or guardian to provide notice of the  
23 arrearage, and shall provide the parent or guardian with a period of  
24 10 school days to pay the amount due. If the student's parent or  
25 guardian has not made full payment by the end of the designated  
26 10-day period, then the participating school district or nonpublic  
27 school shall again contact the student's parent or guardian to  
28 provide notice of any action to be taken **【by the school district】** in  
29 response to the arrearage.

30 (2) A participating school district or nonpublic school shall  
31 report, at least biannually to the Department of Agriculture, the  
32 number and percentage of enrolled students who **【are】** have been  
33 denied school breakfast or school lunch on the basis of an  
34 unsubsidized meals bill arrearage, pursuant to this section.

35 (3) Nothing in this section shall be construed to: (a) require a  
36 participating school district or nonpublic school to deny or restrict  
37 the ability of **【an unsubsidized】** a student to access unsubsidized  
38 school breakfast or unsubsidized school lunch **【when】**,  
39 respectively, whenever the student's unsubsidized school breakfast  
40 or unsubsidized school lunch bill is in arrears; or (b) authorize a  
41 participating school district or nonpublic school to deny or restrict  
42 the ability of a student who is income-eligible for subsidized school  
43 lunch, but who is not income-eligible for subsidized school  
44 breakfast, to continue to access subsidized school lunch whenever  
45 the student's unsubsidized school breakfast bill is in arrears.

46 b. A **【school or】** participating school district or nonpublic  
47 school shall not:

1 (1) publicly identify or stigmatize **an unsubsidized** a student  
 2 who cannot pay for **a** an unsubsidized school breakfast or **a** an  
 3 unsubsidized school lunch, or whose unsubsidized school breakfast  
 4 or **school** lunch bill is in arrears, for example, by requiring the  
 5 student to sit at a separate table, **by requiring that the student** to  
 6 wear a wristband, hand stamp, or identifying mark, or **by serving**  
 7 the student **to accept** an alternative meal;

8 (2) require **an unsubsidized** a student~~.,~~ who cannot pay for  
 9 **a** an unsubsidized school breakfast or **a** an unsubsidized school  
 10 lunch, or whose unsubsidized school breakfast or **school** lunch  
 11 bill is in arrears, to do chores or other work to pay for the  
 12 unsubsidized school breakfast or unsubsidized school lunch;

13 (3) require **an unsubsidized** a student to discard **a** an  
 14 unsubsidized school breakfast or an unsubsidized school lunch,  
 15 after it has been served, either because **of** the **student's inability**  
 16 student is unable to pay for **a school** the unsubsidized breakfast  
 17 or **a school** unsubsidized lunch or because **money is owed for**  
 18 previously provided meals the student's unsubsidized school  
 19 breakfast or lunch bill is in arrears;

20 (4) prohibit **an unsubsidized** a student, or a sibling **of such a**  
 21 **student** thereof, from attending or participating in non-fee-based  
 22 extracurricular activities, field trips, or school events, from  
 23 receiving grades, official transcripts, or report cards, or from  
 24 graduating or attending graduation events, solely because of the  
 25 student's unresolved **meal** breakfast or lunch debt; or

26 (5) require **the** a student's parent or guardian **of an**  
 27 unsubsidized student to pay fees or costs in excess of the actual  
 28 amounts owed for **meals** unsubsidized school breakfasts or  
 29 unsubsidized school lunches, or both, which have been previously  
 30 served to the student.

31 c. If **an unsubsidized** a student owes money for the  
 32 equivalent of five or more unsubsidized school meals, **a** the  
 33 participating school district or nonpublic school shall:

34 (1) (Deleted by amendment, P.L.2022, c.104)

35 (2) determine whether the student is **categorically** eligible **for**  
 36 **income-eligible** for **free or reduced price** subsidized school  
 37 meals, by conducting a review of all available records related to the  
 38 student, and by making at least two attempts, not including the  
 39 initial attempt made pursuant to section **3** 16 of **P.L.2020, c.29**  
 40 **(C.18A:33-21b)** P.L.2022, c.104 (C.18A:33-21b1), to contact the  
 41 student's parent or guardian and have the parent or guardian **fill**  
 42 **out** complete a subsidized school meals application; and

43 (3) require a principal, or a person designated by the principal, to  
 44 contact the student's parent or guardian **of the unsubsidized**  
 45 **student** to: (a) offer assistance with respect to the completion of

1 the subsidized school meals application~~], to~~; (b) determine ~~if~~  
2 ~~whether~~ there are other issues in the household that have caused the  
3 ~~child~~ student to have insufficient funds to purchase ~~a~~ an  
4 unsubsidized school breakfast or unsubsidized school lunch, as the  
5 case may be; and ~~to~~ (c) offer any other appropriate assistance.

6 d. A participating school district or nonpublic school shall  
7 direct communications about a student's unsubsidized school  
8 ~~breakfast or school lunch bill being in arrears~~ meals arrearage to  
9 the parent or guardian and not to the student. Nothing in this  
10 subsection shall prohibit a participating school district or nonpublic  
11 school from sending a student home with a letter addressed to a  
12 parent or guardian.

13 e. Notwithstanding the provisions of this section and the  
14 provisions of any other law, rule, or regulation to the contrary, ~~an~~  
15 unsubsidized a student shall not be denied access to a school meal,  
16 regardless of the student's ability to pay or the status of the student's  
17 meal arrearages, during any period of time in which the student's  
18 participating school district or nonpublic school is making a  
19 determination, pursuant to subsection c. of this section, as to  
20 whether the student is eligible for, and can be certified to receive,  
21 ~~free or reduced price~~ subsidized school meals.

