

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	4/27/2022 7/5/2022

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

end

§1
C.18A:33-3.2
§6
C.18A:33-10.1
§12
C.18A:33-14a
§16
C.18A:33-21b1
§21
Repealer
§22
Note

P.L. 2022, CHAPTER 104, *approved September 9, 2022*
Assembly, No. 2368 (*Second Reprint*)

1 AN ACT concerning the provision of free school meals to students
2 from working class, middle-income families, supplementing
3 Title 18A of the New Jersey Statutes, and amending and
4 repealing various parts of the statutory law.

5

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

8

9 1. (New section) As used in this chapter:

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

25 “Community Eligibility Provision” means a type of special
26 assistance alternative, identified at 7 C.F.R. Part 245, pursuant to
27 which the United States Department of Agriculture provides
28 reimbursement for free school meals that are provided by eligible,
29 high-poverty local educational agencies and schools that participate

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:

¹Assembly AAP committee amendments adopted May 19, 2022.

²Senate SBA committee amendments adopted June 27, 2022.

1 in both the National School Lunch Program and the federal School
2 Breakfast Program.

3 “Eligible student” means a student who is either categorically
4 eligible or income-eligible for one or more free or reduced price
5 school meals.

6 “Emergency meals distribution program” means the program,
7 established under section 1 of P.L.2020, c.6 (C.18A:33-27.2),
8 pursuant to which a school district is required to provide school
9 meals to students, through designated distribution sites, during any
10 period in which the schools in the district are subject to a public
11 health-related closure due to the COVID-19 pandemic.

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

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

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

37 “Income-eligible” means that a student either satisfies federal
38 income eligibility requirements, adopted by the United States
39 Department of Agriculture pursuant to 7 C.F.R. Part 245, or
40 satisfies State-level income eligibility requirements, set forth in
41 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) or
42 subsection a. of section ¹~~11~~ ¹² of P.L. , c. (C.) (pending
43 before the Legislature as this bill), as is necessary for the student to
44 qualify for and receive free or reduced price lunch under the
45 National School Lunch Program or free or reduced price breakfast
46 under the federal School Breakfast Program.

1 “Low-income family” means a family with an annual household
2 income amounting to not more than 185 percent of the federal
3 poverty level.

4 “Middle-income family” means a family with an annual
5 household income amounting to not less than 186 percent, and not
6 more than 199 percent, of the federal poverty level.

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

15 “School breakfast program” means a program that is established
16 and operated by a public or nonpublic school, in accordance with
17 the requirements of the federal School Breakfast Program and, in
18 the case of a public school, in accordance with a plan adopted
19 pursuant to section 2 of P.L.2003, c.4 (C.18A:33-10) or section
20 **1[5] 6**¹ of P.L. , c. (C.) (pending before the Legislature as
21 this bill), and pursuant to which the school offers daily breakfasts to
22 all enrolled students.

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

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

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

41 “Subsidized student” means a categorically eligible student or
42 income-eligible student who, as provided by subsection a. of section
43 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section **1[11]**
44 **12**¹ of P.L. , c. (C.) (pending before the Legislature as this
45 bill), is not required to pay for meals that are served to the student
46 under the National School Lunch Program or the federal School
47 Breakfast Program.

1 “Summer Food Service Program” means the federal
2 reimbursement program, established under 42 U.S.C. s.1761 and 7
3 C.F.R. Part 225, pursuant to which the United States Department of
4 Agriculture is authorized to provide grants-in-aid and other
5 assistance to the States, as may be necessary to help schools, local
6 government agencies, nonprofit organizations, colleges and
7 universities, and summer camps finance the administrative and
8 operational costs of providing meals to children, in low-income
9 areas, during the summer months and other planned periods of
10 school closure.

11 “Summer meals program” means the Summer Food Service
12 Program, the Seamless Summer Option authorized by
13 42 U.S.C. s.1761, or any other similar State or federal program that
14 is designed to ensure that children have access to nutritious meals
15 during the summer months and other planned periods of school
16 closure.

17 “Unsubsidized student” means a student who is neither
18 categorically eligible nor income-eligible for free or reduced price
19 school meals, and who is, consequently, required to pay for any
20 such meals that are served to the student under the National School
21 Lunch Program or the federal School Breakfast Program.

22

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

25 1. a. (1) Each school district shall make school lunch
26 available to all **children** students enrolled in the district, except at
27 those schools ¹at which less than five percent of students are
28 federally eligible for free or reduced price meals, that are exempt
29 from the requirements of this section, as provided by section 2 of
30 P.L.1974, c.53 (C.18A:33-5),¹ within **[1]** one year **[from]** after the
31 effective date of **[this act]** P.L.1974, c.53 (C.18A:33-4 et seq.).
32 **[Such lunches]**

33 (2) ¹**[Each school district shall make school lunch available at**
34 every school that was exempt from the provisions of paragraph (1)
35 of this subsection, within one year after the effective date of
36 P.L. , c. (C.) (pending before the Legislature as this bill).

37 (3)¹ School lunches made available pursuant to this section
38 shall meet minimum nutritional standards, established by the
39 Department of Education.

40 ¹**[(4)] (3)** Free **[and]** or reduced price lunches, as appropriate,
41 shall be offered, under a school lunch program, to **[all children**
42 qualifying under Statewide eligibility criteria] each student enrolled
43 in the district who is determined to be federally eligible for free or
44 reduced price meals. As provided by section 1 of P.L.2019, c.445
45 (C.18A:33-21.1), any student who is eligible for a reduced price
46 lunch, pursuant to federal income eligibility standards and criteria,
47 shall not be required to pay for such lunch. Free lunches shall also

1 be offered to each student enrolled in the district who is federally
 2 ineligible for free or reduced price meals, but who has an annual
 3 household income that is not less than 186 percent, and not more
 4 than 199 percent, of the federal poverty level, as determined
 5 pursuant to section ~~15~~ 16¹ of P.L. , c. (C.) (pending
 6 before the Legislature as this bill).

7 b. The State shall provide funding to each school district, as
 8 may be necessary to reimburse the costs associated with the
 9 district's provision of free lunches, pursuant to subsection a. of this
 10 section, to students who are federally ineligible for free or reduced
 11 price meals.

12 c. The Department of Agriculture, in consultation with the
 13 Department of Education, shall annually prepare and submit, to the
 14 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
 15 19.1), to the Legislature, a written report that identifies, for each
 16 school and school district in the State:

17 (1) the methods that are being used by each school or school
 18 district to facilitate the prompt identification and subsidized meal
 19 certification of students who are categorically eligible or income-
 20 eligible for free or reduced price lunch under the National School
 21 Lunch Program; and

22 (2) the number and percentage of income-eligible students from
 23 low-income families and from middle-income families,
 24 respectively, that are receiving free or reduced price lunches under
 25 the National School Lunch Program and the provisions of this
 26 section.

27 d. The Department of Agriculture, in consultation with the
 28 Department of Education, shall adopt rules and regulations,
 29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
 30 (C.52:14B-1 et seq.), to implement the provisions of this section,
 31 including, but not limited to, rules and regulations establishing a
 32 schedule for, and identifying the manner in which, State-level
 33 reimbursements are to be made pursuant to subsection b. of this
 34 section.

35 (cf: P.L.1974, c.53, s.1)

37 ^{13.} Section 2 of P.L.1974, c.53 (C.18A:33-5) is amended to read
 38 as follows:

39 2. Any school ~~in~~ at which less than ~~5%~~ five percent of
 40 ~~pupils~~ enrolled ~~meet the eligibility requirements~~ students are
 41 federally eligible for a free or reduced price lunch shall be exempt
 42 from the provisions of ~~this act~~ P.L.1974, c.53 (C.18A:33-
 43 1 et seq.).¹

44 (cf: P.L.1974, c.53, s.2)

46 ~~3.~~ ^{4.} Section 1 of P.L.2003, c.4 (C.18A:33-9) is amended
 47 to read as follows:

48 1. The Legislature finds and declares that:

1 a. The federal School Breakfast Program is a federally assisted
2 meal program **【operating】** that is implemented in public and
3 nonprofit private schools and residential child care institutions
4 nationwide, and **【supplying to】** is designed to ensure that each
5 participating child receives breakfast containing at least one-fourth
6 of the nutrients needed daily**【;】**.

7 b. The federal School Breakfast Program was established **【by**
8 the federal government**】** in 1966 with the purpose of providing a
9 nutritious, well-balanced breakfast to promote sound eating habits,
10 and fostering good health and academic achievement for school-age
11 children**【;】**.

12 c. New Jersey ranks fiftieth in the nation for participation in
13 the federal School Breakfast Program by schools offering school
14 lunch, and the State has seen only modest increases in participation
15 in recent years**【;】**.

16 d. Research shows that school breakfast increases attendance
17 and decreases tardiness, improves academic performance both in
18 class and on standardized tests, improves attentiveness, and reduces
19 emotional and behavioral problems among students from all
20 backgrounds**【; and】**.

21 e. **【Therefore】** Based on the foregoing findings, it is clearly in
22 the public interest for the State to require **【that】** school districts
23 **【with large populations of students eligible for federally subsidized**
24 meals**】** to offer school breakfasts through the federal School
25 Breakfast Program, and to publicize the **【program】** availability of
26 such breakfasts in their communities.

27 (cf: P.L.2003, c.4, s.1)

28

29 ¹**【4.】** 5.¹ Section 2 of P.L.2003, c.4 (C.18A:33-10) is amended
30 to read as follows:

31 2. a. (1) A public school operated by a local or regional
32 school district of the State in which 20**【%】** percent or more of the
33 students enrolled in the school on October 1 of the preceding school
34 year were federally eligible for free or reduced price meals under
35 the **【federal】** National School Lunch Program or the federal School
36 Breakfast Program, shall establish a **【School Breakfast Program】**
37 school breakfast program in the school.

38 **【The】** (2) A school district shall submit a school breakfast
39 program plan **【for the establishment of school breakfast programs】**
40 for each school in the district that is subject to the requirements of
41 paragraph (1) of this **【section that is】** subsection. The plan for each
42 school shall be adopted in compliance with, and pursuant to **【the】**,
43 federal School Breakfast Program **【administered by the State**
44 Department of Agriculture. The plan for each school**】**
45 requirements, and shall be submitted to the Department of

- 1 Agriculture by the date required by subsection b. of this section, in
2 a form and manner prescribed by the Secretary of Agriculture.
- 3 (3) Following the enactment of P.L. , c. (C.) (pending
4 before the Legislature as this bill), a school district shall submit a
5 new school breakfast program plan, in accordance with the
6 provisions of section ¹[5] ²[(6)¹] ⁶ of P.L. , c. (C.)
7 (pending before the Legislature as this bill), for each school in the
8 district that is subject to the requirements of paragraph (1) of this
9 subsection. A new plan adopted pursuant to this paragraph and
10 section ¹[5] ²[(6)¹] ⁶ of P.L. , c. (C.) (pending before the
11 Legislature as this bill) shall supersede any plan previously adopted
12 for the school, pursuant to this section, and the adoption of a new
13 plan under this paragraph and section ¹[5] ²[(6)¹] ⁶ of
14 P.L. , c. (C.) (pending before the Legislature as this bill)
15 shall cause the plan previously adopted under paragraph (2) of this
16 subsection to become void and inoperable.
- 17 b. (1) A school district shall submit a plan, by November 1,
18 2003, for all grades of each school that has one or more of the
19 grades pre-K through sixth grade and for which a plan is required
20 by paragraph (2) of subsection a. of this section **[on or before**
21 **November 1, 2003].**
- 22 (2) A school district shall submit a plan, by November 1, 2004,
23 for all grades of each school **[that is not] , other than the schools**
24 described in paragraph (1) of this subsection **[and],** for which a
25 plan is required by paragraph (2) of subsection a. of this section **[on**
26 **or before November 1, 2004].**
- 27 c. The Department of Agriculture, in consultation with the
28 Department of Education, shall review each school breakfast plan
29 submitted pursuant to this section and make recommendations, if
30 necessary, **[on] regarding** how the school breakfast program can
31 operate within the limits of the federal and State reimbursement
32 rates for the federal School Breakfast Program.
- 33 d. The Department of Agriculture shall notify each school
34 district that submits a school breakfast plan, pursuant to this
35 section, of the completion of the department's review and any
36 recommended changes to the plan, within three months **[of the]**
37 after receipt of the plan, but no later than the February 1 following
38 the date required for submission of the plan pursuant to subsection
39 b. of this section.
- 40 e. A school district **[subject to the requirements of this**
41 **section]** shall establish a school breakfast program in each of its
42 schools, based on the plan submitted **[by the school district to the**
43 **Department of Agriculture]** pursuant to paragraph (2) of subsection
44 a. of this section, by September 1, 2004 for schools for which plans
45 are required to be submitted **[by] pursuant to** paragraph (1) of
46 subsection b. of this section, and by September 1, 2005 for schools

1 for which plans are required to be submitted **[by]** pursuant to
2 paragraph (2) of subsection b. of this section.

