



**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA

P.L. 2018, CHAPTER 25, *approved May 30, 2018*  
Senate, No. 1894 (*Second Reprint*)

1 **AN ACT** concerning the “breakfast after the bell” program and  
2 supplementing chapter 33 of Title 18A of the New Jersey  
3 Statutes.

4

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

7

8 1. The Legislature finds and declares that numerous studies  
9 document that childhood hunger impedes learning and can cause  
10 lifelong health problems; and that, in New Jersey, tens of thousands  
11 of children suffer from hunger each year, with nearly 540,000  
12 students living in families eligible to receive free or low-cost school  
13 meals.

14 The Legislature further finds and declares that New Jersey  
15 schools have made great strides in serving breakfast to more  
16 children at the start of the school day, achieving a 73 percent  
17 increase since 2010; and that, despite this progress, only 44 percent  
18 of low-income children in New Jersey received breakfast through  
19 the federal School Breakfast Program, according to the most recent  
20 data published by Advocates for Children of New Jersey, and that  
21 this means that approximately 304,000 eligible children who are  
22 already enrolled in the program in April 2017 were not served this  
23 all-important morning meal.

24 The Legislature further finds and declares that New Jersey law  
25 currently requires a public school operated by a local or regional  
26 school district with 20 percent or more of the students enrolled in  
27 the school on October 1 of the preceding school year who were  
28 eligible for free or reduced price meals under the federal School  
29 Lunch Program or the federal School Breakfast Program to be  
30 provided school breakfast; that, however, current law does not  
31 specify how breakfast is to be served; and that, by requiring high-  
32 poverty schools to serve “breakfast after the bell,” New Jersey  
33 schools will reach a much larger percentage of children in need,  
34 helping to further their academic success.

35 The Legislature further finds and declares that the federal  
36 government reimburses schools for each meal served, and that this  
37 expansion can therefore be easily accomplished; that, since 2010,

**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 SED committee amendments adopted February 22, 2018.

<sup>2</sup>Assembly AAP committee amendments adopted April 5, 2018.

1 the amount of federal school breakfast reimbursements has more  
2 than doubled from about \$45 million to an anticipated \$105 million  
3 in fiscal year 2018; and that Advocates for Children of New Jersey  
4 estimates that school districts could collect an additional \$89  
5 million in federal funds for school breakfast each year if breakfast  
6 is served during the first few minutes of the school day.

7 The Legislature therefore determines it to be the public policy of  
8 the State to help remove a major barrier to learning by providing  
9 children the nutrition they need to succeed in school, and  
10 determines that it is the understanding and the intention of the  
11 Legislature to make breakfast part of the school day, and that  
12 “breakfast after the bell” is the most effective way to ensure that all  
13 students have the morning nutrition they need to concentrate, learn,  
14 and succeed in school.

15

16 2. a. <sup>1</sup>[(1)]<sup>1</sup> Every public school in which 70% or more of the  
17 students enrolled in the school on or before the last school day  
18 before October 16 of the preceding school year were eligible for  
19 free or reduced price meals under the National School Lunch  
20 Program or the federal School Breakfast Program, shall establish a  
21 school “breakfast after the bell” program <sup>1</sup>[based on the guidelines  
22 of best practices therefor created by the Department of Agriculture  
23 pursuant to subsection d. of this section]<sup>1</sup>.

24 <sup>1</sup>[(2) No later than one year after the effective date of this act,  
25 each school district shall adopt a plan for establishment of a  
26 “breakfast after the bell” program for all grades at each school in  
27 the district required to establish such a program pursuant to  
28 paragraph (1) of this subsection. Any such plan shall comply with  
29 the applicable requirements of the School Breakfast Program  
30 administered by the Department of Agriculture in consultation with  
31 the Department of Education. Any such plan shall be developed by  
32 the school district and adopted by the school board.]<sup>1</sup>

33 b. No later than six months following the effective date of this  
34 act, each school district shall <sup>1</sup>[notify] submit to<sup>1</sup> the Department  
35 of Agriculture <sup>1</sup>[and the Department of Education of the “breakfast  
36 after the bell” plan it adopted pursuant to the guidelines of best  
37 practices therefor created by the Department of Agriculture  
38 pursuant to subsection d. of this section] a plan for the  
39 establishment of a “breakfast after the bell” program for all grades  
40 at each school in the district which is subject to the requirements of  
41 this section. The plan shall comply with the requirements of the  
42 School Breakfast Program administered by the Department of  
43 Agriculture <sup>2</sup>[and conform to the guidelines of best practices  
44 created by the Department of Agriculture pursuant to subsection d.  
45 of this section]<sup>2</sup> .

46 No later than the first full school year following the submission  
47 of the plan, the school district shall establish a “breakfast after the  
48 bell” program in each of its schools which are subject to the

1 requirements of this section based upon the plan submitted by the  
2 school district to the Department of Agriculture<sup>1</sup>.

3 c. <sup>1</sup>**[**Any school district which, on the date of enactment of this  
4 act, is providing a school “breakfast after the bell” program for all  
5 grades at each school in the district required to establish such a  
6 program pursuant to paragraph (1) of subsection a. of this section,  
7 shall not be required to adopt a new plan. However, any such  
8 school district shall notify the Department of Agriculture of the  
9 “breakfast after the bell” plan utilized at each school in the district**]**  
10 Upon application, a school district may be granted a waiver by the  
11 Department of Agriculture of the requirements of this section for  
12 any school in which more than 70 percent of eligible students  
13 received a meal under the school breakfast program during the  
14 preceding school year. A school district that requests a waiver shall  
15 provide such information as the Department of Agriculture specifies  
16 to justify the request<sup>1</sup>.

17 d. The Department of Agriculture shall <sup>2</sup>**[**create guidelines of  
18 best practices for the purposes of this section and distribute the  
19 guidelines to each school district no later than three months  
20 following the effective date of this act. The guidelines shall include  
21 recommendations on how the “breakfast after the bell” program can  
22 operate within the limits of the federal and State reimbursement  
23 rates for the federal School Breakfast Program**]** provide a listing of  
24 available resources for the purposes of this section to each school  
25 district no later than three months following the effective date of  
26 this act<sup>2</sup>.

27  
28 3. The implementation of a “breakfast after the bell” program  
29 under this act shall be subject to the applicable requirements of  
30 section 3 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014,  
31 c.66 (C.18A:33-11.1) and any rules or regulations adopted pursuant  
32 thereto.

33  
34 4. <sup>2</sup>**[**a. A public school may establish a paid “breakfast after  
35 the bell” program for students not eligible for free or reduced price  
36 meals under the National School Lunch Program or the federal  
37 School Breakfast Program.