22 (cf: P.L.2022, c.104, s.14)

23  
24 10. Section 16 of P.L.2022, c.104 (C.18A:33-21b1) is amended  
25 to read as follows:

26 16. a. At the beginning of each school year, or upon initial  
27 enrollment~~],~~ in the case of a student who enrolls during the school  
28 year, a participating school district or nonpublic school shall  
29 provide each student's parent or guardian with:

30 (1) information on the National School Lunch Program and the  
31 federal School Breakfast Program, including, but not limited to~~],~~  
32 ~~(a)~~ information on the ~~availability~~ ability of all categorically  
33 eligible and income-eligible students to receive free ~~or reduced~~  
34 price meals for eligible students, school lunch under the National  
35 School Lunch Program, as provided by subsection a. of section 1 of  
36 P.L.1974, c.53 (C.18A:33-4), and free school breakfast under the  
37 federal School Breakfast Program, as provided by subsection a. of  
38 section 12 of P.L.2022, c.104 (C.18A:33-14a); (b) information on  
39 the subsidized school meals application and ~~determination~~  
40 certification processes that are used to ~~certify eligible students~~  
41 determine whether a student is categorically eligible or income-  
42 eligible for subsidized school meals~~],~~; (c) information highlighting  
43 the need for parents and guardians to complete a subsidized school  
44 meals application for each student, and encouraging parents and  
45 guardians to complete the application, both to ensure that the  
46 student will have access to all subsidized school meals for which

1 the student is eligible and to ensure that the school and the district  
2 have the necessary information to facilitate relevant eligibility  
3 determinations, receive appropriate reimbursement, and engage in  
4 all other activities authorized under subsection c. of this section;  
5 and (d) information on the rights that are available to students and  
6 their families under this section and section 1 of P.L.2015, c.15  
7 (C.18A:33-21); and

8 (2) a subsidized school meals application **[form]**, as well as  
9 instructions for completing the application, and, as necessary,  
10 assistance in completing the application.

11 b. The school meals information and application provided to  
12 parents and guardians, pursuant to subsection a. of this section,  
13 shall:

14 (1) be communicated in a language that the parent or guardian  
15 understands;

16 (2) specify the limited purposes for which collected personal  
17 data may be used, as provided by subsection c. of this section; and

18 (3) be submitted to the parent or guardian either in writing or  
19 electronically. In the latter case, the participating school district or  
20 nonpublic school shall use the usual means by which it  
21 communicates with parents and guardians electronically.

22 c. A subsidized school meals application that is completed by a  
23 parent or guardian shall be confidential, and shall not be used or  
24 shared by the student's school or school district, except as may be  
25 necessary to:

26 (1) determine whether a student identified in the application is  
27 income-eligible for free or reduced price school meals and, if so,  
28 whether the student satisfies federal or State-level income eligibility  
29 requirements for subsidized school lunches, subsidized school  
30 breakfasts, or both;

31 (2) determine whether the school or school district is required,  
32 by section 2 of P.L.2018, c.25 (C.18A:33-11.3) or by section 1 of  
33 P.L.2018, c.28 (C.18A:33-24), to establish a breakfast after the bell  
34 program**[,]** or to participate as a sponsor or site in the federal  
35 Summer Meals Service Program;

36 (3) ensure that the school receives appropriate reimbursement,  
37 from the State and federal governments, for subsidized school meals  
38 **[provided]** served to eligible students, free of charge, through a  
39 school lunch program, a school breakfast program, a breakfast after  
40 the bell program, a summer meals program, or an emergency meals  
41 distribution program; and

42 (4) facilitate school aid determinations under the "School  
43 Funding Reform Act of 2008," P.L.2007, c.260 (C.18A:7F-43 et  
44 seq.).

45 (cf: P.L.2022, c.104, s.16)

1        11. Section 1 of P.L.2019, c.445 (C.18A:33-21.1) is amended to  
2 read as follows:

3        1. a. Notwithstanding any other law, or rule or regulation  
4 adopted pursuant thereto, to the contrary, a **public school** student  
5 who is enrolled in a participating school district or nonpublic school  
6 and is eligible for a reduced price breakfast under the federal  
7 School Breakfast Program or a reduced price lunch under the  
8 National School Lunch Program, shall not be required to pay for  
9 any such reduced price breakfast or reduced price lunch.

10        b. The State shall pay the difference between the federal  
11 allocation for reduced price breakfasts and reduced price lunches  
12 and the total cost of the reduced price breakfasts and reduced price  
13 lunches that are served, by participating school districts and  
14 nonpublic schools, to **public school** enrolled students who are  
15 federally eligible for reduced price meals.

16        c. The Department of Agriculture, in consultation with the  
17 Department of Education, shall adopt rules and regulations pursuant  
18 to the "Administrative Procedure Act," P.L.1968, c.410  
19 (C.52:14B-1 et seq.), to implement the provisions of this section,  
20 including, but not limited to, rules and regulations establishing the  
21 schedule for, and identifying the manner in which, State-level  
22 reimbursements are to be made pursuant to subsection b. of this  
23 section.

24 (cf: P.L.2022, c.104, s.17)

25

26        12. Section 1 of P.L.2019, c.307 (C.18A:33-27.1) is amended to  
27 read as follows:

28        1. a. Each school food authority that provides a food service to  
29 students **at a public** enrolled in a participating school district or  
30 nonpublic school in the State shall, in the two languages that are  
31 most commonly spoken in the homes of students in **the public**  
32 each participating school served by the school food authority:

33        (1) develop and implement **a public education** an educational  
34 campaign to **educate** inform the parents and guardians of such  
35 students **at schools served by the school food authority** about the  
36 various school meals programs that are available for students in  
37 New Jersey, and about the availability of **free and reduced price**  
38 subsidized school meals, under such programs, for students who  
39 **satisfy federal or State-level eligibility criteria** are categorically  
40 eligible or income-eligible therefor; and

41        (2) develop promotional materials for the State's school meals  
42 programs, and provide copies of the promotional materials to each  
43 school that is served by the school food authority in the State, for  
44 distribution, by school staff, to the parents and guardians of  
45 students **who are** enrolled at the school. The school food  
46 authority shall utilize existing resources, which have been made  
47 available by the United States Department of Agriculture and the

1 New Jersey Department of Agriculture, in developing promotional  
2 materials for the purposes of this paragraph. The promotional  
3 materials **【developed pursuant to this paragraph】** shall include, but  
4 need not be limited to, pamphlets, presentation materials, webinars,  
5 and sample letters that schools may send to parents and guardians.