3 f. (1) If a school district does not submit a school breakfast
4 plan to the Department of Agriculture, pursuant to paragraph (2) of
5 subsection a. of this section, by the date required by subsection b. of
6 this section, it shall establish a school breakfast program, in each of
7 its schools in which a program is required pursuant to paragraph (1)
8 of subsection a. of this section, based on a model plan provided by
9 the department.

10 (2) The model plan developed by the department, for the
11 purposes of this section, shall include recommendations on how
12 **[the]** a school breakfast program can operate within the limits of
13 the federal and State reimbursement rates for the federal School
14 Breakfast Program.

15 (3) The Department of Agriculture shall provide the model plan
16 to the school district no later than March 1, 2004 for schools for
17 which plans are required to be submitted **[by]** pursuant to
18 paragraph (1) of subsection b. of this section, and by March 1, 2005
19 for schools for which plans are required to be submitted **[by]**
20 pursuant to paragraph (2) of subsection b. of this section, and the
21 school district shall establish the school breakfast program in each
22 of its schools, based on the model plan, by September 1, 2004 for
23 schools for which plans are required to be submitted **[by]** pursuant
24 to paragraph (1) of subsection b. of this section, and by September
25 1, 2005 for schools for which plans are required to be submitted
26 **[by]** pursuant to paragraph (2) of subsection b. of this section.

27 (cf: P.L.2003, c.4, s.2)

28

29 ¹**[5.] 6.**¹ (New section) a. (1) Notwithstanding the provisions
30 of section 2 of P.L.2003, c.4 (C.18A:33-10) to the contrary,
31 following the enactment of P.L. , c. (C.) (pending before
32 the Legislature as this bill), each public school in the State ¹**[shall**
33 **establish a school breakfast program, regardless of the percentage**
34 **of students, at the school or in the district, who are]** in which 10
35 percent or more of the students enrolled in the school on October 1
36 of the preceding school year were¹ federally eligible for free or
37 reduced price meals under the National School Lunch Program or
38 the federal School Breakfast Program ¹shall establish a breakfast
39 program in the school¹.

40 (2) A school district shall submit, to the Department of
41 Agriculture, a school breakfast program plan for each school in the
42 district ¹that is subject to the requirements of paragraph (1) of this
43 subsection¹. The plan shall be submitted in a form and manner
44 prescribed by the Secretary of Agriculture and in accordance with
45 the timeframes specified by subsection b. of this section.

1 b. (1) A plan for all grades in each school having one or more
2 of the grades pre-K through sixth grade, shall be submitted by
3 November 1, ²[2022] 2023².

4 (2) A plan for all grades in each school not described in
5 paragraph (1) of this subsection shall be submitted by November 1,
6 ²[2023] 2024².

7 c. The Department of Agriculture, in consultation with the
8 Department of Education, shall review each school breakfast
9 program plan submitted pursuant to this section and make
10 recommendations, if necessary, regarding how the school breakfast
11 program can operate most effectively, in accordance with federal
12 School Breakfast Program requirements and the provisions of
13 section ¹[11] 12¹ of P.L. , c. (C.) (pending before the
14 Legislature as this bill). The Department of Agriculture shall notify
15 each school district of the completion of the department's review
16 and any recommended changes to the plan, within 90 days after
17 receipt thereof.

18 d. A school district shall establish a school breakfast program
19 in each of its schools, based on the plan submitted pursuant to
20 paragraph (2) of subsection a. of this section, by September 1,
21 ²[2023] 2024² for schools for which plans are required to be
22 submitted pursuant to paragraph (1) of subsection b. of this section,
23 and by September 1, ²[2024] 2025² for schools for which plans are
24 required to be submitted pursuant to paragraph (2) of subsection b.
25 of this section.

26 e. (1) If a school district does not submit a school breakfast
27 plan to the Department of Agriculture by the date required by
28 subsection b. of this section, the district shall establish a school
29 breakfast program, in each school for which a plan has not been
30 submitted, based on a model plan provided by the department.

31 (2) The model plan developed by the department, for the
32 purposes of this subsection, shall include recommendations on how
33 a school breakfast program can operate in accordance with federal
34 School Breakfast Program requirements and the provisions of
35 section ¹[11] 12¹ of P.L. , c. (C.) (pending before the
36 Legislature as this bill).

37 (3) The department shall provide the model plan to a school
38 district that is subject to this subsection by March 1, ²[2023] 2024²
39 for schools for which plans are required to be submitted pursuant to
40 paragraph (1) of subsection b. of this section, and by March 1,
41 ²[2024] 2025² for schools for which plans are required to be
42 submitted pursuant to paragraph (2) of subsection b. of this section,
43 and the school district shall establish the school breakfast program
44 in each of its schools, based on the model plan, by September 1,
45 ²[2023] 2024² for schools for which plans are required to be
46 submitted pursuant to paragraph (1) of subsection b. of this section,
47 and by September 1, ²[2024] 2025² for schools for which plans are

1 required to be submitted pursuant to paragraph (2) of subsection b.
2 of this section.

3 ²f. (1) A school, or a school district acting on behalf of a
4 school in the district, may, in a form and manner prescribed by the
5 Department of Agriculture, apply to the department for a waiver of
6 the breakfast program requirements established pursuant to
7 paragraph (1) of subsection a. of this section.

8 (2) The department shall grant a waiver of the breakfast
9 program requirements established pursuant to paragraph (1) of
10 subsection a. of this section, and shall continue a waiver pursuant to
11 paragraph (4) of this subsection, if the school, or the school district
12 acting on behalf of the school, demonstrates to the department's
13 satisfaction that the provision of a breakfast program at the school
14 will result in financial hardship for either the school or the school
15 district. Conditions under which a waiver may be granted shall
16 include, but need not be limited to, the following:

17 (a) there is a lack of facilities or equipment necessary to offer a
18 school breakfast program at the school, and the acquisition of such
19 facilities or equipment would cause financial hardship to the school
20 or school district; or

21 (b) program participation rates at the school are either too low to
22 allow the program to operate on a cost-effective basis or would
23 cause substantial scheduling difficulties.

24 (3) Not more frequently than biennially, the department may
25 request that updated financial and demographic information be
26 submitted to the department by a school, or by a school district
27 acting on behalf of a school, which has obtained a waiver of school
28 breakfast program requirements pursuant to this subsection. A
29 school or school district, upon such request, shall submit the
30 updated financial and demographic information in a form and
31 manner and within a timeframe prescribed by the department.

32 (4) The department shall rescind a waiver previously granted
33 under this subsection if it determines, based upon its review of
34 updated financial and demographic information submitted pursuant
35 to paragraph (3) of this subsection, that there has been a change in
36 circumstances that has eliminated the financial hardship warranting
37 continuation of the waiver pursuant to paragraph (2) of this
38 subsection. Nothing in this paragraph shall be deemed to prohibit a
39 school or school district from submitting a new waiver application,
40 pursuant to paragraph (1) of this subsection, in one or more years
41 following the rescission of a waiver pursuant to this paragraph.

42 (5) The department shall establish standards and procedures for
43 the filing of waiver applications and the awarding and rescission of
44 waivers pursuant to this subsection.²

45
46 ¹**[6.] 7.¹** Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended
47 to read as follows:

1 3. In implementing a school lunch program, pursuant to
2 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program
3 **【under this act】**, pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.)¹ or
4 section 6 of P.L. , c. (C.) (pending before the Legislature
5 as this bill)¹, or a breakfast after the bell program, pursuant to
6 section 1 of P.L.2014, c.66 (C.18A:33-11.1) or section 2 of
7 P.L.2018, c.25 (C.18A:33-11.3), each school and school district
8 shall:

9 a. publicize, to parents and students, the availability of the
10 **【school breakfast】** respective school meals program 【to parents and
11 students】, as well as the various ways in which a student may
12 qualify to receive free or reduced price meals under the program, as
13 provided by subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-
14 4) and subsection a. of section¹【11】¹² of P.L. , c. (C.)
15 (pending before the Legislature as this bill);

16 b. make every effort to ensure that 【income-eligible】
17 subsidized students are not recognized as program participants, by
18 the student body, faculty, or staff, in a manner that is 【distinct】
19 different from 【student participants who are not income-eligible】
20 the manner in which unsubsidized students are recognized as
21 program participants. Such efforts shall include, but need not be
22 limited to, the establishment of a neutral meal plan or voucher
23 system 【under which】 that does not make a distinction between
24 subsidized and unsubsidized students 【receiving subsidized
25 breakfasts are not distinguished from students receiving non-
26 subsidized breakfasts】; and

27 c. make every effort to:

28 (1) facilitate the prompt and accurate identification of
29 categorically eligible students who may be certified to participate in
30 the program, on a subsidized basis, without first submitting an
31 application therefor, and, whenever an application is required to
32 establish eligibility for subsidized meals, encourage students and
33 their families to submit a subsidized school meals application for
34 that purpose;

35 (2) facilitate and expedite, to the greatest extent practicable, the
36 subsidized school meals application and income-eligibility
37 determination processes that are used, by the school or school
38 district, to certify a student for free or reduced price school meals
39 on the basis of income, and assist parents and guardians in
40 completing the school meals application; and

41 (3) encourage students who are 【not】 neither categorically
42 eligible nor income-eligible for free or reduced price school meals
43 to nonetheless participate, on a paid and unsubsidized basis, in the
44 program.

45 (cf: P.L.2003, c.4, s.3)

1 ¹~~7.~~ 8.¹ Section 1 of P.L.2014, c.66 (C.18A:33-11.1) is
2 amended to read as follows:

3 1. a. A public school operated by a school district ~~of the State~~
4 ~~participating~~ that participates in the federal ~~school breakfast~~
5 ~~program~~ School Breakfast Program, or a nonpublic school
6 participating in the federal ~~school breakfast program~~ School
7 Breakfast Program, is encouraged to increase the number of
8 students participating in the program by establishing a ~~breakfast~~
9 after the bell ~~program~~ ~~through the incorporation of~~ that
10 incorporates school breakfast ~~in~~ into the first-period classroom or
11 ~~during~~ the first few minutes of the school day.

12 b. The Department of Agriculture, in consultation with the
13 Department of Education shall:

14 (1) make every effort to assist, guide, and support school
15 districts, public schools, ~~or~~ and nonpublic schools in planning,
16 establishing, implementing, or modifying ~~the~~ a breakfast after
17 the bell ~~program~~ to increase the ~~participation rate of all~~
18 ~~students in the~~ number of students, especially the number of
19 students from low-income families and middle-income families,
20 who are participating in each school breakfast program~~, especially~~
21 ~~students from low income families; and~~.

22 (2) ~~prepare and issue an annual report to the Governor and,~~
23 ~~pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the~~
24 ~~Legislature on the number and percentages of students from low~~
25 ~~income families participating in the school breakfast program, and~~
26 ~~the format used for providing breakfast, for each school district,~~
27 ~~public school, or nonpublic school.]~~ ~~(Deleted by amendment,~~
28 ~~P.L. , c. (pending before the Legislature as this bill)~~
29 (cf: P.L.2014, c.66, s.1)

30

31 ¹~~8.~~ 9.¹ Section 1 of P.L.2018, c.25 (C.18A:33-11.2) is
32 amended to read as follows:

33 1. The Legislature finds and declares that numerous studies
34 document that childhood hunger impedes learning and can cause
35 lifelong health problems; and that, in New Jersey, tens of thousands
36 of children suffer from hunger each year, with nearly 540,000
37 students living in low-income families that are federally eligible ~~to~~
38 ~~receive~~ for free or ~~low-cost~~ reduced price school meals.

39 The Legislature further finds and declares that New Jersey
40 schools have made great strides in serving breakfast to more
41 ~~children~~ students at the start of the school day, achieving a 73
42 percent increase since 2010; and that, despite this progress, only 44
43 percent of low-income ~~children~~ students in New Jersey received
44 breakfast through the federal School Breakfast Program, according
45 to the most recent data published by Advocates for Children of New
46 Jersey, ~~and that this means~~ meaning that approximately 304,000

1 **[eligible children]** low-income students who **[are]** were already
 2 enrolled in the program **[in]**, as of April 2017, were not served this
 3 all-important morning meal.