38 b.**]**<sup>2</sup> The Department of Agriculture, in consultation with the  
39 Department of Education, shall develop any guidelines necessary  
40 for a paid “breakfast after the bell” program.

41  
42 5. The Department of Agriculture, in consultation with the  
43 Department of Education, shall adopt, pursuant to the  
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
45 seq.), such rules and regulations as may be necessary to effectuate  
46 the purposes of this act.

1       <sup>2</sup>[6. There shall be appropriated to the Department of  
2 Agriculture in each fiscal year the funds necessary to provide the  
3 State share for “breakfast after the bell” programs established under  
4 the provisions of this act.]<sup>2</sup>

5

6       7. This act shall take effect one year after the date of  
7 enactment.

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12       Requires “breakfast after the bell” program in all schools with  
13 70% or more of students eligible for free or reduced price meals.

**SENATE, No. 1894**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED FEBRUARY 15, 2018

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Requires “breakfast after the bell” program in all schools with 70% or more of students eligible for free or reduced price meals.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the “breakfast after the bell” program and  
2 supplementing chapter 33 of Title 18A of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislature finds and declares that numerous studies  
9 document that childhood hunger impedes learning and can cause  
10 lifelong health problems; and that, in New Jersey, tens of thousands  
11 of children suffer from hunger each year, with nearly 540,000  
12 students living in families eligible to receive free or low-cost school  
13 meals.

14 The Legislature further finds and declares that New Jersey  
15 schools have made great strides in serving breakfast to more  
16 children at the start of the school day, achieving a 73 percent  
17 increase since 2010; and that, despite this progress, only 44 percent  
18 of low-income children in New Jersey received breakfast through  
19 the federal School Breakfast Program, according to the most recent  
20 data published by Advocates for Children of New Jersey, and that  
21 this means that approximately 304,000 eligible children who are  
22 already enrolled in the program in April 2017 were not served this  
23 all-important morning meal.

24 The Legislature further finds and declares that New Jersey law  
25 currently requires a public school operated by a local or regional  
26 school district with 20 percent or more of the students enrolled in  
27 the school on October 1 of the preceding school year who were  
28 eligible for free or reduced price meals under the federal School  
29 Lunch Program or the federal School Breakfast Program to be  
30 provided school breakfast; that, however, current law does not  
31 specify how breakfast is to be served; and that, by requiring high-  
32 poverty schools to serve “breakfast after the bell,” New Jersey  
33 schools will reach a much larger percentage of children in need,  
34 helping to further their academic success.

35 The Legislature further finds and declares that the federal  
36 government reimburses schools for each meal served, and that this  
37 expansion can therefore be easily accomplished; that, since 2010,  
38 the amount of federal school breakfast reimbursements has more  
39 than doubled from about \$45 million to an anticipated \$105 million  
40 in fiscal year 2018; and that Advocates for Children of New Jersey  
41 estimates that school districts could collect an additional \$89  
42 million in federal funds for school breakfast each year if breakfast  
43 is served during the first few minutes of the school day.

44 The Legislature therefore determines it to be the public policy of  
45 the State to help remove a major barrier to learning by providing  
46 children the nutrition they need to succeed in school, and  
47 determines that it is the understanding and the intention of the  
48 Legislature to make breakfast part of the school day, and that



1 “breakfast after the bell” is the most effective way to ensure that all  
2 students have the morning nutrition they need to concentrate, learn,  
3 and succeed in school.

4  
5 2. a. (1) Every public school in which 70% or more of the  
6 students enrolled in the school on or before the last school day  
7 before October 16 of the preceding school year were eligible for  
8 free or reduced price meals under the National School Lunch  
9 Program or the federal School Breakfast Program, shall establish a  
10 school “breakfast after the bell” program based on the guidelines of  
11 best practices therefor created by the Department of Agriculture  
12 pursuant to subsection d. of this section.

13 (2) No later than one year after the effective date of this act,  
14 each school district shall adopt a plan for establishment of a  
15 “breakfast after the bell” program for all grades at each school in  
16 the district required to establish such a program pursuant to  
17 paragraph (1) of this subsection. Any such plan shall comply with  
18 the applicable requirements of the School Breakfast Program  
19 administered by the Department of Agriculture in consultation with  
20 the Department of Education. Any such plan shall be developed by  
21 the school district and adopted by the school board.

22 b. No later than six months following the effective date of this act,  
23 each school district shall notify the Department of Agriculture and the  
24 Department of Education of the “breakfast after the bell” plan it  
25 adopted pursuant to the guidelines of best practices therefor created by  
26 the Department of Agriculture pursuant to subsection d. of this  
27 section.

28 c. Any school district which, on the date of enactment of this act,  
29 is providing a school “breakfast after the bell” program for all grades  
30 at each school in the district required to establish such a program  
31 pursuant to paragraph (1) of subsection a. of this section, shall not  
32 be required to adopt a new plan. However, any such school district  
33 shall notify the Department of Agriculture of the “breakfast after the  
34 bell” plan utilized at each school in the district.

35 d. The Department of Agriculture shall create guidelines of best  
36 practices for the purposes of this section and distribute the  
37 guidelines to each school district no later than three months  
38 following the effective date of this act. The guidelines shall include  
39 recommendations on how the “breakfast after the bell” program can  
40 operate within the limits of the federal and State reimbursement  
41 rates for the federal School Breakfast Program.

42  
43 3. The implementation of a “breakfast after the bell” program  
44 under this act shall be subject to the applicable requirements of  
45 section 3 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014,  
46 c.66 (C.18A:33-11.1) and any rules or regulations adopted pursuant  
47 thereto.



1       An appropriation to the Department of Agriculture by the State  
2 each fiscal year is required in order to provide the State share for  
3 the “breakfast after the bell” program established under the bill.

4       Numerous studies document that childhood hunger impedes  
5 learning and can cause lifelong health problems. In New Jersey,  
6 tens of thousands of children suffer from hunger each year, with  
7 nearly 540,000 students living in families eligible to receive free or  
8 low-cost school meals.

9       New Jersey should implement measures to increase participation  
10 in school breakfast, and that “breakfast after the bell” is an effective  
11 program to accomplish that objective. By doing so, it would help  
12 remove a major barrier to learning by providing children the  
13 nutrition they need to succeed in school.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 1894**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: APRIL 5, 2018

The Assembly Appropriations Committee reports favorably Senate Bill No. 1894 (1R), with committee amendments.