6 b. The **【public education】** educational campaign and  
7 promotional materials developed under subsection a. of this section  
8 shall:

9 (1) satisfy the standards, and comply with the guidelines,  
10 established by the Department of Agriculture, in consultation with  
11 the Department of Education, pursuant to subsection c. of this  
12 section;

13 (2) highlight and promote the nature, purposes, value, and  
14 importance of the National School Lunch Program, the federal  
15 School Breakfast Program, the federal Summer Food Service  
16 Program, and other similar summer meals programs, as well as the  
17 State's breakfast after the bell programs, established pursuant to  
18 section 1 of P.L.2014, c.66 (C.18A:33-11.1) or section 2 of  
19 P.L.2018, c.25 (C.18A:33-11.3), the State's emergency meals  
20 distribution **【program】** programs, established pursuant to section 1  
21 of P.L.2020, c.6 (C.18A:33-27.2), and any new school meals  
22 programs that are implemented in the State after the effective date  
23 of P.L.2022, c.103;

24 (3) emphasize the importance of providing a nutritious meal to  
25 all children for their general health and success in school;

26 (4) emphasize and promote the ability of eligible students to  
27 obtain **【free or reduced price】** subsidized meals under the State's  
28 school meals programs, **【and】** inform parents and guardians about  
29 the various ways in which a student may be determined to be  
30 categorically eligible or income-eligible **【for free meals under these**  
31 **programs, and】** therefor, and identify the federal and State-level  
32 **【income-based】** criteria that must be satisfied in order for a student  
33 to obtain **【free or reduced price】** subsidized school meals, under  
34 these programs, on the basis of annual household income;

35 (5) highlight and describe the application and determination  
36 processes that are used, by schools and school districts, to certify  
37 categorically eligible and income-eligible students for **【free or**  
38 **reduced price】** subsidized school meals;

39 (6) highlight and describe the rights that are applicable to  
40 students and families in association with a student's receipt of  
41 subsidized or unsubsidized **【receipt of】** school meals in the State;  
42 and

43 (7) inform parents and guardians about the nature and extent of  
44 any proposed or implemented expansion of the existing school  
45 meals programs in the State, including, but not limited to, the nature  
46 and extent of any proposed or implemented expansion of the

1 categories of students who are eligible for **free or reduced price**  
2 subsidized school meals under such programs.

3 c. (1) Within 60 days after the effective date of P.L.2022,  
4 c.103, the Department of Agriculture, in consultation with the  
5 Department of Education, shall adopt standards and guidelines to  
6 ensure the uniformity and accuracy of school meals-related  
7 information being presented by school food authorities as part of  
8 the educational campaigns conducted, and in the promotional  
9 materials distributed, pursuant to this section.

10 (2) Within 60 days of the effective date of P.L.2022, c.103, and  
11 on a periodic basis thereafter, as necessary, the Department of  
12 Education shall provide, to each school food authority that  
13 **provides** offers a food service to students at a **public**  
14 participating school in the State **with**, information concerning the  
15 two languages that are most commonly spoken in the homes of  
16 students **in** enrolled at each **of the public schools that the school**  
17 **food authority serves** such participating school served thereby.  
18 The Department of Education shall periodically, and at least every  
19 five years, verify the two languages that are most commonly spoken  
20 in the homes of students in each **public** such participating school  
21 **is served by each school food authority**.

22 d. As used in this section:

23 "School food authority" shall mean the school, school district, or  
24 third-party food service vendor, as applicable.

25 (cf: P.L.2022, c.103, s.1)

26  
27 13. Section 1 of P.L.2020, c.6 (C.18A:33-27.2) is amended to  
28 read as follows:

29 1. a. **In the event that** Whenever a local board of education  
30 **is provided** receives a written directive, **by** from either the New  
31 Jersey Department of Health or the health officer of the jurisdiction,  
32 **to institute** instituting a public health-related school closure due  
33 to the COVID-19 epidemic, the district having jurisdiction over the  
34 closed school shall implement **a** and operate an emergency school  
35 meals distribution program**,** during the period of the school  
36 closure**,** to. An emergency school meals distribution program  
37 implemented pursuant to this section shall provide for subsidized  
38 school meals to be made available, at meal distribution sites  
39 designated pursuant to subsection b. of this section, to all students  
40 enrolled in the district who are either categorically eligible or  
41 income-eligible **for free or reduced price school meals** therefor.

42 b. In order to facilitate the emergency distribution of  
43 subsidized school meals in the event of an emergency public school  
44 closure, as described in subsection a. of this section, **the** each  
45 school district shall identify one or more school meal distribution  
46 sites that are walkable and easily accessible to students in the

1 district. The school district shall collaborate with county and  
 2 municipal government officials in identifying appropriate  
 3 distribution sites~~].~~ A school meals distribution site may include~~]~~  
 4 including, but ~~need~~ not ~~be~~ limited to: faith-based locations;  
 5 community centers, such as YMCAs; and locations in the school  
 6 district where meals are made available through a summer meals  
 7 program. In a school district that includes high density housing, the  
 8 district shall make every effort to identify ~~a~~ an emergency school  
 9 ~~meal~~ meals distribution site in that housing area.

10 c. A school district shall identify students enrolled in the  
 11 district who are categorically eligible or income-eligible for ~~free or~~  
 12 ~~reduced price meals~~ subsidized school lunch, subsidized school  
 13 breakfast, or both, and for whom ~~a~~ an emergency school meal  
 14 distribution site, identified pursuant to subsection b. of this section,  
 15 is not within walking distance. In the case of these students, the  
 16 school district shall distribute the subsidized school meals to the  
 17 student's residence or to the student's bus stop along an established  
 18 bus route, provided that, in the latter case, the student or the  
 19 student's parent or guardian ~~is~~ shall be present at the bus stop  
 20 ~~for~~ to accept the distribution. ~~Food distributed~~ Distributions  
 21 made pursuant to this subsection may include up to a total of three  
 22 school days' worth of food per delivery.

23 d. A school district may use school buses owned and operated  
 24 by the district to distribute subsidized school meals pursuant to this  
 25 section. In the case of a school district that does not own and  
 26 operate its own buses, the district may enter into a contract ~~for~~  
 27 authorizing another party to engage in the emergency distribution of  
 28 subsidized school meals, on the district's behalf, pursuant to this  
 29 section, and ~~these contracts~~ any such contract shall ~~not~~ be  
 30 ~~subject to~~ exempt from the public bidding requirements  
 31 established pursuant to the "Public School Contracts Law,"  
 32 ~~P.L.1977, c.114 (C.) N.J.S.18A:18A-1 et seq.()~~.

33 e. A school district shall collaborate, as feasible, with other  
 34 school districts and with local government units ~~to implement the~~  
 35 when implementing an emergency meals distribution program, ~~as~~  
 36 ~~required by~~ pursuant to this section, in order to promote  
 37 administrative and operational efficiencies and cost savings.

38 f. School lunches and breakfasts that are made available~~,~~  
 39 through an emergency meals distribution program operating  
 40 pursuant to this section~~,~~ shall be provided to eligible students,  
 41 free of charge, in accordance with the provisions of subsection a. of  
 42 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of  
 43 section 12 of P.L.2022, c.104 (C.18A:33-14a).

44 (cf: P.L.2022, c.104, s.20)

45

46 14. This act shall take effect immediately.