4 The Legislature further finds and declares that New Jersey law
 5 **[currently]**, at section 2 of P.L.2003, c.4 (C.18A:33-10), requires a
 6 public school **[operated by a local or regional school district with]**
 7 to provide school breakfast to its students if 20 percent or more of
 8 the students enrolled in the school¹**[.]**¹ on October 1 of the
 9 preceding school year **[who]**¹**[.]**¹ were federally eligible for free or
 10 reduced price meals **[under the federal School Lunch Program or**
 11 **the federal School Breakfast Program to be provided school**
 12 **breakfast]**; that section ¹**[5]** ²**[(6)]** ⁶**2** of P.L. , c. (C.)
 13 (pending before the Legislature as this bill) expands existing law so
 14 as to require ¹**[all]** ¹**a** public ¹**[schools in the State]** school¹ to
 15 provide school breakfast to students¹**[, regardless of the percentage**
 16 **of]** if 10 percent or more of the¹ students ¹**[at]** enrolled in¹ the
 17 school ¹**[who are]** on October 1 of the preceding school year were¹
 18 federally eligible for free or reduced priced meals; that, **[however]**
 19 despite these breakfast program requirements, current law does not
 20 specify how breakfast is to be served to students; and that, by
 21 requiring high-poverty schools to serve **["]**breakfast to students
 22 through a breakfast after the bell program,**["]** New Jersey schools
 23 will reach a much larger percentage of children in need, thereby
 24 helping to further their academic success.

25 The Legislature further finds and declares that the federal
 26 government reimburses schools for each meal served, and that this
 27 expansion can, therefore, be easily accomplished; that, since 2010,
 28 the amount of federal school breakfast reimbursements has more
 29 than doubled from about \$45 million to an anticipated \$105 million
 30 in fiscal year 2018; and that Advocates for Children of New Jersey
 31 estimates that school districts could collect an additional \$89
 32 million in federal funds for school breakfast each year if breakfast
 33 is served during the first few minutes of the school day.

34 The Legislature, therefore, determines that: it **[to]** shall be the
 35 public policy of the State to help remove a major barrier to learning
 36 by providing children the nutrition they need to succeed in school**[,**
 37 **and determines that]**; it is the understanding and the intention of the
 38 Legislature to make breakfast an integral part of the school day**[.]**;
 39 and **[that "]** the implementation of breakfast after the bell**["]**
 40 programs is the most effective way to ensure that all students have
 41 the morning nutrition they need to concentrate, learn, and succeed
 42 in school.

43 (cf: P.L.2018, c.25, s.1)

45 ¹**[9.]** ^{10.}¹ Section 2 of P.L.2018, c.25 (C.18A:33-11.3) is
 46 amended to read as follows:

1 2. a. Every public school in which 70【%】 percent or more of
2 the students enrolled in the school on or before the last school day
3 before October 16 of the preceding school year were federally
4 eligible for free or reduced price meals under the National School
5 Lunch Program or the federal School Breakfast Program, shall
6 establish a 【school "】breakfast after the bell【"】 program.

7 b. (1) (a) No later than six months following the effective date
8 of 【this act】 P.L.2018, c.25 (C.18A:33-11.2 et seq.), each school
9 district shall submit, to the Department of Agriculture, a plan for
10 the establishment of a 【"】breakfast after the bell【"】 program for all
11 grades at each 【school in the district which is】 of the district's
12 schools that are subject to the requirements of this section. The
13 plan shall comply with the requirements of the federal School
14 Breakfast Program 【administered by the Department of
15 Agriculture】.

16 (b) No later than the first full school year following the
17 submission of the plan, the school district shall establish a
18 【"】breakfast after the bell【"】 program in each of its schools
19 【which】 that are subject to the requirements of this section 【based
20 upon】 , in accordance with the plan submitted 【by the school
21 district to the Department of Agriculture】 pursuant to this
22 paragraph.

23 (2) (a) No later than six months after the effective date of
24 P.L. , c. (C.) (pending before the Legislature as this bill),
25 each school district shall submit, to the Department of Agriculture,
26 a revised breakfast after the bell plan for each school in the district
27 that is subject to the requirements of this section. The revised plan
28 shall comply with federal School Breakfast Program requirements
29 and the provisions of section '【11】 12' of P.L. , c. (C.)
30 (pending before the Legislature as this bill).

31 (b) No later than the first full school year following the
32 submission of a revised plan pursuant to this paragraph, the school
33 district shall modify the breakfast after the bell program operating
34 in each of its schools that are subject to the requirements of this
35 section, as may be necessary to implement the provisions of the
36 revised plan.

37 (3) The Department of Agriculture, in consultation with the
38 Department of Education, shall review each revised plan submitted
39 pursuant to this subsection and make recommendations, if
40 necessary, regarding how a school's breakfast after the bell program
41 can operate most effectively, in accordance with the federal School
42 Breakfast Program requirements and the provisions of section '【11】
43 12' of P.L. , c. (C.) (pending before the Legislature as this
44 bill). The Department of Agriculture shall notify each school
45 district that submits a plan pursuant to this subsection of the
46 completion of the department's review, and of any recommended
47 changes to the plan, within 90 days after receipt thereof.

1 c. Upon application, a school district may be granted a waiver
 2 by the Department of Agriculture of the requirements of this section
 3 for any school in which more than 70 percent of eligible students
 4 received a meal under the school breakfast program during the
 5 preceding school year. A school district that requests a waiver shall
 6 provide **such** relevant information, as may be required by the
 7 Department of Agriculture **specifies**, to justify the request.

8 d. **The** No later than three months after the effective date of
 9 P.L.2018, c.25 (C.18A:33-11.2 et seq.), the Department of
 10 Agriculture shall provide each school district with a listing list of
 11 **available** resources that are available for the purposes of this
 12 section to each school district no later than three months following
 13 the effective date of this act.

14 (cf: P.L.2018, c.25, s.2)

15
 16 ¹**10.** 11.¹ Section 4 of P.L.2018, c.25 (C.18A:33-11.5) is
 17 amended to read as follows:

18 4. The Department of Agriculture, in consultation with the
 19 Department of Education, shall develop **any** guidelines, as may
 20 be necessary for to facilitate the implementation and operation of
 21 a paid "breakfast after the bell" program programs by schools
 22 in the State, in accordance with the provisions of section 1 of
 23 P.L.2014, c.66 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25
 24 (C.18A:33-11.2 and C.18A:33-11.3), and section ¹**11** ¹**12** of
 25 P.L. , c. (C.) (pending before the Legislature as this bill),
 26 including, but not limited to, guidelines, consistent with the
 27 provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),
 28 concerning a school's receipt of payment, from unsubsidized
 29 students, for breakfasts served to such students under a breakfast
 30 after the bell program.

31 (cf: P.L.2018, c.25, s.4)

32
 33 ¹**11.** 12.¹ (New section) a. (1) School breakfasts made
 34 available to students under a school breakfast program or a
 35 breakfast after the bell program shall meet minimum nutritional
 36 standards, established by the Department of Education.

37 (2) Free or reduced price breakfasts, as appropriate, shall be
 38 offered, under a school breakfast program or a breakfast after the
 39 bell program, to all enrolled students 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 who is
 42 eligible for a reduced price breakfast, pursuant to federal income
 43 eligibility criteria, shall not be required to pay for such breakfast.
 44 Free breakfasts shall also be offered to each enrolled student who is
 45 federally ineligible for free or reduced price meals, but who has an
 46 annual household income that is not less than 186 percent, and not
 47 more than 199 percent, of the federal poverty level, as determined

1 pursuant to section ¹~~15~~ 16¹ of P.L. , c. (C.) (pending
2 before the Legislature as this bill).

3 b. The State shall provide funding to each school that operates
4 a School Breakfast Program or a breakfast after the bell program, as
5 may be necessary to reimburse the costs associated with the
6 school's provision of free breakfasts, pursuant to subsection a. of
7 this section, to students who are federally ineligible for free or
8 reduced price meals.

9 c. The Department of Agriculture, in consultation with the
10 Department of Education, shall annually prepare and issue, to the
11 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
12 19.1, to the Legislature, a written report that identifies, for each
13 school and school district in the State:

14 (1) the methods that are being used by each such school or
15 school district to facilitate the prompt identification and subsidized
16 meal certification of students who are categorically eligible or
17 income-eligible for free or reduced price breakfast under the federal
18 School Breakfast Program;

19 (2) the number and percentage of income-eligible students from
20 low-income families and from middle-income families,
21 respectively, in each such school and district, who are receiving free
22 or reduced price breakfast under the federal School Breakfast
23 Program and the provisions of this section; and

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

29 d. The Department of Agriculture, in consultation with the
30 Department of Education, shall adopt rules and regulations pursuant
31 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
32 1 et seq.), to implement the provisions of this section, including, but
33 not limited to, rules and regulations establishing a schedule for, and
34 identifying the manner in which, State-level reimbursements are to
35 be made pursuant to subsection b. of this section.

36

37 ¹~~12.~~ 13.¹ Section 1 of P.L.2018, c.26 (C.18A:33-14.1) is
38 amended to read as follows:

39 1. a. (1) A school district that participates in the National
40 School Lunch Program or the federal School Breakfast Program
41 shall take steps to maximize the use of federal resources and to
42 minimize the debt that is incurred by families for school meals, in
43 accordance with a protocol established by the Department of
44 Agriculture. The protocol established by the department, pursuant
45 this paragraph, shall be adopted within 180 days after the effective
46 date of P.L. , c. (C.) (pending before the Legislature as this
47 bill), in consultation with the Department of Education, the School
48 Nutrition Association of New Jersey, and all relevant stakeholders,

1 and shall: (a) promote the increased certification of students from
 2 low-income families and middle-income families for free and
 3 reduced price school meals, in accordance with the provisions of
 4 P.L. , c. (C.) (pending before the Legislature as this bill);
 5 and (b) identify best practices to maximize the receipt and use of
 6 federal resources by the district's schools.

7 (2) The Department of Agriculture and Department of
 8 Education, in cooperation with each other, shall consult with, and
 9 provide direct assistance to, school districts to help them improve,
 10 simplify, and expedite the free and reduced price meal certification
 11 process and otherwise reduce the administrative burden on schools
 12 and school districts that results from such process.

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

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

33 c. **[As used in this section, "Community Eligibility Provision"**
 34 **means a federal reimbursement alternative for eligible, high-poverty**
 35 **local educational agencies and schools participating in both the**
 36 **National School Lunch Program and School Breakfast Program**
 37 **which is funded by the United States Department of Agriculture and**
 38 **administered by the New Jersey Department of Agriculture in**
 39 **accordance with the requirements set forth in federal regulations at**
 40 **7 CFR Part 245.]** (Deleted by amendment, P.L. , c. (pending
 41 before the Legislature as this bill)

42 (cf: P.L.2018, c.26, s.1)

43

44 ¹**[13.] 14.**¹ Section 1 of P.L.2015, c.15 (C.18A:33-21) is
 45 amended to read as follows:

46 1. a. (1) In the event that a school district determines that **[a]**
 47 an unsubsidized student's school breakfast or school lunch bill is in
 48 arrears, the district shall contact the student's parent or guardian to

1 provide notice of the arrearage, and shall provide the parent or
2 guardian with a period of 10 school days to pay the amount due. If
3 the student's parent or guardian has not made full payment by the
4 end of **the 10 school days** the designated 10-day period, then the
5 district shall again contact the student's parent or guardian to
6 provide notice of any action to be taken by the school district in
7 response to **a student's school breakfast or school lunch bill being**
8 **in arrears** the arrearage.

9 (2) A school district shall report at least biannually to the
10 Department of Agriculture the number of students who are denied
11 school breakfast or school lunch pursuant to this section.

12 (3) Nothing in this section shall be construed to require a school
13 district to deny or restrict the ability of an unsubsidized student to
14 **access to** school breakfast or school lunch **to a student whose**
15 when the student's school breakfast or school lunch bill is in
16 arrears.

17 b. A school or school district shall not:

18 (1) publicly identify or stigmatize **a** an unsubsidized student
19 who cannot pay for a school breakfast or a school lunch or whose
20 school breakfast or school lunch bill is in arrears, for example, by
21 requiring **that** the student to sit at a separate table **or**, by
22 requiring that the student to wear a wristband, hand stamp, or
23 identifying mark, or by serving the student an alternative meal;

24 (2) require **a** an unsubsidized student, who cannot pay for a
25 school breakfast or a school lunch, or whose school breakfast or
26 school lunch bill is in arrears, to do chores or other work to pay for
27 the school breakfast or school lunch; **or**

28 (3) require **a** an unsubsidized student to discard a school
29 breakfast or school lunch after it has been served because of the
30 student's inability to pay for a school breakfast or a school lunch or
31 because money is owed for previously provided meals;

32 (4) prohibit an unsubsidized student, or a sibling of such a
33 student, from attending or participating in non-fee-based
34 extracurricular activities, field trips, or school events, from
35 receiving grades, official transcripts, or report cards, or from
36 graduating or attending graduation events, solely because of the
37 student's unresolved meal debt; or

38 (5) require the parent or guardian of an unsubsidized student to
39 pay fees or costs in excess of the actual amounts owed for meals
40 previously served to the student.