As amended, this bill requires a public school, in which 70 percent or more of the students enrolled in the school on or before the last school day before October 16 of the preceding school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program, to establish a “breakfast after the bell” program. Under current law, a school with 20 percent or more of those eligible students must have a school breakfast program.

The bill provides that, within six months of the bill’s effective date, each school district must submit a plan to the Department of Agriculture for the establishment of a “breakfast after the bell” program for all grades at each school that is subject to the provisions of the bill. The plan is required to comply with the requirements of the School Breakfast Program administered by the Department of Agriculture. No later than the first full school year after submission of the plan, a school district must establish a “breakfast after the bell” program, based upon its submitted plan, in each school that is subject to the provisions of the bill.

A school district may apply to the Department of Agriculture to request a waiver from the provisions of the bill. To this end, the Department of Agriculture is required to specify the criteria sufficient to award a waiver.

As amended and reported, this bill is identical to Assembly Bill No. 3506 (1R), as also amended and reported by the committee.

### COMMITTEE AMENDMENTS:

The committee amendments remove from the bill provisions that:

(1) required the Department of Agriculture to issue guidelines of best practices for the execution of the “breakfast after the bell” program;

(2) permitted a public school to establish a paid “breakfast after the bell” program for students not eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program; and

(3) required an annual appropriation to the Department of Agriculture to provide the funds necessary for the State share of the “breakfast after the bell” programs established by the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will have several indeterminate annual fiscal impacts as the cost of the required “breakfast after the bell” programs will be incurred by affected school districts with the State serving as a conduit for federal cost reimbursements. The OLS cannot quantify the several annual fiscal impacts because of a lack of information on the number of schools that the bill will cause to newly operate “breakfast after the bell” programs.

The bill will increase the annual expenditures of certain school districts by an indeterminate amount. The cost of the requirement will be mitigated to the extent that concerned schools are already operating “breakfast after the bell” programs and that affected schools that do not already operate “breakfast after the bell” programs expend resources on other programs that provide breakfast to eligible students.

The bill will increase by indeterminate amounts the annual revenue of school districts that because of the bill will newly operate “breakfast after the bell” programs. The increase will be in the form of federal cost reimbursements under the federal Community Eligibility Provision, which covers 100 percent of qualified expenditures of high-poverty schools to provide free meals to all students while eliminating the traditional school meal application process.

The OLS notes that the federal government provides the cost reimbursements to the State for allocation to school districts. Consequently, the State will experience an indeterminate annual revenue and expenditure increase equal to the amount of federal cost reimbursements for which school districts will newly qualify because of the bill.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 1894**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 22, 2018

The Senate Education Committee favorably reports Senate Bill No. 1894 with committee amendments.

As amended, this bill requires a public school in which 70% or more of the students enrolled in the school on or before the last school day before October 16 of the preceding school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program to establish a “breakfast after the bell” program in the school. Under current law, a school with 20% or more of those eligible students must have a school breakfast program.

The bill requires that within six months of the effective date of this act, school districts must submit a plan for the establishment of a “breakfast after the bell” program for all grades at each school subject to the provisions of the bill. The plan is required to comply with the requirements of the School Breakfast Program and conform to the guidelines of best practices which will be created by the Department of Agriculture. No later than the first full school year after the submission of the plan, the district must establish a “breakfast after the bell” program in accordance with the plan. The bill includes a provision that permits a school district to request a waiver from the provisions of the bill for any school which meets a specified participation rate in the school breakfast program.

The bill also permits a public school to establish a paid “breakfast after the bell” program for students not eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program.

The bill will become effective one year after the date of enactment.

The committee amended the bill to:

- Clarify the timeline for submission of the “breakfast after the bell” program plan to the Department of Agriculture and for the implementation of the “breakfast after the bell” program in the schools subject to the provisions of the bill; and
- Provide for a process pursuant to which a school district may be granted a waiver by the Department of Agriculture of the

requirements of the bill for any school in which more than 70 percent of eligible students received a meal under the school breakfast program during the preceding school year.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1894**

# **STATE OF NEW JERSEY**

DATED: MARCH 5, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1894 (1R).

This bill requires a public school, in which 70 percent or more of the students enrolled in the school on or before the last school day before October 16 of the preceding school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program, to establish a “breakfast after the bell” program. Under current law, a school with 20 percent or more of those eligible students must have a school breakfast program.

The bill requires that, within six months of the bill’s effective date, each school district must submit a plan to the Department of Agriculture for the establishment of a “breakfast after the bell” program for all grades at each school that is subject to the provisions of the bill. The plan is required to comply with the requirements of the federal School Breakfast Program and conform to guidelines of best practices that, pursuant to the bill, are required to be issued by the Department of Agriculture. No later than the first full school year after submission of the plan, a school district must establish a “breakfast after the bell” program, based upon its submitted plan, in each school that is subject to the provisions of the bill.

A school district may apply to the Department of Agriculture to request a waiver from the provisions of the bill. To this end, the Department of Agriculture is required to specify the criteria sufficient to award a waiver.

The bill permits a public school to establish a paid “breakfast after the bell” program for students not eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program.

The bill provides for an annual appropriation to the Department of Agriculture to provide the funds necessary for the State share of the “breakfast after the bell” programs established by the bill.



FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will have several indeterminate annual fiscal impacts as the cost of the required “breakfast after the bell” programs will be incurred by affected school districts with the State serving as a conduit for federal cost reimbursements. The OLS cannot quantify the several annual fiscal impacts because of a lack of information on the number of schools that the bill will cause to newly operate “breakfast after the bell” programs.

The bill will increase the annual expenditures of certain school districts by an indeterminate amount. The bill requires the establishment of “breakfast after the bell” programs in schools in which at least 70 percent of the students in the prior school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program. The cost of the requirement will be mitigated to the extent that concerned schools are already operating “breakfast after the bell” programs and that affected schools that do not already operate “breakfast after the bell” programs expend resources on other programs that provide breakfast to eligible students.

The bill will increase the annual revenue of school districts that because of the bill will newly operate “breakfast after the bell” programs by indeterminate amounts. The increase will be in the form of federal cost reimbursements under the federal Community Eligibility Provision, which covers 100 percent of qualified expenditures of high-poverty schools to provide free meals to all students while eliminating the traditional school meal application process.

The OLS notes that the federal government provides the cost reimbursements to the State for allocation to school districts. Consequently, the State will experience an indeterminate annual revenue and expenditure increase equal to the amount of federal cost reimbursements for which school districts will newly qualify because of the bill. In addition, there may be additional State expenditures in years in which the federal government will not pay for the full cost of the bill’s mandated “breakfast after the bell” programs, given that the bill appropriates State funds in the amount that is necessary to provide any State share for the programs.