STATEMENT

1

2

3 This bill would require school districts and nonpublic schools  
4 participating in the National School Lunch Program to provide free  
5 lunch, during the 2024-2025 school year, to students who are  
6 federally eligible for free or reduced price school lunch, as well as  
7 to students who are federally ineligible for free or reduced price  
8 school meals, but who have an annual household income of not  
9 more than 249 percent of the federal poverty level (FPL). The bill  
10 would additionally amend existing law at section 12 of P.L.2022,  
11 c.104 (C.18A:33-14a) to clarify that both public and nonpublic  
12 schools offering school breakfasts to students in the State, pursuant  
13 to the federal School Breakfast Program, will be required to provide  
14 such breakfasts, free of charge, both to federally eligible students  
15 and to students who are federally ineligible for free or reduced price  
16 school meals, but who have an annual household income amounting  
17 to not less than 186 percent, and not more than 199 percent, of the  
18 FPL.

19 Under existing federal law, a student is federally eligible to  
20 receive free or reduced price school lunch under the National  
21 School Lunch Program, or free or reduced price school breakfast  
22 under the federal School Breakfast Program, only if the student is  
23 determined to be categorically eligible for such benefits (i.e., is  
24 determined to be a homeless child, a migrant child, a runaway child,  
25 a foster child, or a Head Start Child, or is a participant in certain  
26 public benefits programs) or can demonstrate that the student lives  
27 in a low-income household (i.e., a household with an annual income  
28 that is not more than 185 percent of the federal poverty level).  
29 Through the recent enactment of the “Working Class Families’  
30 Anti-Hunger Act,” P.L.2022, c.104 (C.18A:33-3.2 et al.), the State  
31 of New Jersey has also provided for the expanded provision of free  
32 school lunches and breakfasts to students in the State who reside in  
33 certain middle-income families (i.e., those families having an  
34 annual household income of up to 199 percent of the FPL). This  
35 bill would further amend and supplement the Working Class  
36 Families Anti-Hunger Act to expressly apply the provisions of that  
37 existing law to nonpublic schools that elect to participate in the  
38 National School Lunch Program, and to additionally expand the  
39 income eligibility standards applicable to students in the 2024-2025  
40 school year.

41 All students who become newly eligible for free school lunch,  
42 under the bill’s expanded, but term-limited, income eligibility  
43 provisions, would be eligible to continue receiving such free  
44 lunches through a summer meals program, and, if enrolled at a  
45 public school, would also be able to continue receiving free lunches  
46 through an emergency meals distribution program that is activated  
47 during a period of public school closure resulting from COVID-19.

1 Consistent with the reimbursement requirements established  
2 under the Working Class Families Anti-Hunger Act, the bill would  
3 require the State to provide funding to each school district and  
4 nonpublic school that participates in the National School Lunch  
5 Program, as may be necessary to reimburse the costs associated  
6 with the provision of free lunches thereby, in school year 2024-  
7 2025, to students who are federally ineligible for such meals, but  
8 who satisfy the bill's expanded, State-level income eligibility  
9 requirements for that year. The bill would further require the  
10 Department of Agriculture, in consultation with the Department of  
11 Education, to establish a standardized means by which to review the  
12 State reimbursement amounts being allocated under the bill, and  
13 under the existing Working Class Families Anti-Hunger Act, in  
14 order to determine whether, and the extent to which, participating  
15 school districts and nonpublic schools are receiving adequate  
16 reimbursement, from the State, sufficient to account for each  
17 participating school's actual costs of meal delivery, including, but  
18 not limited to, food, labor, and other related costs.

19 The bill would require each report that is annually submitted, to  
20 the Governor and Legislature, on the State's school lunch and  
21 breakfast programs to identify, as appropriate, for each participating  
22 school district and nonpublic school in the State: (1) the total  
23 number and percentage of students receiving subsidized school  
24 meals who have been determined to be, respectively, federally  
25 eligible for free school lunch or breakfast, federally eligible for  
26 reduced price school lunch or breakfast, income-eligible for free  
27 school lunch or breakfast on the basis of State-level income  
28 eligibility requirements, or neither categorically eligible nor  
29 income-eligible for free or reduced price lunch or breakfast; and (2)  
30 the number and percentage of such students who reside,  
31 respectively, in low-income families and in middle-income families.

32 In addition to providing for the term-limited expansion of  
33 income eligibility requirements necessary for students to qualify for  
34 subsidized school lunches, the bill would also require school  
35 districts and nonpublic schools participating in the National School  
36 Lunch Program or the federal School Breakfast Program to take  
37 steps to minimize or offset program costs, to the extent that such  
38 costs can be minimized or offset without compromising the ability  
39 of the district or nonpublic school to comply with minimum  
40 nutritional standards and other program requirements. To facilitate  
41 such legally compliant cost minimization activities, the bill would  
42 require the Department of Agriculture, in consultation with the  
43 Department of Education, to: (1) monitor, inspect, and oversee  
44 school meals programs operating in the State to ensure that school  
45 meals served thereunder continue to satisfy minimum nutritional  
46 standards; (2) develop and publicize best practices, protocols, and  
47 model plans to help participating school districts and nonpublic  
48 schools effectively minimize and offset program costs without

1 compromising the nutritional value of meals being served; and (3)  
2 work cooperatively with each participating school district and  
3 nonpublic school to review the program costs being expended  
4 thereby, identify various means and methods by which those  
5 program costs can be reduced, curtailed, or eliminated without  
6 sacrificing nutritional value or legal compliance, provide relevant  
7 financial recommendations, and undertake or recommend other  
8 appropriate actions to prevent the State's school meals programs  
9 from becoming overly bloated with unnecessary expenses and from  
10 otherwise becoming financially burdensome.

11 Finally, the bill would require the Office of the Food Security  
12 Advocate to establish a Working Group on School Food Security to  
13 identify and develop best practices, policies, and plans, and to take  
14 other appropriate action, to promote and facilitate the effective  
15 functioning of the State's school meals programs and the expanded  
16 provision, thereunder, of free school meals to students in the State.  
17 Within one year after its formation, and on a regular basis thereafter  
18 as deemed by the food security advocate to be appropriate, the  
19 Working Group on School Food Security would be tasked with: (1)  
20 conducting a study on school food security issues, in accordance  
21 with the bill's provisions, and recommending further State-level  
22 action to facilitate the provision of free school meals to enhanced  
23 numbers or categories of students in the State; and (2) develop and  
24 publish a plan to facilitate and promote the adoption, by the United  
25 States Congress and President, of federal legislation authorizing the  
26 nationwide provision of free school meals to all students in the  
27 country, and providing federal reimbursement for all such meals  
28 served by schools and school districts in the states.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 4055

# STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 4055.

As amended by the committee, this bill would require school districts and nonpublic schools participating in the National School Lunch Program to provide free lunch, during the 2024-2025 school year, to students who are federally eligible for free or reduced price school lunch, as well as to students who are federally ineligible for free or reduced price school meals, but who have an annual household income of not more than 224 percent of the federal poverty level (FPL). The bill would additionally amend existing law at section 12 of P.L.2022, c.104 (C.18A:33-14a) to clarify that both public and nonpublic schools offering school breakfasts to students in the State, pursuant to the federal School Breakfast Program, will be required to provide such breakfasts, free of charge, both to federally eligible students and to students who are federally ineligible for free or reduced price school meals, but who have an annual household income amounting to not less than 186 percent, and not more than 224 percent, of the FPL.