41 c. If **a** an unsubsidized student owes money for the
42 equivalent of five or more school meals, a school district shall:

43 (1) **determine if the student is eligible for a free or reduced**
44 **price school meal;** (Deleted by amendment, P.L. , c. (pending
45 before the Legislature as this bill)

46 (2) **make** determine whether the student is categorically
47 eligible or income-eligible for free or reduced price meals, by

1 conducting a review of all available records related to the student,
 2 and by making at least two attempts, not including the initial
 3 **【application or instructions provided to the parent or guardian】**
 4 attempt made pursuant to section 3 of P.L.2020, c.29 (C.18A:33-
 5 21b), to contact the student's parent or guardian and have the parent
 6 or guardian fill out **【an】** a school meals application **【for the school**
 7 lunch program and school breakfast program】; and

8 (3) require a principal, or a person designated by the principal,
 9 to contact the parent or guardian of the unsubsidized student to
 10 offer assistance with respect to the completion of the school meals
 11 application 【for the school lunch and school breakfast program】, to
 12 determine if there are other issues 【within】 in the household that
 13 have caused the child to have insufficient funds to purchase a
 14 school breakfast or school lunch, and to offer any other appropriate
 15 assistance.

16 d. A school district shall direct communications about a
 17 student's school breakfast or school lunch bill being in arrears to the
 18 parent or guardian and not to the student. Nothing in this subsection
 19 shall prohibit a school district from sending a student home with a
 20 letter addressed to a parent or guardian.

21 e. Notwithstanding the provisions of this section and the
 22 provisions of any other law, rule, or regulation to the contrary, an
 23 unsubsidized student shall not be denied access to a school meal,
 24 regardless of the student's ability to pay or the status of the
 25 student's meal arrearages, during any period of time in which the
 26 school is making a determination, pursuant to subsection c. of this
 27 section, as to whether the student is eligible for, and can be certified
 28 to receive, free or reduced price meals.

29 (cf: P.L.2020, c.29, s.2)

30
 31 ¹**【14.】 15.**¹ Section 1 of P.L.2020, c.29 (C.18A:33-21a) is
 32 amended to read as follows:

33 1. Section 1 of P.L.2015, c.15 (C.18A:33-21) and **【sections 3**
 34 **and 4 of P.L.2020, c.29 (C.18A:33-21b and C.18A:33-21c)】** section
 35 ¹**【15】 16**¹ of P.L. , c. (C.) (pending before the Legislature
 36 as this bill), shall be known and may be cited as the "Hunger-Free
 37 Students' Bill of Rights Act."

38 (cf: P.L.2020, c.29, s.1)

39
 40 ¹**【15.】 16.**¹ (New section) a. At the beginning of each school
 41 year, or upon initial enrollment, in the case of a student who enrolls
 42 during the school year, a school district shall provide each student's
 43 parent or guardian with:

44 (1) information on the National School Lunch Program and the
 45 federal School Breakfast Program, including, but not limited to,
 46 information on the availability of free or reduced price meals for
 47 eligible students, information on the application and determination

1 processes that are used to certify eligible students for subsidized
2 school meals, and information on the rights that are available to
3 students and their families under this section and section 1 of
4 P.L.2015, c.15 (C.18A:33-21); and

5 (2) a school meals application form, as well as instructions for
6 completing the application, and, as necessary, assistance in
7 completing the application.

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

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

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

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

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

23 (1) determine whether a student identified in the application is
24 eligible for free or reduced price school meals;

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

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

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

39

40 ¹**[16.] 17.**¹ Section 1 of P.L.2019, c.445 (C.18A:33-21.1) is
41 amended to read as follows:

42 1. a. Notwithstanding any other law, or rule or regulation
43 adopted pursuant thereto, to the contrary, **[no]** a public school
44 student who is eligible for a reduced price breakfast under **[a]** the
45 federal School Breakfast Program **[established pursuant to**
46 **P.L.2003, c.4 (C.18A:33-9 et seq.),]** or a reduced price lunch
47 **[pursuant to P.L.1974, c.53 (C.18A:33-4 et seq.),]** under the

1 National School Lunch Program shall not be required to pay for any
2 such reduced price breakfast or reduced price lunch.

3 b. The State shall pay the difference between the federal
4 allocation for reduced price breakfasts and reduced price lunches
5 and the total cost of the reduced price breakfasts and reduced price
6 lunches that are served to public school students who are federally
7 eligible **【public school students】** for reduced price meals.

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

17 (cf: P.L.2019, c.445, s.1)

18

19 ¹**【17.】** 18.¹ Section 1 of P.L.2018, c.28 (C.18A:33-24) is
20 amended to read as follows:

21 1. a. Every school district in which 50 percent or more of the
22 students enrolled in the school district on or before the last school
23 day before October 16 of the preceding school year were federally
24 eligible for free or reduced price meals under the National School
25 Lunch Program or the federal School Breakfast Program, shall:

26 (1) become a sponsor or site **【of】** under the federal Summer
27 Food Service Program; or

28 (2) apply for a waiver pursuant to section 3 of **【this act】**
29 P.L.2018, c.28 (C.18A:33-26).

30 b. No later than one year after the date of enactment of **【this**
31 **act】** P.L.2018, c.28 (C.18A:33-24 et seq.), a school district **【which】**
32 that is required to become a sponsor **【a】** or site under the Summer
33 Food Service Program, pursuant to subsection a. of this section,
34 shall submit, to the Department of Agriculture, either an application
35 to become a sponsor of the federal Summer Food Service Program
36 or documentation showing that the school district will become a site
37 under an existing and approved sponsor.

38 c. **【As used in this act, "Summer Food Service Program"**
39 **means the federal program that reimburses sponsors for**
40 **administrative and operational costs to provide meals for children**
41 **18 years of age and younger during periods when they are out of**
42 **school for 15 or more consecutive school days, which is funded by**
43 **the United States Department of Agriculture and administered by**
44 **the State Department of Agriculture in accordance with the**
45 **requirements set forth in federal regulations at 7 CFR Part 225 and**
46 **7 CFR Part 250.】** (Deleted by amendment, P.L. , c. (pending
47 before the Legislature as this bill)

1 d. A school district that is subject to the requirements of this
2 section shall become a sponsor of the federal Summer Food Service
3 Program or a site under an existing and approved sponsor, no later
4 than two years following the date of enactment of this section.

5 (cf: P.L.2018, c.28, s.1)

6
7 ¹~~18.~~ 19.¹ Section 2 of P.L.2018, c.28 (C.18A:33-25) is
8 amended to read as follows:

9 2. a. ~~18.~~ 19.¹ ~~Nothing in section 1 of P.L.2018, c.28 (C.18A:33-~~
10 ~~24) shall be deemed to prohibit a school district from becoming a~~
11 ~~sponsor or site under the Summer Food Service Program. Any~~
12 ~~school district that is not subject to the requirements of section 1 of~~
13 ~~P.L.2018, c.28 (C.18A:33-24), but that wishes to become a sponsor~~
14 ~~or site under the Summer Food Service Program, shall submit, to~~
15 ~~the Department of Agriculture, an application pursuant to section 1~~
16 ~~of this act to become a sponsor or documentation showing that the~~
17 ~~school district will become a site under an existing and approved~~
18 ~~sponsor.~~

19 b. ~~A school district subject to the requirements of this act~~
20 ~~shall become a sponsor of the federal Summer Food Service~~
21 ~~Program or become a site under an existing approved sponsor, no~~
22 ~~later than two years following the date of enactment of this act.]~~
23 ~~(Deleted by amendment, P.L. , c. (pending before the~~
24 ~~Legislature as this bill)~~

25 (cf: P.L.2018, c.28, s.2)

26
27 ¹~~19.~~ 20.¹ Section 1 of P.L.2020, c.6 (C.18A:33-27.2) is
28 amended to read as follows:

29 1. a. In the event that a board of education is provided a
30 written directive, by either the New Jersey Department of Health or
31 the health officer of the jurisdiction, to institute a public health-
32 related closure due to the COVID-19 epidemic, the district shall
33 implement a program, during the period of the school closure, to
34 provide school meals, at meal distribution sites designated pursuant
35 to subsection b. of this section, to all students enrolled in the district
36 who are either categorically eligible or income-eligible for ~~the~~
37 ~~free~~ ~~and~~ ~~or~~ reduced price school ~~lunch and school breakfast~~
38 ~~programs~~ meals.

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

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

4 c. ~~【The】~~ A school district shall identify students enrolled in
 5 the district who are categorically eligible or income-eligible for
 6 ~~【the】~~ free ~~【and】~~ or reduced price ~~【school lunch and school~~
 7 ~~breakfast programs】~~ meals, and for whom a 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 school meals to the student's
 11 residence or to the student's bus stop along an established bus route,
 12 provided that the student or the student's parent or guardian is
 13 present at the bus stop for the distribution. Food distributed
 14 pursuant to this ~~【section】~~ subsection may include up to a total of
 15 three school days' worth of food per delivery.

16 d. ~~【School districts】~~ A school district may use school buses
 17 owned and operated by the district to distribute school meals
 18 pursuant to this section. In the case of a school district that does
 19 not own and operate its own buses, the district may contract for the
 20 distribution of school meals, and these contracts shall not be subject
 21 to the public bidding requirements established pursuant to the
 22 "Public School Contracts Law," P.L.1977, c.114 (C.18A:18A-
 23 1 et seq.).

24 e. A school district shall collaborate, as feasible, with other
 25 school districts and with local ~~【governments】~~ government units to
 26 implement the emergency meals distribution program, as required
 27 ~~【pursuant to】~~ by this section, in order to promote administrative
 28 and operational efficiencies and cost savings.

29 f. School lunches and breakfasts that are made available,
 30 through an emergency meals distribution program operating
 31 pursuant to this section, shall be provided to eligible students, free
 32 of charge, in accordance with the provisions of subsection a. of
 33 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of
 34 section ~~1【11】 12~~¹ of P.L. , c. (C.) (pending before the
 35 Legislature as this bill).
 36 (cf: P.L.2020, c.6, s.1)

37
 38 ¹~~【20.】~~ 21.¹ The following sections of law are repealed:

39 ¹~~【Section 2 of P.L.1974, c.53 (C.18A:33-5);】~~¹

40 ²~~【Section 4 of P.L.2003, c.4 (C.18A:33-12);】~~²

41 Section 3 of P.L.2018, c.25 (C.18A:33-11.4); and

42 Section 3 of P.L.2020, c.29 (C.18A:33-21b).

43
 44 ¹~~【21.】~~ 22.¹ This act shall take effect ²~~【immediately】~~ on
 45 September 1, 2023, except that the Commissioner of Agriculture
 46 and the Commissioner of Education shall be authorized to take

1 anticipatory administrative action, in advance of the effective date,
2 as may be necessary to implement the provisions of this act².

3

4

5

6

7 _____

8 Requires schools to provide free school breakfasts and lunches to
9 students from working class, middle-income families; designated as
 “Working Class Families’ Anti-Hunger Act.”

ASSEMBLY, No. 2368

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

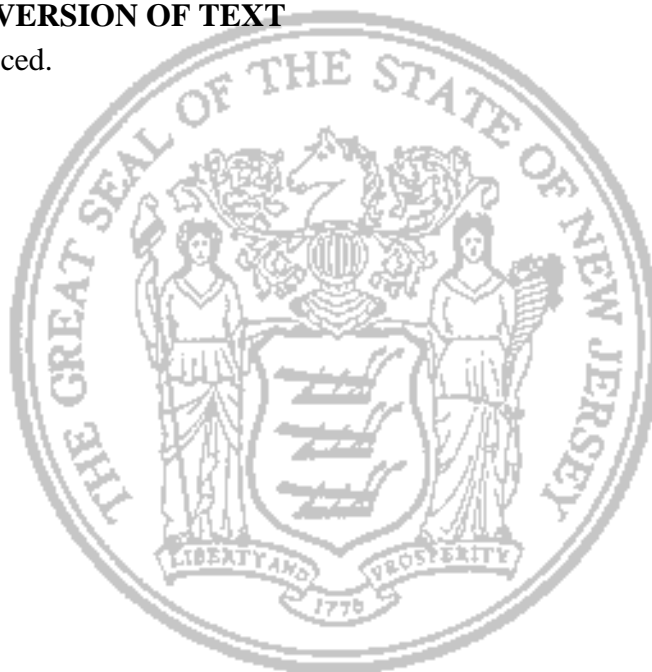
Assemblywomen Quijano and Haider

SYNOPSIS

Requires schools to provide free school breakfasts and lunches to students from working class, middle-income families; designated as “Working Class Families’ Anti-Hunger Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/2/2022)

1 AN ACT concerning the provision of free school meals to students
2 from working class, middle-income families, supplementing
3 Title 18A of the New Jersey Statutes, and amending and
4 repealing various parts of the statutory law.

5

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

8

9 1. (New section) As used in this chapter:

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

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

32 “Eligible student” means a student who is either categorically
33 eligible or income-eligible for one or more free or reduced price
34 school meals.