Lastly, the bill will result in an indeterminate increase in annual State and school district administrative expenditures from implementing and administering the provisions of the bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 1894

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MARCH 28, 2018

#### SUMMARY

- Synopsis:** Requires “breakfast after the bell” program in all schools with 70% or more of students eligible for free or reduced price meals.
- Types of Impact:** Annual State Revenue and Expenditure Increases.  
Annual School District Revenue and Expenditure Increases.
- Agencies Affected:** Department of Agriculture and certain school districts.

#### Office of Legislative Services Estimate

Fiscal Impact	
Annual School District Expenditure Increase	Indeterminate
Annual School District Revenue Increase	Indeterminate
Annual State Expenditure Increase	Indeterminate
Annual State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will have several indeterminate annual fiscal impacts as the cost of the required “breakfast after the bell” programs will be incurred by affected school districts with the State serving as a conduit for federal cost reimbursements. The OLS cannot quantify the several annual fiscal impacts because of a lack of information on the number of schools that the bill will cause to newly operate “breakfast after the bell” programs.
- The bill will increase the annual expenditures of certain school districts by an indeterminate amount. The bill requires the establishment of “breakfast after the bell” programs in schools in which at least 70 percent of the students in the prior school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program. The cost of the requirement will be mitigated to the extent that concerned schools are already operating “breakfast after the bell” programs and that affected schools that do not already operate “breakfast after the bell” programs expend resources on other programs that provide breakfast to eligible students.

- The bill will increase by indeterminate amounts the annual revenue of school districts that because of the bill will newly operate “breakfast after the bell” programs. The increase will be in the form of federal cost reimbursements under the federal Community Eligibility Provision, which covers 100 percent of qualified expenditures of high-poverty schools to provide free meals to all students while eliminating the traditional school meal application process.
- The OLS notes that the federal government provides the cost reimbursements to the State for allocation to school districts. Consequently, the State will experience an indeterminate annual revenue and expenditure increase equal to the amount of federal cost reimbursements for which school districts will newly qualify because of the bill.
- The bill will result in an indeterminate increase in annual State and school district administrative expenditures from implementing and administering the provisions of the bill.
- There may be additional State expenditures in years in which the federal government will not pay for the full cost of the bill’s mandated “breakfast after the bell” programs, given that the bill appropriates State funds in the amount that is necessary to provide any State share for the programs.

## **BILL DESCRIPTION**

This bill requires a public school to establish a “breakfast after the bell” program if 70 percent or more of the students enrolled in the school on or before the last school day before October 16 of the preceding school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program.

The bill requires that within six months after its effective date, every school district must submit a plan for the establishment of a “breakfast after the bell” program for all grades at each school subject to the provisions of the bill. The plan is required to comply with the provisions of the federal School Breakfast Program and the guidelines of best practices which will be created by the Department of Agriculture. No later than the first full school year after submission of its plan, a school district must establish a “breakfast after the bell” program in accordance with the plan. The bill permits affected school districts to request a waiver from the “breakfast after the bell” requirement.

The bill also appropriates State funds to the Department of Agriculture in the amount that is necessary to provide any State share for the mandated “breakfast after the bell” programs in years in which the federal government will not pay for the full cost of the programs.

Under current law, a school must have a school breakfast program if at least 20 percent of its students qualify for free or reduced price meals. Current law does not specify whether the breakfast should be served before or after the start of the school day.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS estimates that the bill will have several indeterminate annual fiscal impacts as the cost of the required “breakfast after the bell” programs will be incurred by affected school districts with the State serving as a conduit for federal cost reimbursements. Although there are 452 school districts that will be affected under this bill, the OLS cannot quantify the several annual fiscal impacts because of a lack of information on the number of schools that the bill will cause to newly operate “breakfast after the bell” programs.

The bill will increase the annual expenditures of certain school districts by an indeterminate amount. The bill requires the establishment of “breakfast after the bell” programs in schools in which at least 70 percent of the students in the prior school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program. The cost of the requirement will be mitigated to the extent that concerned schools are already operating “breakfast after the bell” programs and that affected schools that do not already operate such programs expend resources on other programs that provide breakfast to eligible students.

School district costs for food, labor, and supplies can vary depending on the use of donated foods, the number of students served, the type and scale of food preparation required, or local pay scales. In many cases, federal reimbursements will cover all of these costs. Any costs not covered by federal or State funding would be the responsibility of the districts. School districts can reduce program expenditures by hiring workers from federally subsidized programs, senior citizen associations, or other volunteer groups.

The bill will also increase by indeterminate amounts the annual revenue of school districts that because of the bill will newly operate “breakfast after the bell” programs. The increase will be in the form of federal cost reimbursements under the federal Community Eligibility Provision, which covers 100 percent of qualified expenditures of high-poverty schools to provide free meals to all students while eliminating the traditional school meal application process.

The bill will result in an indeterminate increase in annual State and school district administrative expenditures from implementing and administering the provisions of the bill. For example, the bill’s provision that permits a school district to request a waiver for a school under certain circumstances may result in the Department of Agriculture incurring some marginal administrative costs each year to process an indeterminate number of these requests. The OLS notes that the bill does not limit the number of years a school district may be granted a waiver.

The OLS points out that the federal government provides the cost reimbursements to the State for allocation to school districts. Consequently, the State will experience an indeterminate annual revenue and expenditure increase equal to the amount of federal cost reimbursements for which school districts will newly qualify because of the bill.

The OLS notes further that school districts serving a higher percentage of low-income students, with at least 40 percent of the children receiving free or reduced price lunch, are considered “severe need” schools and therefore are eligible for additional federal reimbursement. Under this bill, participating school districts would be considered “severe need” and would qualify for additional federal reimbursements. According to the United States Food and Nutrition Service, in school year 2017-2018, school breakfast reimbursement rates for schools in “severe need” were \$2.09 for a free breakfast and \$1.79 for a reduced price breakfast.

The OLS also states that there may be additional State expenditures in years in which the federal government will not pay for the full cost of the bill’s mandated “breakfast after the bell” programs, given that the bill appropriates State funds in the amount that is necessary to provide any State share for the programs.

FE to S1894 [1R]

4

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

*Analyst: Neha Mehta Patel  
Associate Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## SENATE, No. 1894

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: APRIL 16, 2018

#### SUMMARY

- Synopsis:** Requires “breakfast after the bell” program in all schools with 70% or more of students eligible for free or reduced price meals.
- Types of Impact:** Annual State Revenue and Expenditure Increases.  
Annual School District Revenue and Expenditure Increases.
- Agencies Affected:** Department of Agriculture and certain school districts.