Under existing federal law, a student is federally eligible to receive free or reduced price school lunch under the National School Lunch Program, or free or reduced price school breakfast under the federal School Breakfast Program, only if the student is determined to be categorically eligible for such benefits (i.e., is determined to be a homeless child, a migrant child, a runaway child, a foster child, or a Head Start Child, or is a participant in certain public benefits programs) or can demonstrate that the student lives in a low-income household (i.e., a household with an annual income that is not more than 185 percent of the federal poverty level). Through the recent enactment of the “Working Class Families’ Anti-Hunger Act,” P.L.2022, c.104 (C.18A:33-3.2 et al.), the State of New Jersey has also provided for the expanded provision of free school lunches and breakfasts to students in the State who reside in certain middle-income families (previously defined as those families having an annual household income of up to 199 percent of the FPL). This bill would further amend and supplement the Working Class Families Anti-Hunger Act to expressly apply the provisions of that existing law to nonpublic schools that elect to participate in the National School

Lunch Program, and to additionally expand the income eligibility standards applicable to students in the 2024-2025 school year.

All students who become newly eligible for free school lunch or breakfast, under the bill's expanded income eligibility provisions, would be eligible to continue receiving such free meals through a summer meals program, and, if enrolled at a public school, would also be able to continue receiving free meals through an emergency meals distribution program that is activated during a period of public school closure resulting from COVID-19.

Consistent with the reimbursement requirements established under the Working Class Families Anti-Hunger Act, the bill would require the State to provide funding to each school district and nonpublic school that participates in the National School Lunch Program, as may be necessary to reimburse the costs associated with the provision of free lunches thereby, in school year 2024-2025, to students who are federally ineligible for such meals, but who satisfy the bill's expanded, State-level income eligibility requirements for that year. The bill would further require the Department of Agriculture, in consultation with the Department of Education, to establish a standardized means by which to review the State reimbursement amounts being allocated under the bill, and under the existing Working Class Families Anti-Hunger Act, in order to determine whether, and the extent to which, participating school districts and nonpublic schools are receiving adequate reimbursement, from the State, sufficient to account for each participating school's actual costs of meal delivery, including, but not limited to, food, labor, and other related costs.

The bill would require each report that is annually submitted, to the Governor and Legislature, on the State's school lunch and breakfast programs to identify, as appropriate, for each participating school district and nonpublic school in the State: (1) the total number and percentage of students receiving subsidized school meals who have been determined to be, respectively, federally eligible for free school lunch or breakfast, federally eligible for reduced price school lunch or breakfast, income-eligible for free school lunch or breakfast on the basis of State-level income eligibility requirements, or neither categorically eligible nor income-eligible for free or reduced price lunch or breakfast; and (2) the number and percentage of such students who reside, respectively, in low-income families and in middle-income families, as defined under the bill.

The bill would require school districts and nonpublic schools that participate in the National School Lunch Program or the federal School Breakfast Program to take steps to minimize or offset program costs, to the extent that such costs can be minimized or offset without compromising the ability of the district or nonpublic school to comply with minimum nutritional standards and other program requirements. To facilitate such legally compliant cost minimization activities, the bill would require the Department of Agriculture, in consultation with

the Department of Education, to: (1) monitor, inspect, and oversee school meals programs operating in the State to ensure that school meals served thereunder continue to satisfy minimum nutritional standards; (2) develop and publicize best practices, protocols, and model plans to help participating school districts and nonpublic schools effectively minimize and offset program costs without compromising the nutritional value of meals being served; and (3) work cooperatively with each participating school district and nonpublic school to review the program costs being expended thereby, identify various means and methods by which those program costs can be reduced, curtailed, or eliminated without sacrificing nutritional value or legal compliance, provide relevant financial recommendations, and undertake or recommend other appropriate actions to prevent the State's school meals programs from becoming overly bloated with unnecessary expenses and from otherwise becoming financially burdensome.

Finally, the bill would require the Office of the Food Security Advocate to establish a Working Group on School Food Security to identify and develop best practices, policies, and plans, and to take other appropriate action, to promote and facilitate the effective functioning of the State's school meals programs and the expanded provision, thereunder, of free school meals to students in the State. Within one year after its formation, and on a regular basis thereafter as deemed by the food security advocate to be appropriate, the Working Group on School Food Security would be tasked with: (1) conducting a study on school food security issues, in accordance with the bill's provisions, and recommending further State-level action to facilitate the provision of free school meals to enhanced numbers or categories of students in the State; and (2) develop and publish a plan to facilitate and promote the adoption, by the United States Congress and President, of federal legislation authorizing the nationwide provision of free school meals to all students in the country, and providing federal reimbursement for all such meals served by schools and school districts in the states.

As amended and reported by the committee, Senate Bill No. 4055 is identical to Assembly Bill No. 5684, which was also amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) alter the household income range necessary to qualify as a "middle-income family" under the bill, from an original range of 186-249 percent of the federal poverty level to a narrower range of 186-224 percent of the federal poverty level, and authorize free breakfasts, as well as free lunches, to be provided to students in that middle-income bracket.

(2) delete provisions of the bill that would have required the Department of Agriculture, in consultation with the Department of Education, to adopt rules and regulations establishing a standardized means by which to annually review, and determine the adequacy of, the State reimbursement amounts being allocated under the bill and existing law; and

(3) make technical changes to replace certain prior references to the State Department of Education with corrected references to the United States Department of Agriculture, which is responsible for setting minimum nutritional standards for school meals.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school lunches during the 2024-2025 school year will increase State expenditures from the General Fund by approximately \$27.1 million during FY 2025.

In addition, the OLS estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school breakfasts provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school breakfasts will increase State expenditures from the General Fund by approximately \$7 million annually.