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

41 “Federal School Breakfast Program” means the federal
42 reimbursement program, established under the “Child Nutrition Act
43 of 1966,” 42 U.S.C. s.1771 et seq., pursuant to which the United
44 States Department of Agriculture is authorized to provide grants-in-
45 aid and other assistance to the States, as may be necessary to help

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 finance the establishment, maintenance, operation, and expansion of
2 school breakfast programs and facilitate the provision of free and
3 reduced price breakfasts to eligible students.

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

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

21 “Income-eligible” means that a student either satisfies federal
22 income eligibility requirements, adopted by the United States
23 Department of Agriculture pursuant to 7 C.F.R. Part 245, or
24 satisfies State-level income eligibility requirements, set forth in
25 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) or
26 subsection a. of section 11 of P.L. , c. (C.) (pending before
27 the Legislature as this bill), as is necessary for the student to qualify
28 for and receive free or reduced price lunch under the National
29 School Lunch Program or free or reduced price breakfast under the
30 federal School Breakfast Program.

31 “Low-income family” means a family with an annual household
32 income amounting to not more than 185 percent of the federal
33 poverty level.

34 “Middle-income family” means a family with an annual
35 household income amounting to not less than 186 percent, and not
36 more than 199 percent, of the federal poverty level.

37 “National School Lunch Program” means the federal
38 reimbursement program established under the “Richard B. Russell
39 National School Lunch Act,” 42 U.S.C. s.1751 et seq., pursuant to
40 which the United States Department of Agriculture is authorized to
41 provide grants-in-aid and other assistance to the States, as may be
42 necessary to help finance the establishment, maintenance,
43 operation, and expansion of school lunch programs and facilitate
44 the provision of free and reduced price lunches to eligible students.

45 “School breakfast program” means a program that is established
46 and operated by a public or nonpublic school, in accordance with
47 the requirements of the federal School Breakfast Program and, in
48 the case of a public school, in accordance with a plan adopted

1 pursuant to section 2 of P.L.2003, c.4 (C.18A:33-10) or section 5 of
2 P.L. , c. (C.) (pending before the Legislature as this bill),
3 and pursuant to which the school offers daily breakfasts to all
4 enrolled students.

5 “School lunch program” means a program that is established and
6 operated by a school district, in accordance with the requirements
7 of the National School Lunch Program and the provisions of section
8 1 of P.L.1974, c.53 (C.18A:33-4), and pursuant to which the district
9 offers daily lunches to all students enrolled in the district.

10 “Special assistance alternative” means a special nutrition
11 assistance alternative federal reimbursement method that is
12 authorized by the United States Department of Agriculture,
13 pursuant to 42 U.S.C. s.1759a and 7 C.F.R. Part 245, for eligible
14 schools that serve free meals to all enrolled students. “Special
15 assistance alternative” includes Provision 2, Provision 3, and the
16 Community Eligibility Provision, as described in 7 C.F.R. Part 245,
17 as well as any other similar alternative reimbursement method that
18 is authorized by the United States Department of Agriculture, now
19 or in the future, for schools that serve free meals to all enrolled
20 students.

21 “Student” means a child 18 years of age or younger who is
22 enrolled at a school in the State.

23 “Subsidized student” means a categorically eligible student or
24 income-eligible student who, as provided by subsection a. of section
25 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section 11 of
26 P.L. , c. (C.) (pending before the Legislature as this bill), is
27 not required to pay for meals that are served to the student under the
28 National School Lunch Program or the federal School Breakfast
29 Program.

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

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

46 “Unsubsidized student” means a student who is neither
47 categorically eligible nor income-eligible for free or reduced price
48 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

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

6 1. a. (1) Each school district shall make school lunch
7 available to all [children] students enrolled in the district, except at
8 those schools at which less than five percent of students are
9 federally eligible for free or reduced price meals, within [1] one
10 year [from] after the effective date of [this act] P.L.1974, c.53
11 (C.18A:33-4 et seq.). [Such lunches]

12 (2) Each school district shall make school lunch available at
13 every school that was exempt from the provisions of paragraph (1)
14 of this subsection, within one year after the effective date of P.L. ,
15 c. (C.) (pending before the Legislature as this bill).

16 (3) School lunches made available pursuant to this section shall
17 meet minimum nutritional standards, established by the Department
18 of Education.

19 (4) Free [and] or reduced price lunches, as appropriate, shall be
20 offered, under a school lunch program, to [all children qualifying
21 under Statewide eligibility criteria] each student enrolled in the
22 district who is determined to be federally eligible for free or
23 reduced price meals. As provided by section 1 of P.L.2019, c.445
24 (C.18A:33-21.1), any student who is eligible for a reduced price
25 lunch, pursuant to federal income eligibility standards and criteria,
26 shall not be required to pay for such lunch. Free lunches shall also
27 be offered to each student enrolled in the district who is federally
28 ineligible for free or reduced price meals, but who has an annual
29 household income that is not less than 186 percent, and not more
30 than 199 percent, of the federal poverty level, as determined
31 pursuant to section 15 of P.L. , c. (C.) (pending before the
32 Legislature as this bill).

33 b. The State shall provide funding to each school district, as
34 may be necessary to reimburse the costs associated with the
35 district's provision of free lunches, pursuant to subsection a. of this
36 section, to students who are federally ineligible for free or reduced
37 price meals.

38 c. The Department of Agriculture, in consultation with the
39 Department of Education, shall annually prepare and submit, to the
40 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
41 19.1), to the Legislature, a written report that identifies, for each
42 school and school district in the State:

43 (1) the methods that are being used by each school or school
44 district to facilitate the prompt identification and subsidized meal
45 certification of students who are categorically eligible or income-
46 eligible for free or reduced price lunch under the National School
47 Lunch Program; and

1 (2) the number and percentage of income-eligible students from
2 low-income families and from middle-income families,
3 respectively, that are receiving free or reduced price lunches under
4 the National School Lunch Program and the provisions of this
5 section.

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

14 (cf: P.L.1974, c.53, s.1)

15
16 3. Section 1 of P.L.2003, c.4 (C.18A:33-9) is amended to read
17 as follows:

18 1. The Legislature finds and declares that:

19 a. The federal School Breakfast Program is a federally assisted
20 meal program **【operating】** that is implemented in public and
21 nonprofit private schools and residential child care institutions
22 nationwide, and **【supplying to】** is designed to ensure that each
23 participating child receives breakfast containing at least one-fourth
24 of the nutrients needed daily**【;】**.

25 b. The federal School Breakfast Program was established **【by**
26 **the federal government】** in 1966 with the purpose of providing a
27 nutritious, well-balanced breakfast to promote sound eating habits,
28 and fostering good health and academic achievement for school-age
29 children**【;】**.

30 c. New Jersey ranks fiftieth in the nation for participation in
31 the federal School Breakfast Program by schools offering school
32 lunch, and the State has seen only modest increases in participation
33 in recent years**【;】**.

34 d. Research shows that school breakfast increases attendance
35 and decreases tardiness, improves academic performance both in
36 class and on standardized tests, improves attentiveness, and reduces
37 emotional and behavioral problems among students from all
38 backgrounds**【; and】**.

39 e. **【Therefore】** Based on the foregoing findings, it is clearly in
40 the public interest for the State to require **【that】** school districts
41 **【with large populations of students eligible for federally subsidized**
42 **meals】** to offer school breakfasts through the federal School
43 Breakfast Program, and to publicize the **【program】** availability of
44 such breakfasts in their communities.

45 (cf: P.L.2003, c.4, s.1)

1 4. Section 2 of P.L.2003, c.4 (C.18A:33-10) is amended to read
2 as follows:

3 2. a. (1) A public school operated by a local or regional
4 school district of the State in which 20【%】 percent or more of the
5 students enrolled in the school on October 1 of the preceding school
6 year were federally eligible for free or reduced price meals under
7 the 【federal】 National School Lunch Program or the federal School
8 Breakfast Program, shall establish a 【School Breakfast Program】
9 school breakfast program in the school.

10 【The】 (2) A school district shall submit a school breakfast
11 program plan 【for the establishment of school breakfast programs】
12 for each school in the district that is subject to the requirements of
13 paragraph (1) of this 【section that is】 subsection. The plan for each
14 school shall be adopted in compliance with, and pursuant to 【the】,
15 federal School Breakfast Program 【administered by the State
16 Department of Agriculture. The plan for each school】
17 requirements, and shall be submitted to the Department of
18 Agriculture by the date required by subsection b. of this section, in
19 a form and manner prescribed by the Secretary of Agriculture.

20 (3) Following the enactment of P.L. , c. (C.) (pending
21 before the Legislature as this bill), a school district shall submit a
22 new school breakfast program plan, in accordance with the
23 provisions of section 5 of P.L. , c. (C.) (pending before the
24 Legislature as this bill), for each school in the district that is subject
25 to the requirements of paragraph (1) of this subsection. A new plan
26 adopted pursuant to this paragraph and section 5 of P.L. ,
27 c. (C.) (pending before the Legislature as this bill) shall
28 supersede any plan previously adopted for the school, pursuant to
29 this section, and the adoption of a new plan under this paragraph
30 and section 5 of P.L. , c. (C.) (pending before the
31 Legislature as this bill) shall cause the plan previously adopted
32 under paragraph (2) of this subsection to become void and
33 inoperable.

34 b. (1) A school district shall submit a plan, by November 1,
35 2003, for all grades of each school that has one or more of the
36 grades pre-K through sixth grade and for which a plan is required
37 by paragraph (2) of subsection a. of this section 【on or before
38 November 1, 2003】.

39 (2) A school district shall submit a plan, by November 1, 2004,
40 for all grades of each school 【that is not】 , other than the schools
41 described in paragraph (1) of this subsection 【and】 , for which a
42 plan is required by paragraph (2) of subsection a. of this section 【on
43 or before November 1, 2004】.

44 c. The Department of Agriculture, in consultation with the
45 Department of Education, shall review each school breakfast plan
46 submitted pursuant to this section and make recommendations, if
47 necessary, 【on】 regarding how the school breakfast program can

1 operate within the limits of the federal and State reimbursement
2 rates for the federal School Breakfast Program.

3 d. The Department of Agriculture shall notify each school
4 district that submits a school breakfast plan, pursuant to this
5 section, of the completion of the department's review and any
6 recommended changes to the plan, within three months **【of the】**
7 after receipt of the plan, but no later than the February 1 following
8 the date required for submission of the plan pursuant to subsection
9 b. of this section.

10 e. A school district **【subject to the requirements of this**
11 **section】** shall establish a school breakfast program in each of its
12 schools, based on the plan submitted **【by the school district to the**
13 **Department of Agriculture】** pursuant to paragraph (2) of subsection
14 a. of this section, by September 1, 2004 for schools for which plans
15 are required to be submitted **【by】** pursuant to paragraph (1) of
16 subsection b. of this section, and by September 1, 2005 for schools
17 for which plans are required to be submitted **【by】** pursuant to
18 paragraph (2) of subsection b. of this section.

19 f. (1) If a school district does not submit a school breakfast
20 plan to the Department of Agriculture, pursuant to paragraph (2) of
21 subsection a. of this section, by the date required by subsection b. of
22 this section, it shall establish a school breakfast program, in each of
23 its schools in which a program is required pursuant to paragraph (1)
24 of subsection a. of this section, based on a model plan provided by
25 the department.

26 (2) The model plan developed by the department, for the
27 purposes of this section, shall include recommendations on how
28 **【the】** a school breakfast program can operate within the limits of
29 the federal and State reimbursement rates for the federal School
30 Breakfast Program.

31 (3) The Department of Agriculture shall provide the model plan
32 to the school district no later than March 1, 2004 for schools for
33 which plans are required to be submitted **【by】** pursuant to
34 paragraph (1) of subsection b. of this section, and by March 1, 2005
35 for schools for which plans are required to be submitted **【by】**
36 pursuant to paragraph (2) of subsection b. of this section, and the
37 school district shall establish the school breakfast program in each
38 of its schools, based on the model plan, by September 1, 2004 for
39 schools for which plans are required to be submitted **【by】** pursuant
40 to paragraph (1) of subsection b. of this section, and by September
41 1, 2005 for schools for which plans are required to be submitted
42 **【by】** pursuant to paragraph (2) of subsection b. of this section.

43 (cf: P.L.2003, c.4, s.2)

44

45 5. (New section) a. (1) Notwithstanding the provisions of
46 section 2 of P.L.2003, c.4 (C.18A:33-10) to the contrary, following
47 the enactment of P.L. , c. (C.) (pending before the

1 Legislature as this bill), each public school in the State shall
2 establish a school breakfast program, regardless of the percentage
3 of students, at the school or in the district, who are federally eligible
4 for free or reduced price meals under the National School Lunch
5 Program or the federal School Breakfast Program.

6 (2) A school district shall submit, to the Department of
7 Agriculture, a school breakfast program plan for each school in the
8 district. The plan shall be submitted in a form and manner
9 prescribed by the Secretary of Agriculture and in accordance with
10 the timeframes specified by subsection b. of this section.