#### Office of Legislative Services Estimate

Fiscal Impact	
Annual School District Expenditure Increase	Indeterminate
Annual School District Revenue Increase	Indeterminate
Annual State Expenditure Increase	Indeterminate
Annual State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will have several indeterminate annual fiscal impacts as the cost of the required “breakfast after the bell” programs will be incurred by affected school districts with the State serving as a conduit for federal cost reimbursements. The OLS cannot quantify the several annual fiscal impacts because of a lack of information on the number of schools that the bill will cause to newly operate “breakfast after the bell” programs.
- The bill will increase the annual expenditures of certain school districts by an indeterminate amount. The bill requires the establishment of “breakfast after the bell” programs in schools in which at least 70 percent of the students in the prior school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program. The cost of the requirement will be mitigated to the extent that concerned schools are already operating “breakfast after the bell” programs and that affected schools that do not already operate “breakfast after the bell” programs expend resources on other programs that provide breakfast to eligible students.

- The bill will increase by indeterminate amounts the annual revenue of school districts that because of the bill will newly operate “breakfast after the bell” programs. The increase will be in the form of federal cost reimbursements under the federal Community Eligibility Provision, which covers 100 percent of qualified expenditures of high-poverty schools to provide free meals to all students while eliminating the traditional school meal application process.
- The OLS notes that the federal government provides the cost reimbursements to the State for allocation to school districts. Consequently, the State will experience an indeterminate annual revenue and expenditure increase equal to the amount of federal cost reimbursements for which school districts will newly qualify because of the bill.
- The bill will result in an indeterminate increase in annual State and school district administrative expenditures from implementing and administering the provisions of the bill.
- There may be additional State expenditures in years in which the federal government will not pay for the full cost of the bill’s mandated “breakfast after the bell” programs.

## **BILL DESCRIPTION**

This bill requires a public school to establish a “breakfast after the bell” program if 70 percent or more of the students enrolled in the school on or before the last school day before October 16 of the preceding school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program.

The bill requires that within six months after its effective date, every school district must submit a plan for the establishment of a “breakfast after the bell” program for all grades at each school subject to the provisions of the bill. The plan is required to comply with the provisions of the School Breakfast Program administered by the Department of Agriculture. No later than the first full school year after submission of its plan, a school district must establish a “breakfast after the bell” program in accordance with the plan. The bill permits affected school districts to request a waiver from the “breakfast after the bell” requirement.

Under current law, a school must have a school breakfast program if at least 20 percent of its students qualify for free or reduced price meals. Current law does not specify whether the breakfast should be served before or after the start of the school day.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The OLS estimates that the bill will have several indeterminate annual fiscal impacts as the cost of the required “breakfast after the bell” programs will be incurred by affected school

districts with the State serving as a conduit for federal cost reimbursements. Although there are 452 school districts that will be affected under this bill, the OLS cannot quantify the several annual fiscal impacts because of a lack of information on the number of schools that the bill will cause to newly operate “breakfast after the bell” programs.

The bill will increase the annual expenditures of certain school districts by an indeterminate amount. The bill requires the establishment of “breakfast after the bell” programs in schools in which at least 70 percent of the students in the prior school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program. The cost of the requirement will be mitigated to the extent that concerned schools are already operating “breakfast after the bell” programs and that affected schools that do not already operate such programs expend resources on other programs that provide breakfast to eligible students.

School district costs for food, labor, and supplies can vary depending on the use of donated foods, the number of students served, the type and scale of food preparation required, or local pay scales. In many cases, federal reimbursements will cover all of these costs. Any costs not covered by federal or State funding would be the responsibility of the districts. School districts can reduce program expenditures by hiring workers from federally subsidized programs, senior citizen associations, or other volunteer groups.

The bill will also increase by indeterminate amounts the annual revenue of school districts that because of the bill will newly operate “breakfast after the bell” programs. The increase will be in the form of federal cost reimbursements under the federal Community Eligibility Provision, which covers 100 percent of qualified expenditures of high-poverty schools to provide free meals to all students while eliminating the traditional school meal application process.

The bill will result in an indeterminate increase in annual State and school district administrative expenditures from implementing and administering the provisions of the bill. For example, the bill’s provision that permits a school district to request a waiver for a school under certain circumstances may result in the Department of Agriculture incurring some marginal administrative costs each year to process an indeterminate number of these requests. The OLS notes that the bill does not limit the number of years a school district may be granted a waiver.

The OLS notes further that school districts serving a higher percentage of low-income students, with at least 40 percent of the children receiving free or reduced price lunch, are considered “severe need” schools and therefore are eligible for additional federal reimbursement. Under this bill, participating school districts would be considered “severe need” and would qualify for additional federal reimbursements. According to the United States Food and Nutrition Service, in school year 2017-2018, school breakfast reimbursement rates for schools in “severe need” were \$2.09 for a free breakfast and \$1.79 for a reduced price breakfast.

The OLS also states that there may be additional State expenditures in years in which the federal government will not pay for the full cost of the bill’s mandated “breakfast after the bell” programs.

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

*Analyst: Neha Mehta Patel  
Associate Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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



# ASSEMBLY, No. 3506

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2018

**Sponsored by:**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblyman ARTHUR BARCLAY**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblywomen Vainieri Huttle and Jasey**

**SYNOPSIS**

Requires “breakfast after the bell” program in all schools with 70% or more of students eligible for free or reduced price meals.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/13/2018)**

1 AN ACT concerning the “breakfast after the bell” program and  
2 supplementing chapter 33 of Title 18A of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislature finds and declares that numerous studies  
9 document that childhood hunger impedes learning and can cause  
10 lifelong health problems; and that, in New Jersey, tens of thousands  
11 of children suffer from hunger each year, with nearly 540,000  
12 students living in families eligible to receive free or low-cost school  
13 meals.

14 The Legislature further finds and declares that New Jersey  
15 schools have made great strides in serving breakfast to more  
16 children at the start of the school day, achieving a 73 percent  
17 increase since 2010; and that, despite this progress, only 44 percent  
18 of low-income children in New Jersey received breakfast through  
19 the federal School Breakfast Program, according to the most recent  
20 data published by Advocates for Children of New Jersey, and that  
21 this means that approximately 304,000 eligible children who are  
22 already enrolled in the program in April 2017 were not served this  
23 all-important morning meal.