The bill will also result in expenditure increases by the State and by school districts, since it requires various additional administrative tasks, such as processing an increased amount of meals reimbursement requests and approvals. However, the OLS estimates that these tasks can be subsumed within existing staff duties. The OLS notes that the bill requires the Office of the Food Security Advocate, in but not of the Department of Agriculture, to establish a Working Group on School Food Security, which will, among other things, conduct regular studies on school food security issues. It is unclear whether the Office of the Food Security Advocate can accomplish this task using moneys already appropriated to it, or whether it will require an additional appropriation in future fiscal years.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 4055**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: JULY 6, 2023

**SUMMARY**

- Synopsis:** Requires certain nonpublic schools to provide meals to all students under “Working Class Families Anti-Hunger Act”; authorizes limited expansion of income eligibility to qualify public and nonpublic school students for free lunch.
- Type of Impact:** State expenditure increase from the General Fund. Local expenditure and revenue increases.
- Agencies Affected:** Department of Agriculture, Department of Education, school districts.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>
<b>State Expenditure Increase</b>	\$706,000	\$56.3 million
<b>Local Revenue Increase</b>	\$0	\$54.5 million
<b>Local Expenditure Increase</b>	\$0	\$54.5 million

- The Office of Legislative Services (OLS) estimates that raising the income threshold for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for free school lunches will increase State expenditures from the General Fund by approximately \$56.3 million during FY 2025.
- In addition, the OLS estimates that directing the Department of Agriculture to reimburse nonpublic schools for free lunches and breakfasts served to students whose family income is between 185 percent and 199 percent of the federal poverty level will increase State expenditures from the General Fund by approximately \$706,000 during FY 2024.
- Because the State will reimburse school districts for these expenditures, the bill would result in local expenditure and revenue increases for nearly the same amounts, minus the portion that is attributable to nonpublic schools.

## **BILL DESCRIPTION**

This bill would require school districts and nonpublic schools participating in the National School Lunch Program to provide free lunch, during the 2024-2025 school year, to students who are federally eligible for free or reduced price school lunch, as well as to students who are federally ineligible for free or reduced price school meals, but who have an annual household income of not more than 249 percent of the federal poverty level. The bill would additionally amend existing law at section 12 of P.L.2022, c.104 to clarify that both public and nonpublic schools offering school breakfasts to students in the State, pursuant to the federal School Breakfast Program, will be required to provide such breakfasts, free of charge, both to federally eligible students and to students who are federally ineligible for free or reduced price school meals, but who have an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the federal poverty level.

The bill would require the State to provide funding to each school district and nonpublic school that participates in the National School Lunch Program, as may be necessary to reimburse the costs associated with the provision of free lunches thereby, in school year 2024-2025, to students who are federally ineligible for such meals, but who satisfy the bill's expanded, State-level income eligibility requirements for that year. The bill would further require the Department of Agriculture, in consultation with the Department of Education, to establish a standardized means by which to review the State reimbursement amounts being allocated under the bill, and under the existing Working Class Families Anti-Hunger Act, in order to determine whether, and the extent to which, participating school districts and nonpublic schools are receiving adequate reimbursement, from the State, sufficient to account for each participating school's actual costs of meal delivery, including, but not limited to, food, labor, and other related costs.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that raising the income threshold for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for free school lunches will increase State expenditures from the General Fund by approximately \$56.3 million during FY 2025. In addition, the OLS estimates that directing the Department of Agriculture to reimburse nonpublic schools for free lunches and breakfasts served to students whose family income is between 185 percent and 199 percent of the federal poverty level will increase State expenditures from the General Fund by approximately \$706,000 during FY 2024. Because the State will reimburse school districts for these expenditures, the bill would result in local expenditure and revenue increases for nearly the same amounts, minus the portion that is attributable to nonpublic schools.

These estimates assume: (1) that there are 40,424 families in the State with an income between 185 percent and 199 percent of the federal poverty level; (2) that there are 128,866 families in the State with an income between 200 percent and 249 percent of the federal poverty level; (3) that each family in the State has 0.68 children enrolled in a public school and 0.01 children enrolled in

a nonpublic school that participates in the National School Lunch Program; (4) that 79 percent of students in the 185-199 federal poverty level bracket will utilize free lunches and breakfasts; (5) that 71 percent of students in the 200-249 federal poverty level bracket will utilize free lunches; (6) that each participating student will utilize 180 school lunches or breakfasts per year, as applicable; and (7) that the State will reimburse schools at the rate of \$4.87 per lunch and \$2.77 per breakfast. These figures are partially derived from United States Census Bureau data and partially derived from National School Lunch participation data found in Volume 3 of the "School Nutrition and Meal Cost Study," published in 2019 by the United States Department of Agriculture (USDA).

The OLS notes that the USDA estimates that the actual costs to schools of providing school lunches is greater than the federal reimbursement rate. Thus, the State reimbursement rate may need to be higher than the estimate provided above (\$4.87 per lunch) in order to ensure that schools break even, resulting in a larger State expenditure increase. This expenditure increase may be mitigated by the provisions of the bill that require school districts to take steps to minimize the costs of their school lunch programs.

The bill will also result in expenditure increases by the State and by school districts, since it requires various additional administrative tasks, such as processing an increased amount of meals reimbursement requests and approvals. However, the OLS estimates that these tasks can be subsumed within existing staff duties. The OLS notes that the bill requires the Office of Food Security Advocate, in but not of the Department of Agriculture, to establish a Working Group on School Food Security, which will, among other things, conduct regular studies on school food security issues. It is unclear whether the Office of Food Security Advocate can accomplish this task using moneys already appropriated to it, or whether it will require an additional appropriation in future fiscal years.

*Section: Environment, Agriculture, Energy, and Natural Resources*

*Analyst: Eric Hansen  
Senior Research Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 4055 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JANUARY 10, 2024

### SUMMARY

- Synopsis:** Requires certain nonpublic schools to provide meals to all students under “Working Class Families Anti-Hunger Act”; authorizes limited expansion of income eligibility to qualify public and nonpublic school students for free lunch.
- Type of Impact:** State expenditure increase from the General Fund. Local expenditure and revenue increases.
- Agencies Affected:** Department of Agriculture, Department of Education, school districts.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>	<b><u>FY 2026 and Thereafter</u></b>
<b>State Expenditure Increase</b>	\$353,000	\$34.1 million	\$7.0 million
<b>Local Expenditure Increase</b>	\$0	\$33.0 million	\$6.8 million
<b>Local Revenue Increase</b>	\$0	\$33.0 million	\$6.8 million

- The Office of Legislative Services (OLS) estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school lunches during the 2024-2025 school year will increase State expenditures from the General Fund by approximately \$27.1 million during FY 2025.
- In addition, the OLS estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school breakfasts provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school breakfasts will increase State expenditures from the General Fund by approximately \$7 million annually.
- These expenditure increases would total \$34.1 million during FY 2025 and \$7 million annually thereafter. Because the State will reimburse school districts for these expenditures, the bill would result in local expenditure and revenue increases for nearly the same amounts, minus the portion that is attributable to nonpublic schools.