11 b. (1) A plan for all grades in each school having one or more
12 of the grades pre-K through sixth grade, shall be submitted by
13 November 1, 2022.

14 (2) A plan for all grades in each school not described in
15 paragraph (1) of this subsection shall be submitted by November 1,
16 2023.

17 c. The Department of Agriculture, in consultation with the
18 Department of Education, shall review each school breakfast
19 program plan submitted pursuant to this section and make
20 recommendations, if necessary, regarding how the school breakfast
21 program can operate most effectively, in accordance with federal
22 School Breakfast Program requirements and the provisions of
23 section 11 of P.L. , c. (C.) (pending before the Legislature
24 as this bill). The Department of Agriculture shall notify each
25 school district of the completion of the department's review and any
26 recommended changes to the plan, within 90 days after receipt
27 thereof.

28 d. A school district shall establish a school breakfast program
29 in each of its schools, based on the plan submitted pursuant to
30 paragraph (2) of subsection a. of this section, by September 1, 2023
31 for schools for which plans are required to be submitted pursuant to
32 paragraph (1) of subsection b. of this section, and by September 1,
33 2024 for schools for which plans are required to be submitted
34 pursuant to paragraph (2) of subsection b. of this section.

35 e. (1) If a school district does not submit a school breakfast
36 plan to the Department of Agriculture by the date required by
37 subsection b. of this section, the district shall establish a school
38 breakfast program, in each school for which a plan has not been
39 submitted, based on a model plan provided by the department.

40 (2) The model plan developed by the department, for the
41 purposes of this subsection, shall include recommendations on how
42 a school breakfast program can operate in accordance with federal
43 School Breakfast Program requirements and the provisions of
44 section 11 of P.L. , c. (C.) (pending before the Legislature
45 as this bill).

46 (3) The department shall provide the model plan to a school
47 district that is subject to this subsection by March 1, 2023 for
48 schools for which plans are required to be submitted pursuant to

1 paragraph (1) of subsection b. of this section, and by March 1, 2024
2 for schools for which plans are required to be submitted pursuant to
3 paragraph (2) of subsection b. of this section, and the school district
4 shall establish the school breakfast program in each of its schools,
5 based on the model plan, by September 1, 2023 for schools for
6 which plans are required to be submitted pursuant to paragraph (1)
7 of subsection b. of this section, and by September 1, 2024 for
8 schools for which plans are required to be submitted pursuant to
9 paragraph (2) of subsection b. of this section.

10
11 6. Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended to read
12 as follows:

13 3. In implementing a school lunch program, pursuant to
14 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program
15 **【under this act】**, pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.), or
16 a breakfast after the bell program, pursuant to section 1 of
17 P.L.2014, c.66 (C.18A:33-11.1) or section 2 of P.L.2018, c.25
18 (C.18A:33-11.3), each school and school district shall:

19 a. publicize, to parents and students, the availability of the
20 **【school breakfast】** respective school meals program 【to parents and
21 students】, as well as the various ways in which a student may
22 qualify to receive free or reduced price meals under the program, as
23 provided by subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-
24 4) and subsection a. of section 11 of P.L. , c. (C.) (pending
25 before the Legislature as this bill);

26 b. make every effort to ensure that **【income-eligible】**
27 subsidized students are not recognized as program participants, by
28 the student body, faculty, or staff, in a manner that is 【distinct】
29 different from **【student participants who are not income-eligible】**
30 the manner in which unsubsidized students are recognized as
31 program participants. Such efforts shall include, but need not be
32 limited to, the establishment of a neutral meal plan or voucher
33 system **【under which】** that does not make a distinction between
34 subsidized and unsubsidized students **【receiving subsidized**
35 breakfasts are not distinguished from students receiving non-
36 subsidized breakfasts】; and

37 c. make every effort to:

38 (1) facilitate the prompt and accurate identification of
39 categorically eligible students who may be certified to participate in
40 the program, on a subsidized basis, without first submitting an
41 application therefor, and, whenever an application is required to
42 establish eligibility for subsidized meals, encourage students and
43 their families to submit a subsidized school meals application for
44 that purpose;

45 (2) facilitate and expedite, to the greatest extent practicable, the
46 subsidized school meals application and income-eligibility
47 determination processes that are used, by the school or school
48 district, to certify a student for free or reduced price school meals

1 on the basis of income, and assist parents and guardians in
2 completing the school meals application; and

3 (3) encourage students who are **[not]** neither categorically
4 eligible nor income-eligible for free or reduced price school meals
5 to nonetheless participate, on a paid and unsubsidized basis, in the
6 program.

7 (cf: P.L.2003, c.4, s.3)

8

9 7. Section 1 of P.L.2014, c.66 (C.18A:33-11.1) is amended to
10 read as follows:

11 1. a. A public school operated by a school district **[of the State**
12 **participating]** that participates in the federal **[school breakfast**
13 **program]** School Breakfast Program, or a nonpublic school
14 participating in the federal **[school breakfast program]** School
15 Breakfast Program, is encouraged to increase the number of
16 students participating in the program by establishing a **["]**breakfast
17 after the bell~~**["]**~~ program **[through the incorporation of]** that
18 incorporates school breakfast [in] into the first-period classroom or
19 **[during]** the first few minutes of the school day.

20 b. The Department of Agriculture, in consultation with the
21 Department of Education shall:

22 (1) make every effort to assist, guide, and support school
23 districts, public schools, **[or] and** nonpublic schools in planning,
24 establishing, implementing, or modifying **[the "] a** breakfast after
25 the bell~~**["]**~~ program to increase the **[participation rate of all**
26 **students in the]** number of students, especially the number of
27 students from low-income families and middle-income families,
28 who are participating in each school breakfast program], especially
29 students from low income families; and].

30 (2) **[prepare and issue an annual report to the Governor and,**
31 **pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the**
32 **Legislature on the number and percentages of students from low**
33 **income families participating in the school breakfast program, and**
34 **the format used for providing breakfast, for each school district,**
35 **public school, or nonpublic school.]** (Deleted by amendment,
36 P.L. , c. (pending before the Legislature as this bill)

37 (cf: P.L.2014, c.66, s.1)

38

39 8. Section 1 of P.L.2018, c.25 (C.18A:33-11.2) is amended to
40 read as follows:

41 1. The Legislature finds and declares that numerous studies
42 document that childhood hunger impedes learning and can cause
43 lifelong health problems; and that, in New Jersey, tens of thousands
44 of children suffer from hunger each year, with nearly 540,000
45 students living in low-income families that are federally eligible [to
46 receive] for free or [low-cost] reduced price school meals.

1 The Legislature further finds and declares that New Jersey
2 schools have made great strides in serving breakfast to more
3 **【children】** students at the start of the school day, achieving a 73
4 percent increase since 2010; and that, despite this progress, only 44
5 percent of low-income **【children】** students in New Jersey received
6 breakfast through the federal School Breakfast Program, according
7 to the most recent data published by Advocates for Children of New
8 Jersey, **【and that this means】** meaning that approximately 304,000
9 **【eligible children】** low-income students who **【are】** were already
10 enrolled in the program **【in】**, as of April 2017, were not served this
11 all-important morning meal.

12 The Legislature further finds and declares that New Jersey law
13 **【currently】**, at section 2 of P.L.2003, c.4 (C.18A:33-10), requires a
14 public school **【operated by a local or regional school district with】**
15 to provide school breakfast to its students if 20 percent or more of
16 the students enrolled in the school, on October 1 of the preceding
17 school year 【who】, were federally eligible for free or reduced price
18 meals 【under the federal School Lunch Program or the federal
19 School Breakfast Program to be provided school breakfast】; that
20 section 5 of P.L. , c. (C.) (pending before the Legislature
21 as this bill) expands existing law so as to require all public schools
22 in the State to provide school breakfast to students, regardless of the
23 percentage of students at the school who are federally eligible for
24 free or reduced priced meals; that, 【however】 despite these
25 breakfast program requirements, current law does not specify how
26 breakfast is to be served to students; and that, by requiring high-
27 poverty schools to serve 【"】breakfast to students through a
28 breakfast after the bell program,【"】 New Jersey schools will reach a
29 much larger percentage of children in need, thereby helping to
30 further their academic success.

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

40 The Legislature, therefore, determines that: it **【to】** shall be the
41 public policy of the State to help remove a major barrier to learning
42 by providing children the nutrition they need to succeed in school**【,**
43 and determines that】; it is the understanding and the intention of the
44 Legislature to make breakfast an integral part of the school day【.】;
45 and 【that "】 the implementation of breakfast after the bell【"】
46 programs is the most effective way to ensure that all students have

1 the morning nutrition they need to concentrate, learn, and succeed
2 in school.

3 (cf: P.L.2018, c.25, s.1)

4

5 9. Section 2 of P.L.2018, c.25 (C.18A:33-11.3) is amended to
6 read as follows:

7 2. a. Every public school in which 70【%】 percent or more of
8 the students enrolled in the school on or before the last school day
9 before October 16 of the preceding school year were federally
10 eligible for free or reduced price meals under the National School
11 Lunch Program or the federal School Breakfast Program, shall
12 establish a 【school "】breakfast after the bell【"】 program.

13 b. (1)(a) No later than six months following the effective date
14 of 【this act】 P.L.2018, c.25 (C.18A:33-11.2 et seq.), each school
15 district shall submit, to the Department of Agriculture, a plan for
16 the establishment of a 【"】breakfast after the bell【"】 program for all
17 grades at each 【school in the district which is】 of the district's
18 schools that are subject to the requirements of this section. The
19 plan shall comply with the requirements of the federal School
20 Breakfast Program 【administered by the Department of
21 Agriculture】.

22 (b) No later than the first full school year following the
23 submission of the plan, the school district shall establish a
24 【"】breakfast after the bell【"】 program in each of its schools
25 【which】 that are subject to the requirements of this section 【based
26 upon】 , in accordance with the plan submitted 【by the school
27 district to the Department of Agriculture】 pursuant to this
28 paragraph.

29 (2) (a) No later than six months after the effective date of
30 P.L. , c. (C.) (pending before the Legislature as this bill),
31 each school district shall submit, to the Department of Agriculture,
32 a revised breakfast after the bell plan for each school in the district
33 that is subject to the requirements of this section. The revised plan
34 shall comply with federal School Breakfast Program requirements
35 and the provisions of section 11 of P.L. , c. (C.) (pending
36 before the Legislature as this bill).

37 (b) No later than the first full school year following the
38 submission of a revised plan pursuant to this paragraph, the school
39 district shall modify the breakfast after the bell program operating
40 in each of its schools that are subject to the requirements of this
41 section, as may be necessary to implement the provisions of the
42 revised plan.

43 (3) The Department of Agriculture, in consultation with the
44 Department of Education, shall review each revised plan submitted
45 pursuant to this subsection and make recommendations, if
46 necessary, regarding how a school's breakfast after the bell program
47 can operate most effectively, in accordance with the federal School

1 Breakfast Program requirements and the provisions of section 11 of
2 P.L. , c. (C.) (pending before the Legislature as this bill).
3 The Department of Agriculture shall notify each school district that
4 submits a plan pursuant to this subsection of the completion of the
5 department's review, and of any recommended changes to the plan,
6 within 90 days after receipt thereof.

7 c. Upon application, a school district may be granted a waiver
8 by the Department of Agriculture of the requirements of this section
9 for any school in which more than 70 percent of eligible students
10 received a meal under the school breakfast program during the
11 preceding school year. A school district that requests a waiver shall
12 provide **【such】** relevant information, as may be required by the
13 Department of Agriculture **【specifies】**, to justify the request.

14 d. **【The】** No later than three months after the effective date of
15 P.L.2018, c.25 (C.18A:33-11.2 et seq.), the Department of
16 Agriculture shall provide each school district with a **【listing】** list of
17 **【available】** resources that are available for the purposes of this
18 section **【to each school district no later than three months following**
19 the effective date of this act】.

20 (cf: P.L.2018, c.25, s.2)

21

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

24 4. The Department of Agriculture, in consultation with the
25 Department of Education, shall develop **【any】** guidelines, as may
26 be necessary **【for】** to facilitate the implementation and operation of
27 **【a paid "】**breakfast after the bell【" program】 programs by schools
28 in the State, in accordance with the provisions of section 1 of
29 P.L.2014, c.66 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25
30 (C.18A:33-11.2 and C.18A:33-11.3), and section 11 of P.L. ,
31 c. (C.) (pending before the Legislature as this bill),
32 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 breakfasts served to such students under a breakfast
36 after the bell program.