24 The Legislature further finds and declares that New Jersey law  
25 currently requires a public school operated by a local or regional  
26 school district with 20 percent or more of the students enrolled in  
27 the school on October 1 of the preceding school year who were  
28 eligible for free or reduced price meals under the federal School  
29 Lunch Program or the federal School Breakfast Program to be  
30 provided school breakfast; that, however, current law does not  
31 specify how breakfast is to be served; and that, by requiring high-  
32 poverty schools to serve “breakfast after the bell,” New Jersey  
33 schools will reach a much larger percentage of children in need,  
34 helping to further their academic success.

35 The Legislature further finds and declares that the federal  
36 government reimburses schools for each meal served, and that this  
37 expansion can therefore be easily accomplished; that, since 2010,  
38 the amount of federal school breakfast reimbursements has more  
39 than doubled from about \$45 million to an anticipated \$105 million  
40 in fiscal year 2018; and that Advocates for Children of New Jersey  
41 estimates that school districts could collect an additional \$89  
42 million in federal funds for school breakfast each year if breakfast  
43 is served during the first few minutes of the school day.

44 The Legislature therefore determines it to be the public policy of  
45 the State to help remove a major barrier to learning by providing  
46 children the nutrition they need to succeed in school, and  
47 determines that it is the understanding and the intention of the  
48 Legislature to make breakfast part of the school day, and that

A3506 LAMPITT, SUMTER

1 “breakfast after the bell” is the most effective way to ensure that  
2 all students have the morning nutrition they need to concentrate,  
3 learn, and succeed in school.

4  
5 2. a. (1) Every public school in which 70% or more of the  
6 students enrolled in the school on or before the last school day  
7 before October 16 of the preceding school year were eligible for  
8 free or reduced price meals under the National School Lunch  
9 Program or the federal School Breakfast Program, shall establish a  
10 school “breakfast after the bell” program based on the guidelines of  
11 best practices therefor created by the Department of Agriculture  
12 pursuant to subsection d. of this section.

13 (2) No later than one year after the effective date of this act,  
14 each school district shall adopt a plan for establishment of a  
15 “breakfast after the bell” program for all grades at each school in  
16 the district required to establish such a program pursuant to  
17 paragraph (1) of this subsection. Any such plan shall comply with  
18 the applicable requirements of the School Breakfast Program  
19 administered by the Department of Agriculture in consultation with  
20 the Department of Education. Any such plan shall be developed by  
21 the school district and adopted by the school board.

22 b. No later than six months following the effective date of this  
23 act, each school district shall notify the Department of Agriculture and  
24 the Department of Education of the “breakfast after the bell” plan it  
25 adopted pursuant to the guidelines of best practices therefor created by  
26 the Department of Agriculture pursuant to subsection d. of this  
27 section.

28 c. Any school district which, on the date of enactment of this act,  
29 is providing a school “breakfast after the bell” program for all grades  
30 at each school in the district required to establish such a program  
31 pursuant to paragraph (1) of subsection a. of this section, shall not  
32 be required to adopt a new plan. However, any such school district  
33 shall notify the Department of Agriculture of the “breakfast after the  
34 bell” plan utilized at each school in the district.

35 d. The Department of Agriculture shall create guidelines of  
36 best practices for the purposes of this section and distribute the  
37 guidelines to each school district no later than three months  
38 following the effective date of this act. The guidelines shall include  
39 recommendations on how the “breakfast after the bell” program can  
40 operate within the limits of the federal and State reimbursement  
41 rates for the federal School Breakfast Program.

42  
43 3. The implementation of a “breakfast after the bell” program  
44 under this act shall be subject to the applicable requirements of  
45 section 3 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014,  
46 c.66 (C.18A:33-11.1) and any rules or regulations adopted pursuant  
47 thereto.

A3506 LAMPITT, SUMTER

4

1 4. a. A public school may establish a paid “breakfast after the  
2 bell” program for students not eligible for free or reduced price  
3 meals under the National School Lunch Program or the federal  
4 School Breakfast Program.

5 b. The Department of Agriculture, in consultation with the  
6 Department of Education, shall develop any guidelines necessary  
7 for a paid “breakfast after the bell” program.

8  
9 5. The Department of Agriculture, in consultation with the  
10 Department of Education, shall adopt, pursuant to the  
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
12 seq.), such rules and regulations as may be necessary to effectuate  
13 the purposes of this act.

14  
15 6. There shall be appropriated to the Department of Agriculture  
16 in each fiscal year the funds necessary to provide the State share for  
17 “breakfast after the bell” programs established under the provisions  
18 of this act.

19  
20 7. This act shall take effect one year after the date of  
21 enactment.

22

23

24

STATEMENT

25

26 This bill requires a public school in which 70% or more of the  
27 students enrolled in the school on or before the last school day  
28 before October 16 of the preceding school year were eligible for  
29 free or reduced price meals under the National School Lunch  
30 Program or the federal School Breakfast Program to establish a  
31 “breakfast after the bell” program in the school. Under current law,  
32 a school with 5% or more of those eligible students must have a  
33 school lunch program, and a school with 20% or more of those  
34 eligible students must have a school breakfast program.

35 The bill requires each school district to adopt a plan for  
36 establishment of a “breakfast after the bell” program for all grades  
37 at each school in the district required to establish such a program  
38 within one year after the effective date of the bill. Any such plan is  
39 required to be developed by the school district and adopted by the  
40 school board. Within six months after the effective date of the bill,  
41 each school district is required to notify the Department of  
42 Agriculture and the Department of Education, of the “breakfast  
43 after the bell” plan it adopted. Any school district currently providing  
44 a school “breakfast after the bell” program for all grades at each  
45 school in the district required to establish such a program pursuant  
46 to the bill, would not be required to adopt a new plan. The bill also  
47 permits a public school to establish a paid “breakfast after the bell”  
48 program for students not eligible for free or reduced price meals.

**A3506 LAMPITT, SUMTER**

5

1       An appropriation to the Department of Agriculture by the State  
2 each fiscal year is required in order to provide the State share for  
3 the “breakfast after the bell” program established under the bill.

4       Numerous studies document that childhood hunger impedes  
5 learning and can cause lifelong health problems. In New Jersey,  
6 tens of thousands of children suffer from hunger each year, with  
7 nearly 540,000 students living in families eligible to receive free or  
8 low-cost school meals.

9       New Jersey should implement measures to increase participation  
10 in school breakfast, and that “breakfast after the bell” is an effective  
11 program to accomplish that objective. By doing so, it would help  
12 remove a major barrier to learning by providing children the  
13 nutrition they need to succeed in school.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3506

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 12, 2018

The Assembly Education Committee reports favorably Assembly Bill No. 3506 with committee amendments.