- The OLS also estimates that the bill would necessitate an expenditure increase of approximately \$353,000 during FY 2024, in order to reimburse the costs of certain free meals provided to nonpublic school students, as required under the bill.

## **BILL DESCRIPTION**

This bill would require school districts and nonpublic schools participating in the National School Lunch Program to provide free lunch, during the 2024-2025 school year, to students who are federally eligible for free or reduced price school lunch, as well as to students who are federally ineligible for free or reduced price school meals, but who have an annual household income of not more than 224 percent of the federal poverty level. The bill would additionally amend existing law at section 12 of P.L.2022, c.104 to clarify that both public and nonpublic schools offering school breakfasts to students in the State, pursuant to the federal School Breakfast Program, will be required to provide such breakfasts, free of charge, both to federally eligible students and to students who are federally ineligible for free or reduced price school meals, but who have an annual household income amounting to not less than 186 percent, and not more than 224 percent, of the federal poverty level.

The bill would require the State to provide funding to each school district and nonpublic school that participates in the National School Lunch Program, as may be necessary to reimburse the costs associated with the provision of free lunches thereby, in school year 2024-2025, to students who are federally ineligible for such meals, but who satisfy the bill's expanded, State-level income eligibility requirements for that year.

The bill would require school districts and nonpublic schools that participate in the National School Lunch Program or the federal School Breakfast Program to take steps to minimize or offset program costs, to the extent that such costs can be minimized or offset without compromising the ability of the district or nonpublic school to comply with minimum nutritional standards and other program requirements. Finally, the bill would require the Office of the Food Security Advocate to establish a Working Group on School Food Security to identify and develop best practices, policies, and plans, and to take other appropriate action, to promote and facilitate the effective functioning of the State's school meals programs.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school lunches provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school lunches during the 2024-2025 school year will increase State expenditures from the General Fund by approximately \$27.1 million during FY 2025. In addition, the OLS estimates that raising the income threshold, to 224 percent of the federal poverty level, for free school breakfasts provided by public schools and directing the Department of Agriculture to reimburse nonpublic schools for certain free school breakfasts will increase State expenditures from the General Fund by approximately \$7 million

annually. These expenditure increases would total \$34.1 million during FY 2025 and \$7 million annually thereafter. Because the State will reimburse school districts for these expenditures, the bill would result in local expenditure and revenue increases for nearly the same amounts, minus the portion that is attributable to nonpublic schools.

These estimates assume: (1) that there are 40,424 families in the State with an income between 185 percent and 199 percent of the federal poverty level; (2) that there are 61,856 families in the State with an income between 200 percent and 224 percent of the federal poverty level; (3) that each family in the State has 0.68 children enrolled in a public school and 0.01 children enrolled in a nonpublic school that participates in the National School Lunch Program or federal School Breakfast Program; (4) that 79 percent of students in the 185-199 federal poverty level bracket will utilize free lunches and 36 percent of these students will utilize free breakfasts; (5) that 71 percent of students in the 200-224 federal poverty level bracket will utilize free lunches and 32 percent of these students will utilize free breakfasts; (6) that each participating student will utilize 180 school lunches or breakfasts per year, as applicable; and (7) that the State will reimburse schools at the rate of \$4.87 per lunch and \$2.77 per breakfast. These figures are partially derived from United States Census Bureau data and partially derived from National School Lunch participation data found in Volume 3 of the "School Nutrition and Meal Cost Study," published in 2019 by the United States Department of Agriculture (USDA).

The OLS also estimates that the bill would necessitate an expenditure increase of approximately \$353,000 during FY 2024, in order to reimburse the costs of certain free meals provided to nonpublic school students. This estimate assumes that the bill will take effect approximately halfway through the 2023-24 school year, and will thus apply to meals served during the spring semester, but will not apply retroactively to meals served during the fall semester.

The OLS notes that the USDA estimates that the actual costs to schools of providing school lunches is greater than the federal reimbursement rate. Thus, the State reimbursement rates may need to be higher than the estimates provided above in order to ensure that schools break even, resulting in a larger State expenditure increase. This expenditure increase may be mitigated by the provisions of the bill that require school districts to take steps to minimize the costs of their school lunch programs.

The bill will also result in expenditure increases by the State and by school districts, since it requires various additional administrative tasks, such as processing an increased amount of meals reimbursement requests and approvals. However, the OLS estimates that these tasks can be subsumed within existing staff duties. The OLS notes that the bill requires the Office of the Food Security Advocate, in but not of the Department of Agriculture, to establish a Working Group on School Food Security, which will, among other things, conduct regular studies on school food security issues. It is unclear whether the Office of the Food Security Advocate can accomplish this task using moneys already appropriated to it, or whether it will require an additional appropriation in future fiscal years.

*Section: Environment, Agriculture, Energy, and Natural Resources*

*Analyst: Eric Hansen  
Senior Research Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

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# Governor Murphy Signs Legislation Expanding Access to School Meals for New Jersey Students

01/16/2024

**Trenton** – Advancing efforts to eliminate food insecurity among New Jersey’s young learners, Governor Phil Murphy today signed legislation expanding eligibility criteria under the Working Class Families Anti-Hunger Act, [A5684/S4055](#). Under the legislation, public and non-public schools participating in the National School Lunch Program and/or federal School Breakfast Program will provide a free school lunch and/or breakfast to students whose families have an annual household income of up to 224 percent of the federal poverty level, which will make over 60,000 families newly eligible.

“Access to nutritious food is a basic necessity for our kids,” said **Governor Murphy**. “We have made great strides in our fight against food insecurity, working together with those at the front lines to ensure our most vulnerable community members have access to a warm meal and empowering our schools to meet the needs of their students. Expanding student eligibility under the Working Class Families Anti-Hunger Act will provide more of New Jersey’s young learners with a free school lunch and breakfast so that they can go to class ready to learn, rather than wondering where their next meal will come from. Thank you, Speaker Coughlin, for your partnership in bridging the gap in food access.”