37 (cf: P.L.2018, c.25, s.4)

38

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

43 (2) Free or reduced price breakfasts, as appropriate, shall be
44 offered, under a school breakfast program or a breakfast after the
45 bell program, to all enrolled students who are determined to be
46 federally eligible for free or reduced price meals. As provided by
47 section 1 of P.L.2019, c.445 (C.18A:33-21.1), any student who is

1 eligible for a reduced price breakfast, pursuant to federal income
2 eligibility criteria, shall not be required to pay for such breakfast.
3 Free breakfasts shall also be offered to each enrolled student who is
4 federally ineligible for free or reduced price meals, but who has an
5 annual household income that is not less than 186 percent, and not
6 more than 199 percent, of the federal poverty level, as determined
7 pursuant to section 15 of P.L. , c. (C.) (pending before the
8 Legislature as this bill).

9 b. The State shall provide funding to each school that operates
10 a School Breakfast Program or a breakfast after the bell program, as
11 may be necessary to reimburse the costs associated with the
12 school's provision of free breakfasts, pursuant to subsection a. of
13 this section, to students who are federally ineligible for free or
14 reduced price meals.

15 c. The Department of Agriculture, in consultation with the
16 Department of Education, shall annually prepare and issue, to the
17 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
18 19.1, to the Legislature, a written report that identifies, for each
19 school and school district in the State:

20 (1) the methods that are being used by each such school or
21 school district to facilitate the prompt identification and subsidized
22 meal certification of students who are categorically eligible or
23 income-eligible for free or reduced price breakfast under the federal
24 School Breakfast Program;

25 (2) the number and percentage of income-eligible students from
26 low-income families and from middle-income families,
27 respectively, in each such school and district, who are receiving free
28 or reduced price breakfast under the federal School Breakfast
29 Program and the provisions of this section; and

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

35 d. The Department of Agriculture, in consultation with the
36 Department of Education, shall adopt rules and regulations pursuant
37 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
38 1 et seq.), to implement the provisions of this section, including, but
39 not limited to, rules and regulations establishing a schedule for, and
40 identifying the manner in which, State-level reimbursements are to
41 be made pursuant to subsection b. of this section.

42
43 12. Section 1 of P.L.2018, c.26 (C.18A:33-14.1) is amended to
44 read as follows:

45 1. a. (1) A school district that participates in the National
46 School Lunch Program or the federal School Breakfast Program
47 shall take steps to maximize the use of federal resources and to
48 minimize the debt that is incurred by families for school meals, in

1 accordance with a protocol established by the Department of
2 Agriculture. The protocol established by the department, pursuant
3 this paragraph, shall be adopted within 180 days after the effective
4 date of P.L. , c. (C.) (pending before the Legislature as this
5 bill), in consultation with the Department of Education, the School
6 Nutrition Association of New Jersey, and all relevant stakeholders,
7 and shall: (a) promote the increased certification of students from
8 low-income families and middle-income families for free and
9 reduced price school meals, in accordance with the provisions of
10 P.L. , c. (C.) (pending before the Legislature as this bill);
11 and (b) identify best practices to maximize the receipt and use of
12 federal resources by the district's schools.

13 (2) The Department of Agriculture and Department of
14 Education, in cooperation with each other, shall consult with, and
15 provide direct assistance to, school districts to help them improve,
16 simplify, and expedite the free and reduced price meal certification
17 process and otherwise reduce the administrative burden on schools
18 and school districts that results from such process.

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

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

39 c. **As used in this section, "Community Eligibility Provision"**
40 **means a federal reimbursement alternative for eligible, high-poverty**
41 **local educational agencies and schools participating in both the**
42 **National School Lunch Program and School Breakfast Program**
43 **which is funded by the United States Department of Agriculture and**
44 **administered by the New Jersey Department of Agriculture in**
45 **accordance with the requirements set forth in federal regulations at**
46 **7 CFR Part 245.** (Deleted by amendment, P.L. , c. (pending
47 before the Legislature as this bill)
48 (cf: P.L.2018, c.26, s.1)

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

3 1. a. (1) In the event that a school district determines that **[a]**
4 an unsubsidized student's school breakfast or school lunch bill is in
5 arrears, the district shall contact the student's parent or guardian to
6 provide notice of the arrearage, and shall provide the parent or
7 guardian with a period of 10 school days to pay the amount due. If
8 the student's parent or guardian has not made full payment by the
9 end of **[the 10 school days]** the designated 10-day period, then the
10 district shall again contact the student's parent or guardian to
11 provide notice of any action to be taken by the school district in
12 response to **[a student's school breakfast or school lunch bill being**
13 **in arrears]** the arrearage.

14 (2) A school district shall report at least biannually to the
15 Department of Agriculture the number of students who are denied
16 school breakfast or school lunch pursuant to this section.

17 (3) Nothing in this section shall be construed to require a school
18 district to deny or restrict the ability of an unsubsidized student to
19 access **[to]** school breakfast or school lunch **[to a student whose]**
20 when the student's school breakfast or school lunch bill is in
21 arrears.

22 b. A school or school district shall not:

23 (1) publicly identify or stigmatize **[a]** an unsubsidized student
24 who cannot pay for a school breakfast or a school lunch or whose
25 school breakfast or school lunch bill is in arrears, for example, by
26 requiring **[that]** the student to sit at a separate table **[or], by**
27 requiring that the student to wear a wristband, hand stamp, or
28 identifying mark, or by serving the student an alternative meal;

29 (2) require **[a]** an unsubsidized student, who cannot pay for a
30 school breakfast or a school lunch, or whose school breakfast or
31 school lunch bill is in arrears, to do chores or other work to pay for
32 the school breakfast or school lunch; **[or]**

33 (3) require **[a]** an unsubsidized student to discard a school
34 breakfast or school lunch after it has been served because of the
35 student's inability to pay for a school breakfast or a school lunch or
36 because money is owed for previously provided meals;

37 (4) prohibit an unsubsidized student, or a sibling of such a
38 student, from attending or participating in non-fee-based
39 extracurricular activities, field trips, or school events, from
40 receiving grades, official transcripts, or report cards, or from
41 graduating or attending graduation events, solely because of the
42 student's unresolved meal debt; or

43 (5) require the parent or guardian of an unsubsidized student to
44 pay fees or costs in excess of the actual amounts owed for meals
45 previously served to the student.

46 c. If **[a]** an unsubsidized student owes money for the
47 equivalent of five or more school meals, a school district shall:

1 (1) **【determine if the student is eligible for a free or reduced**
2 **price school meal;】** (Deleted by amendment, P.L. , c. (pending
3 before the Legislature as this bill)

4 (2) **【make】** determine whether the student is categorically
5 eligible or income-eligible for free or reduced price meals, by
6 conducting a review of all available records related to the student,
7 and by making at least two attempts, not including the initial
8 **【application or instructions provided to the parent or guardian】**
9 attempt made pursuant to section 3 of P.L.2020, c.29 (C.18A:33-
10 21b), to contact the student's parent or guardian and have the parent
11 or guardian fill out **【an】** a school meals application **【for the school**
12 **lunch program and school breakfast program】**; and

13 (3) require a principal, or a person designated by the principal,
14 to contact the parent or guardian of the unsubsidized student to
15 offer assistance with respect to the completion of the school meals
16 application **【for the school lunch and school breakfast program】**, to
17 determine if there are other issues **【within】** in the household that
18 have caused the child to have insufficient funds to purchase a
19 school breakfast or school lunch, and to offer any other appropriate
20 assistance.

21 d. A school district shall direct communications about a
22 student's school breakfast or school lunch bill being in arrears to the
23 parent or guardian and not to the student. Nothing in this subsection
24 shall prohibit a school district from sending a student home with a
25 letter addressed to a parent or guardian.

26 e. Notwithstanding the provisions of this section and the
27 provisions of any other law, rule, or regulation to the contrary, an
28 unsubsidized student shall not be denied access to a school meal,
29 regardless of the student's ability to pay or the status of the
30 student's meal arrearages, during any period of time in which the
31 school is making a determination, pursuant to subsection c. of this
32 section, as to whether the student is eligible for, and can be certified
33 to receive, free or reduced price meals.

34 (cf: P.L.2020, c.29, s.2)

35
36 14. Section 1 of P.L.2020, c.29 (C.18A:33-21a) is amended to
37 read as follows:

38 1. Section 1 of P.L.2015, c.15 (C.18A:33-21) and **【sections 3**
39 **and 4 of P.L.2020, c.29 (C.18A:33-21b and C.18A:33-21c)】** section
40 15 of P.L. , c. (C.) (pending before the Legislature as this
41 bill), shall be known and may be cited as the "Hunger-Free
42 Students' Bill of Rights Act."

43 (cf: P.L.2020, c.29, s.1)

44
45 15. (New section) a. At the beginning of each school year, or
46 upon initial enrollment, in the case of a student who enrolls during

1 the school year, a school district shall provide each student’s parent
2 or guardian with:

3 (1) information on the National School Lunch Program and the
4 federal School Breakfast Program, including, but not limited to,
5 information on the availability of free or reduced price meals for
6 eligible students, information on the application and determination
7 processes that are used to certify eligible students for subsidized
8 school meals, and information on the rights that are available to
9 students and their families under this section and section 1 of
10 P.L.2015, c.15 (C.18A:33-21); and

11 (2) a school meals application form, as well as instructions for
12 completing the application, and, as necessary, assistance in
13 completing the application.

14 b. The school meals information and application provided to
15 parents and guardians, pursuant to subsection a. of this section,
16 shall:

17 (1) be communicated in a language that the parent or guardian
18 understands;

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

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

25 c. A school meals application that is completed by a parent or
26 guardian shall be confidential, and shall not be used or shared by
27 the student’s school or school district, except as may be necessary
28 to:

29 (1) determine whether a student identified in the application is
30 eligible for free or reduced price school meals;

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 Summer
35 Meals Service Program;

36 (3) ensure that the school receives appropriate reimbursement,
37 from the State and federal governments, for meals provided to
38 eligible students, free of charge, through a school lunch program, a
39 school breakfast program, a breakfast after the bell program, a
40 summer meals program, or an emergency meals distribution
41 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
46 16. Section 1 of P.L.2019, c.445 (C.18A:33-21.1) is amended to
47 read as follows:

1 1. a. Notwithstanding any other law, or rule or regulation
2 adopted pursuant thereto, to the contrary, **[no]** a public school
3 student who is eligible for a reduced price breakfast under **[a]** the
4 federal School Breakfast Program **[established pursuant to**
5 **P.L.2003, c.4 (C.18A:33-9 et seq.),]** or a reduced price lunch
6 **[pursuant to P.L.1974, c.53 (C.18A:33-4 et seq.),]** under the
7 National School Lunch Program shall not be required to pay for any
8 such reduced price breakfast or reduced price lunch.

9 b. The State shall pay the difference between the federal
10 allocation for reduced price breakfasts and reduced price lunches
11 and the total cost of the reduced price breakfasts and reduced price
12 lunches that are served to public school students who are federally
13 eligible **[public school students]** 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 **[shall]** are to be made **[to school districts, and any other provisions**
21 **necessary for the implementation of this act]** pursuant to subsection
22 b. of this section.

23 (cf: P.L.2019, c.445, s.1)

24

25 17. Section 1 of P.L.2018, c.28 (C.18A:33-24) is amended to
26 read as follows:

27 1. a. Every school district in which 50 percent or more of the
28 students enrolled in the school district on or before the last school
29 day before October 16 of the preceding school year were federally
30 eligible for free or reduced price meals under the National School
31 Lunch Program or the federal School Breakfast Program, shall:

32 (1) become a sponsor or site **[of]** under the federal Summer
33 Food Service Program; or

34 (2) apply for a waiver pursuant to section 3 of **[this act]**
35 P.L.2018, c.28 (C.18A:33-26).

36 b. No later than one year after the date of enactment of **[this**
37 **act]** P.L.2018, c.28 (C.18A:33-24 et seq.), a school district **[which]**
38 that is required to become a sponsor **[a]** or site under the Summer
39 Food Service Program, pursuant to subsection a. of this section,
40 shall submit, to the Department of Agriculture, either an application
41 to become a sponsor of the federal Summer Food Service Program
42 or documentation showing that the school district will become a site
43 under an existing and approved sponsor.

44 c. **[As used in this act, "Summer Food Service Program"**
45 **means** the federal program that reimburses sponsors for
46 administrative and operational costs to provide meals for children
47 18 years of age and younger during periods when they are out of

1 school for 15 or more consecutive school days, which is funded by
2 the United States Department of Agriculture and administered by
3 the State Department of Agriculture in accordance with the
4 requirements set forth in federal regulations at 7 CFR Part 225 and
5 7 CFR Part 250.】 (Deleted by amendment, P.L. , c. (pending
6 before the Legislature as this bill)

7 d. A school district that is subject to the requirements of this
8 section shall become a sponsor of the federal Summer Food Service
9 Program or a site under an existing and approved sponsor, no later
10 than two years following the date of enactment of this section.