As amended, this bill requires a public school in which 70% or more of the students enrolled in the school on or before the last school day before October 16 of the preceding school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program to establish a “breakfast after the bell” program in the school.

The bill requires that within six months of the bill’s effective date, school districts must submit a plan for the establishment of a “breakfast after the bell” program for all grades at each school subject to the provisions of the bill. The plan is required to comply with the requirements of the School Breakfast Program and conform to the guidelines of best practices which will be created by the Department of Agriculture. No later than the first full school year after the submission of the plan, the district must establish a “breakfast after the bell” program in accordance with the plan. The bill includes a provision that permits a school district to request a waiver from the provisions of the bill for any school which meets a specified participation rate in the school breakfast program.

The bill also permits a public school to establish a paid “breakfast after the bell” program for students not eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program.

The bill will become effective one year after the date of enactment.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

- Clarify the timeline for submission of the “breakfast after the bell” program plan to the Department of Agriculture and for the implementation of the “breakfast after the bell” program in the schools subject to the provisions of the bill; and
- Provide for a process pursuant to which a school district may be granted a waiver by the Department of Agriculture of the requirements of the bill for any school in which more than 70 percent of eligible students received a meal under the school breakfast program during the preceding school year.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 3506

with committee amendments

# STATE OF NEW JERSEY

DATED: APRIL 5, 2018

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3506 (1R), with committee amendments.

As amended, this bill requires a public school, in which 70 percent or more of the students enrolled in the school on or before the last school day before October 16 of the preceding school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program, to establish a “breakfast after the bell” program. Under current law, a school with 20 percent or more of those eligible students must have a school breakfast program.

The bill provides that, within six months of the bill’s effective date, each school district must submit a plan to the Department of Agriculture for the establishment of a “breakfast after the bell” program for all grades at each school that is subject to the provisions of the bill. The plan is required to comply with the requirements of the School Breakfast Program administered by the Department of Agriculture. No later than the first full school year after submission of the plan, a school district must establish a “breakfast after the bell” program, based upon its submitted plan, in each school that is subject to the provisions of the bill.

A school district may apply to the Department of Agriculture to request a waiver from the provisions of the bill. To this end, the Department of Agriculture is required to specify the criteria sufficient to award a waiver.

As amended and reported, this bill is identical to Senate Bill No. 1894 (1R), as also amended and reported by the committee.

### COMMITTEE AMENDMENTS:

The committee amendments remove from the bill provisions that:

(1) required the Department of Agriculture to issue guidelines of best practices for the execution of the “breakfast after the bell” program;

(2) permitted a public school to establish a paid “breakfast after the bell” program for students not eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program; and

(3) required an annual appropriation to the Department of Agriculture to provide the funds necessary for the State share of the “breakfast after the bell” programs established by the bill.

The committee amendments also make a technical correction to the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will have several indeterminate annual fiscal impacts as the cost of the required “breakfast after the bell” programs will be incurred by affected school districts with the State serving as a conduit for federal cost reimbursements. The OLS cannot quantify the several annual fiscal impacts because of a lack of information on the number of schools that the bill will cause to newly operate “breakfast after the bell” programs.

The bill will increase the annual expenditures of certain school districts by an indeterminate amount. The cost of the requirement will be mitigated to the extent that concerned schools are already operating “breakfast after the bell” programs and that affected schools that do not already operate “breakfast after the bell” programs expend resources on other programs that provide breakfast to eligible students.

The bill will increase by indeterminate amounts the annual revenue of school districts that because of the bill will newly operate “breakfast after the bell” programs. The increase will be in the form of federal cost reimbursements under the federal Community Eligibility Provision, which covers 100 percent of qualified expenditures of high-poverty schools to provide free meals to all students while eliminating the traditional school meal application process.

The OLS notes that the federal government provides the cost reimbursements to the State for allocation to school districts. Consequently, the State will experience an indeterminate annual revenue and expenditure increase equal to the amount of federal cost reimbursements for which school districts will newly qualify because of the bill.



# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## ASSEMBLY, No. 3506

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: APRIL 16, 2018

#### SUMMARY

- Synopsis:** Requires “breakfast after the bell” program in all schools with 70% or more of students eligible for free or reduced price meals.
- Types of Impact:** Annual State Revenue and Expenditure Increases.  
Annual School District Revenue and Expenditure Increases.
- Agencies Affected:** Department of Agriculture and certain school districts.

#### Office of Legislative Services Estimate

Fiscal Impact	
Annual School District Expenditure Increase	Indeterminate
Annual School District Revenue Increase	Indeterminate
Annual State Expenditure Increase	Indeterminate
Annual State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will have several indeterminate annual fiscal impacts as the cost of the required “breakfast after the bell” programs will be incurred by affected school districts with the State serving as a conduit for federal cost reimbursements. The OLS cannot quantify the several annual fiscal impacts because of a lack of information on the number of schools that the bill will cause to newly operate “breakfast after the bell” programs.
- The bill will increase the annual expenditures of certain school districts by an indeterminate amount. The bill requires the establishment of “breakfast after the bell” programs in schools in which at least 70 percent of the students in the prior school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program. The cost of the requirement will be mitigated to the extent that concerned schools are already operating “breakfast after the bell” programs and that affected schools that do not already operate “breakfast after the bell” programs expend resources on other programs that provide breakfast to eligible students.

- The bill will increase by indeterminate amounts the annual revenue of school districts that because of the bill will newly operate “breakfast after the bell” programs. The increase will be in the form of federal cost reimbursements under the federal Community Eligibility Provision, which covers 100 percent of qualified expenditures of high-poverty schools to provide free meals to all students while eliminating the traditional school meal application process.
- The OLS notes that the federal government provides the cost reimbursements to the State for allocation to school districts. Consequently, the State will experience an indeterminate annual revenue and expenditure increase equal to the amount of federal cost reimbursements for which school districts will newly qualify because of the bill.
- The bill will result in an indeterminate increase in annual State and school district administrative expenditures from implementing and administering the provisions of the bill.
- There may be additional State expenditures in years in which the federal government will not pay for the full cost of the bill’s mandated “breakfast after the bell” programs.

## **BILL DESCRIPTION**

This bill requires a public school to establish a “breakfast after the bell” program if 70 percent or more of the students enrolled in the school on or before the last school day before October 16 of the preceding school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program.