“I’m grateful to Governor Murphy for continuing to lead New Jersey’s efforts to combat food insecurity at its root causes and position our state as a national leader in food security. With champions like Speaker Coughlin, Senator Ruiz, and our partners in the Legislature, New Jersey continues to utilize one of our most powerful tools for combatting hunger: policy that ensure more and more of our students are healthy and fed in school,” said **Mark Dinglasan, Director of the New Jersey Office of the Food Security Advocate**. “New Jersey’s food security work is comprehensive, ambitious, and multi-faceted, and we are able to create goals that are larger than the problems we’re tackling. It’s through our leaders like Governor Murphy and Speaker Coughlin that we are able to keep dreaming AND keep working towards a more food-secure New Jersey.”

“All students deserve access to healthy meals and this legislation provides a clear path for those in need,” **New Jersey Department of Agriculture Assistant Secretary Joe Atcill III** said. “Having nutritious food available at school each day allows children to perform better academically as well as during extra-curricular activities. This necessity is something every child should ever have to worry about.”

“Expansion of eligibility criteria under the Working Class Families Anti-Hunger Act is a monumental step in nurturing an environment where students can thrive without the burden of hunger,” said **Dr. Angelica Allen-McMillan, Acting Commissioner of Education**. “Widening eligibility criteria ensures that more students and their families have access to essential nutrition support. This legislation is aligned with our vision of fostering the most conducive learning environment for every student, as it directly addresses the intersection of education and basic needs. This expansion will positively impact the educational well-being of countless students and families across our great State.”

“Students learn better and are more prepared to take on challenges every day when they don’t have to worry about going hungry. This bill will help young people across New Jersey have access to food so that they come to school ready to focus on school – not an empty stomach. At the federal level, I have consistently supported assistance for the families who struggle to put food on the table. I applaud Governor Murphy and the state legislature for getting this important bill across the finish line,” said **Congressman Frank Pallone, Jr.**

Assembly Speaker Craig J. Coughlin and Senate Majority Leader M. Teresa Ruiz are prime sponsors of the legislation. Additional prime sponsors include Senator Shirley Turner and Assemblymembers Shanique Speight, Carol Murphy, Shama Haider, and Benjie Wimberly.

“The children most in need of nutritious meals at school will now receive breakfast and lunch,” said **Assembly Speaker Craig J. Coughlin**. “I thank Governor Murphy and Senator Ruiz for their partnership on this. We’ve made incredible progress to provide healthy meals to New Jersey’s students and this is another step toward universal free school lunch. No child should feel any shame or face any stigma over receiving a decent meal. We know this improves health and learning outcomes and we are going to get it done. We are on our way realizing my ultimate goal of ending hunger in our state.”

“Today we mark another key step in making more families eligible for free breakfast and lunch programs in schools,” said **Senate Majority Leader M. Teresa Ruiz**. “In New Jersey, 9.0% of children live in homes without consistent access to adequate food for everyone to live healthy, active lives. Seventeen percent of Blacks and Hispanics in New Jersey are food insecure. No student should be worried about where their next meal will be. I’m grateful to have a partner like Speaker Coughlin in this endeavor and a Governor who is always willing to sign laws that create real, tangible solutions for New Jersey’s families.”

“Food is a basic need that, when met, sets up our students for success,” said **Senator Shirley Turner**. “However, many families are living paycheck to paycheck and cannot afford to pay for school meals every day. A hungry student is distracted, irritable, and unenergetic, and no child wondering where their next meal will come from is engaged with learning. Increasing access to free school meals is the best way to keep our students nourished and focused on academics.”

“This landmark legislation reinforces New Jersey’s commitment to prioritizing the welfare of its citizens, particularly its youth,” said **Assemblywoman Shanique Speight**. “We are committed to supporting the state’s most vulnerable populations and fostering educational success for our children.”

“By providing access to food, we are creating an environment where all children have the resources they need to thrive,” said **Assemblywoman Carol Murphy**. “The temporary expansion aims to assist families even beyond the academic year, providing numerous children with access to food through the summer meals program.”

“Free meals in schools are more than sustenance. They’re a safety net for many students and a promise to children that hunger will not be an obstacle in their education,” said **Assemblyman Benjie E. Wimberly**. “By broadening eligibility requirements and including breakfast, we’re taking a stance against food insecurity.”

“In 2019, there were 762,530 New Jersey residents — including 192,580 children — who were ‘food insecure,’” said **Assemblywoman Shama Haider**. “That’s hundreds of thousands of children who don’t know where their next meal is coming from or if they’ll have a next meal. By giving more students access to meals, we are providing a lifeline for them and their families.”

“School meals are critical to children’s health and well-being, and they ensure that students have the nutrition they need to learn throughout the day. Hunger Free New Jersey applauds Governor Murphy, Speaker Coughlin, Majority Leader Ruiz, and all the sponsors of this legislation for championing efforts to expand access to healthy free school meals, helping our children to reach their full potential,” said **Lisa Pitz, Director of Hunger Free New Jersey**.

“More than 175,000 children in New Jersey are food insecure. Lack of access to nutritious food can hinder their physical, mental, social, and emotional development,” said **Elizabeth McCarthy, President & CEO of the Community FoodBank of New Jersey (CFBNJ)**. “We at CFBNJ commend Governor Murphy, Speaker Coughlin, and the whole state legislature for this recent expansion of eligibility criteria for free school meals. This is a huge help for so many working families who are struggling to make ends meet.”

“Governor Murphy’s signature of A-5684 brings New Jersey one step closer to a more just, more equitable, more whole-child-centered public education system in which every student has unfettered access to two nutritious meals each school day,” said **Dr. Timothy Purnell, the New Jersey School Boards Association’s executive director and CEO**. “We commend the governor, Assembly Speaker Coughlin, Senate Majority Leader Ruiz, and the entire New Jersey Legislature for expanding on the progress made by 2022’s Working Class Families Anti-Hunger Act to combat food insecurity among New Jersey’s youth.” Purnell continued. “This bill represents lawmaking at its best: realistic yet ambitious; deliberative yet decisive; planning for the future while addressing the needs of the now; a clearly resource-backed and support-oriented approach to empowering school districts to foster healthier school climates where every student has the resources they need to reach their full potential.”

“The American Heart Association thanks Governor Murphy, Assembly Speaker Coughlin, Senate Majority Leader Ruiz and all the sponsors of this legislation for their leadership in addressing food insecurity. Meals served through the School Breakfast Program and National School Lunch Program are required to meet stringent nutritional standards. Eating healthy meals at school can help students perform better academically and develop healthy eating habits. The legislation will help to ensure that more children are able to access

healthy meals while at school and can fully focus on learning," said **Corinne Orlando**, Director of Government Relations New Jersey American Heart Association President **Timothy F. McGoughran**.