The bill requires that within six months after its effective date, every school district must submit a plan for the establishment of a “breakfast after the bell” program for all grades at each school subject to the provisions of the bill. The plan is required to comply with the provisions of the School Breakfast Program administered by the Department of Agriculture. No later than the first full school year after submission of its plan, a school district must establish a “breakfast after the bell” program in accordance with the plan. The bill permits affected school districts to request a waiver from the “breakfast after the bell” requirement.

Under current law, a school must have a school breakfast program if at least 20 percent of its students qualify for free or reduced price meals. Current law does not specify whether the breakfast should be served before or after the start of the school day.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The OLS estimates that the bill will have several indeterminate annual fiscal impacts as the cost of the required “breakfast after the bell” programs will be incurred by affected school districts with the State serving as a conduit for federal cost reimbursements. Although there are

452 school districts that will be affected under this bill, the OLS cannot quantify the several annual fiscal impacts because of a lack of information on the number of schools that the bill will cause to newly operate “breakfast after the bell” programs.

The bill will increase the annual expenditures of certain school districts by an indeterminate amount. The bill requires the establishment of “breakfast after the bell” programs in schools in which at least 70 percent of the students in the prior school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program. The cost of the requirement will be mitigated to the extent that concerned schools are already operating “breakfast after the bell” programs and that affected schools that do not already operate such programs expend resources on other programs that provide breakfast to eligible students.

School district costs for food, labor, and supplies can vary depending on the use of donated foods, the number of students served, the type and scale of food preparation required, or local pay scales. In many cases, federal reimbursements will cover all of these costs. Any costs not covered by federal or State funding would be the responsibility of the districts. School districts can reduce program expenditures by hiring workers from federally subsidized programs, senior citizen associations, or other volunteer groups.

The bill will also increase by indeterminate amounts the annual revenue of school districts that because of the bill will newly operate “breakfast after the bell” programs. The increase will be in the form of federal cost reimbursements under the federal Community Eligibility Provision, which covers 100 percent of qualified expenditures of high-poverty schools to provide free meals to all students while eliminating the traditional school meal application process.

The bill will result in an indeterminate increase in annual State and school district administrative expenditures from implementing and administering the provisions of the bill. For example, the bill’s provision that permits a school district to request a waiver for a school under certain circumstances may result in the Department of Agriculture incurring some marginal administrative costs each year to process an indeterminate number of these requests. The OLS notes that the bill does not limit the number of years a school district may be granted a waiver.

The OLS notes further that school districts serving a higher percentage of low-income students, with at least 40 percent of the children receiving free or reduced price lunch, are considered “severe need” schools and therefore are eligible for additional federal reimbursement. Under this bill, participating school districts would be considered “severe need” and would qualify for additional federal reimbursements. According to the United States Food and Nutrition Service, in school year 2017-2018, school breakfast reimbursement rates for schools in “severe need” were \$2.09 for a free breakfast and \$1.79 for a reduced price breakfast.

The OLS also states that there may be additional State expenditures in years in which the federal government will not pay for the full cost of the bill’s mandated “breakfast after the bell” programs.

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

*Analyst: Neha Mehta Patel  
Associate Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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



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## Newark, N.J.

# Governor Murphy Takes Action on Legislation

05/30/2018

**TRENTON** – Today, Governor Phil Murphy announced that he has signed the following bills into law:

**A2787 (Dancer, Andrzejczak, Houghtaling, Rooney/Cruz-Perez, Singer)** – Extends pilot program authorizing special occasion events at wineries on preserved farmland; implements reporting requirement.

**A3380 (McKeon, Murphy, Lampitt, Conaway/Vitale, Singleton)** – “New Jersey Health Insurance Market Preservation Act.”

**S482 (Vitale/Vainieri Huttle, Quijano, Jasey)** – Authorizes certain gestational carrier agreements.

**S846 (Turner, Cruz-Perez/Pintor Marin, Mukherji, Gusciora, Jones, Sumter)** – Reinstates and extends duration of certain UEZs; requires DCA to study UEZ program and report recommendations to the Legislature.

**S868 (Sweeney, Vitale/Coughlin, Jasey, Schaer)**– Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots.

**S1217 (Sweeney, Smith/Mazzeo, Armato, DeAngelo)** – Requires BPU consideration and approval of amended application for qualified wind energy project offshore in certain NJ territorial waters.

**S1870 (Vitale, Ruiz/Speight, Quijano, McKnight)** – Requires Child Fatality and Near Fatality Review Board to study racial and ethnic disparities that contribute to infant mortality.

**S1876 (Ruiz, Corrado/Vainieri Huttle, Caputo, Jasey)** – Requires Commissioner of Education to include data on chronic absenteeism and disciplinary suspensions on School Report Card and requires public schools to make certain efforts to combat chronic absenteeism.

**S1878 (Vitale, Singleton/McKeon, Lampitt, Murphy)** – "New Jersey Health Insurance Premium Security Act;" establishes health insurance reinsurance plan.

**S1894 (Ruiz, Turner/Lampitt, Sumter, Barclay)** – Requires "breakfast after the bell" program in all schools with 70% or more of students eligible for free or reduced price meals.

**S1895 (Ruiz, Turner/Lampitt, Jones, Wimberly)** – Requires certain school districts to submit report on nonparticipation in "Community Eligibility Provision" of National School Lunch and School Breakfast Programs.

**S1896 (Ruiz, Turner/Lampitt, Wimberly, Jones)** – Requires school district to report at least biannually to Department of Agriculture number of students who are denied school breakfast or school lunch.

**S1897 (Ruiz, Turner/Lampitt, Pintor Marin, Barclay)** – Expands summer meal program to all school districts with 50 percent or more of students eligible for free or reduced price meals.

**S2247 (Sweeney/Burzichelli, Mukherji, Murphy)** – Allows charitable assets set aside from the sale of nonprofit hospital to for-profit entity to be allocated to successor nonprofit charitable entity that is establishing and operating

equivalent nonprofit hospital.

**Governor Murphy also announced that he has conditionally vetoed the following bills:**

**S879 (Sweeney/Burzichelli, Taliaferro, Murphy)** – Amends definition of "existing major hazardous waste facility" in "Major Hazardous Waste Facilities Siting Act."

[Copy of message on S879](#)

**S976 (Vitale, Bateman/Vainieri Huttie, Lagana, Mukherji)** – "Revised State Medical Examiner Act"; establishes Office of the Chief State Medical Examiner in DOH.

[Copy of message on S976](#)

**S1968 (Pou/Wimberly, Mukherji, Sumter)** – Extends document submission deadline for certain residential and mixed use parking projects under Economic Redevelopment and Growth Grant program; increases maximum credit amounts awarded for certain residential and mixed use parking projects.

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## Governor Phil Murphy

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