11 (cf: P.L.2018, c.28, s.1)

12

13 18. Section 2 of P.L.2018, c.28 (C.18A:33-25) is amended to
14 read as follows:

15 2. a. **【A】** Nothing in section 1 of P.L.2018, c.28 (C.18A:33-24)
16 shall be deemed to prohibit a school district from becoming a
17 sponsor or site under the Summer Food Service Program. Any
18 school district that is not subject to the requirements of section 1 of
19 P.L.2018, c.28 (C.18A:33-24), but that wishes to become a sponsor
20 or site under the Summer Food Service Program, shall submit, to
21 the Department of Agriculture, an application 【pursuant to section 1
22 of this act】 to become a sponsor or documentation showing that the
23 school district will become a site under an existing and approved
24 sponsor.

25 b. **【A** school district subject to the requirements of this act
26 shall become a sponsor of the federal Summer Food Service
27 Program or become a site under an existing approved sponsor, no
28 later than two years following the date of enactment of this act.】
29 (Deleted by amendment, P.L. , c. (pending before the
30 Legislature as this bill)

31 (cf: P.L.2018, c.28, s.2)

32

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

35 1. a. In the event that a board of education is provided a
36 written directive, by either the New Jersey Department of Health or
37 the health officer of the jurisdiction, to institute a public health-
38 related closure due to the COVID-19 epidemic, the district shall
39 implement a program, during the period of the school closure, to
40 provide school meals, at meal distribution sites designated pursuant
41 to subsection b. of this section, to all students enrolled in the district
42 who are either categorically eligible or income-eligible for 【the】
43 free 【and】 or reduced price school 【lunch and school breakfast
44 programs】 meals.

45 b. In the event of **【the】** an emergency closure, as described in
46 subsection a. of this section, the school district shall identify one or
47 more school meal distribution sites that are walkable and easily

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

10 c. ~~The~~ A school district shall identify students enrolled in
 11 the district who are categorically eligible or income-eligible for
 12 ~~the~~ free ~~and~~ or reduced price ~~school lunch and school~~
 13 ~~breakfast programs~~ meals, and for whom a 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 school meals to the student's
 17 residence or to the student's bus stop along an established bus route,
 18 provided that the student or the student's parent or guardian is
 19 present at the bus stop for the distribution. Food distributed
 20 pursuant to this ~~section~~ subsection may include up to a total of
 21 three school days' worth of food per delivery.

22 d. ~~School districts~~ A school district may use school buses
 23 owned and operated by the district to distribute school meals
 24 pursuant to this section. In the case of a school district that does
 25 not own and operate its own buses, the district may contract for the
 26 distribution of school meals, and these contracts shall not be subject
 27 to the public bidding requirements established pursuant to the
 28 "Public School Contracts Law," P.L.1977, c.114 (C.18A:18A-1 et
 29 seq.).

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

35 f. School lunches and breakfasts that are made available,
 36 through an emergency meals distribution program operating
 37 pursuant to this section, shall be provided to eligible students, free
 38 of charge, in accordance with the provisions of subsection a. of
 39 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of
 40 section 11 of P.L. , c. (C.) (pending before the Legislature
 41 as this bill).

42 (cf: P.L.2020, c.6, s.1)

43

44 20. The following sections of law are repealed:

45 Section 2 of P.L.1974, c.53 (C.18A:33-5);

46 Section 3 of P.L.2018, c.25 (C.18A:33-11.4); and

47 Section 3 of P.L.2020, c.29 (C.18A:33-21b).

1 21. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would require all schools in the State to serve school
7 breakfast and lunch, free of charge, to students from working class,
8 middle-income families. “Middle-income family” is defined by the
9 bill to include any family with an annual household income
10 amounting to not less than 186 percent, and not more than 199
11 percent, of the federal poverty level (FPL).

12 Under existing State and federal law, a student is eligible to
13 receive free or reduced price school lunch or breakfast under the
14 National School Lunch Program or the federal School Breakfast
15 Program only if the student is determined to be categorically
16 eligible for such benefits (i.e., is determined to be a homeless child,
17 a migrant child, a runaway child, a foster child, or a Head Start
18 Child, or is a participant in certain public benefits programs) or can
19 demonstrate that the student lives in a low-income household (i.e., a
20 household with an annual household income that is equal to or less
21 than 185 percent of the FPL). State law also currently requires
22 school lunch programs to be offered only by those schools at which
23 at least five percent of the students are federally eligible for free or
24 reduced price meals, and school breakfast programs to be offered
25 only by those schools at which at least 20 percent of the students
26 are federally eligible for free or reduced price meals. All schools
27 participating in the federal School Breakfast Program are
28 encouraged, by existing law, to increase the percentage of students
29 receiving breakfast at the school through the implementation of a
30 “breakfast after the bell” program, in which breakfast is served
31 during the first few minutes of school each day, and each school at
32 which at least 70 percent of the students are federally eligible for
33 free or reduced price school meals is required to implement a
34 breakfast after the bell program for these purposes.

35 This bill would alter the existing law to require each school in
36 the State to offer a school lunch program and a school breakfast
37 program, regardless of the percentage of students at the school who
38 are federally eligible for free or reduced price school meals, and it
39 would further require each school to provide free school breakfasts
40 and lunches to all middle-income students enrolled at the school,
41 including when such meals are offered to students through a
42 breakfast after the bell program or an emergency meals distribution
43 program (which is activated during a period of school closure
44 resulting from COVID-19). Each school district, and the
45 Department of Agriculture (DOA), would be required, by the bill, to
46 publicize, to parents and students, the fact that free meals are being
47 made available to middle-income students under these school meals
48 programs, pursuant to the bill’s provisions.

1 In order to avoid establishing an unfunded mandate, the bill
2 would require the State to provide funding to each school district, as
3 may be necessary to reimburse the costs associated with the
4 district's provision of free meals to middle-income students who are
5 federally ineligible for such meals under the National School Lunch
6 Program or federal School Breakfast Program. These
7 reimbursement provisions are similar to current law, at section 1 of
8 P.L.2019, c.445 (C.18A:33-21.1), which provides that a student
9 who is federally eligible for reduced price meals is not required to
10 pay any cost for those meals, and that the State will reimburse
11 schools for the difference between the federal allocation for reduced
12 price meals and the total cost of the meals served to such students.

13 Existing law requires a school district, at the beginning of each
14 school year, or upon initial enrollment, in the case of a student who
15 enrolls during the school year, to provide each student's parent or
16 guardian with:

17 (1) information on the National School Lunch Program and the
18 federal School Breakfast Program, as well the rights that are
19 available to students and their families under those programs; and

20 (2) a school meals application and instructions for completing
21 the application.

22 The bill would supplement these existing notice requirements to
23 clarify that the information provided to parents and guardians is to
24 include, but not be limited to: information on the availability of
25 free or reduced price school meals for eligible students, as well as
26 information on the school meals application and determination
27 processes that are used to certify students for subsidized school
28 meals. The bill would further clarify that a school district will be
29 required to assist parents or guardians in completing the school
30 meals application.

31 The bill would additionally clarify that a school meals
32 application that is submitted by a parent or guardian is to be treated
33 as confidential, and may not be used or shared by the school
34 district, or by the student's school, except as may be necessary to:

35 (1) determine whether the student is eligible for free or reduced
36 price meals;

37 (2) determine whether the school is required, by existing law, to
38 establish a breakfast after the bell program, or to participate as a
39 sponsor or site in the federal Summer Meals Service Program;

40 (3) ensure that the school receives appropriate reimbursement,
41 from the State and federal governments, for meals provided to
42 eligible students, free of charge, through a school lunch program, a
43 school breakfast program, a breakfast after the bell program, a
44 summer meals program, or an emergency meals distribution
45 program; and

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

1 Any information or application that is provided to a parent or
2 guardian in association with a school meals program is to be
3 communicated in a language that the parent or guardian
4 understands, and is to specify the limited purposes for which
5 collected personal data may be used, as specified in the bill.

6 The bill would require a school district to take steps to maximize
7 the use of federal resources and to minimize the debt that is
8 incurred by families for school meals, in accordance with a protocol
9 developed by the DOA, in consultation with the Department of
10 Education (DOE), the School Nutrition Association of New Jersey,
11 and all relevant stakeholders. The protocol developed by the DOE
12 is to: (1) promote the increased certification of students from low-
13 income families and middle-income families for free and reduced
14 price school meals, in accordance with the bill's provisions; and (2)
15 identify best practices to maximize the receipt and use of federal
16 resources by the district's schools. The bill would additionally
17 require the DOA and DOE, in cooperation with each other, to
18 consult with, and provide direct assistance to, school districts to
19 help them improve, simplify, and expedite the free and reduced
20 price meal certification process and otherwise reduce the
21 administrative burden on schools and school districts that results
22 from that process.

23 Under the bill's provisions, any school that serves lunch or
24 breakfast and is eligible for the Community Eligibility Provision (a
25 special assistance alternative federal reimbursement method that
26 authorizes reimbursement for free school meals provided by
27 eligible, high-poverty local educational agencies and schools
28 participating in both the National School Lunch Program and the
29 federal School Breakfast Program) would be required, to the
30 greatest extent practicable, to participate in, and maximize the
31 receipt of federal resources available under, that reimbursement
32 alternative.

33 The bill would require the DOA, in consultation with the DOE,
34 to annually prepare and submit, to the Governor and Legislature, a
35 written report that identifies, for each school and school district in
36 the State: (1) the methods being used by each school or school
37 district to facilitate the prompt identification and subsidized meal
38 certification of students who are categorically eligible or income-
39 eligible for free or reduced price school meals; (2) the number and
40 percentage of income-eligible students from low-income families
41 and from middle-income families, respectively, that are receiving
42 free or reduced price school meals; and (3) for school breakfast
43 programs, the format in which breakfast is being offered, including
44 an indication as to whether breakfast is being provided through a
45 breakfast after the bell program.

46 Existing law, at section 3 of P.L.2003, c.4 (C.18A:33-11)
47 requires a school district to publicize the availability of school
48 breakfasts and make every effort to ensure that non-paying, income-

1 eligible students participating in the school breakfast program are
2 not recognized in any manner that is different from the students
3 who pay for school meals. This law also requires school districts to
4 encourage students who are not income-eligible for free or reduced
5 price meals to, nonetheless, participate in the school breakfast
6 program. The bill would amend this law to:

7 (1) clarify that its requirements are intended to apply both to
8 individual schools and to school districts;

9 (2) clarify that the same requirements are to be applied, under
10 this section of law, not only with respect to the implementation of a
11 school breakfast program, but also with respect to the
12 implementation of a school lunch program and a breakfast after the
13 bell program;

14 (3) modify the applicable publicity requirements, for school
15 lunch and breakfast programs, in order to clarify that a school and
16 school district will be required to publicize, to parents and
17 guardians, the various ways in which a student may qualify to
18 receive subsidized meals under those programs, including through
19 categorical eligibility, federal income eligibility, or the new State-
20 level income eligibility established by the bill; and

21 (4) require schools and school districts to make every effort to:
22 facilitate the prompt and accurate identification of categorically
23 eligible students; encourage students and their families, whenever
24 an application is required to establish subsidized meals eligibility,
25 to complete a school meals application for that purpose; facilitate
26 and expedite, to the greatest extent practicable, the subsidized
27 school meals application and income-eligibility determination
28 processes, which are used, by the school or district, to certify a
29 student for subsidized meals on the basis of income; assist parents
30 and guardians in completing the school meals application; and
31 encourage students who are neither categorically eligible nor
32 income-eligible for free or reduced price school meals to
33 nonetheless participate, on a paid and unsubsidized basis, in the
34 school's lunch and breakfast programs.

35 The bill would additionally amend section 1 of P.L.2015, c.15
36 (C.18A:33-21), which pertains to school meal arrearages and
37 prohibits the undertaking of certain discriminatory treatment against
38 students in arrears. Specifically, the bill would amend this law to:
39 clarify that the rights included therein apply to unsubsidized
40 students who cannot pay for their school meals; clarify that the
41 prohibitions on discriminatory treatment, appearing therein, apply
42 to both school districts and individual schools; and expand the
43 existing list of prohibited discriminatory treatment to include: (1)
44 the act of prohibiting an unsubsidized student, or a sibling thereof,
45 from attending or participating in non-fee-based extracurricular
46 activities, field trips, or school events, from receiving grades,
47 official transcripts, or report cards, or from graduating or attending
48 graduation events, solely because of the student's unresolved meal

1 debt; and (2) the act of requiring the parent or guardian of an
2 unsubsidized student to pay fees or costs in excess of the actual
3 amounts owed for meals previously served to the student. The bill
4 would additionally specify that an unsubsidized student may not be
5 denied access to a school meal, regardless of the student's ability to
6 pay or the status of the student's meal arrearages, during any period
7 of time in which the school is making a determination as to whether
8 such student is eligible for free or reduced price meals.

9 The bill would repeal the following sections of law, which are no
10 longer necessary:

11 (1) Section 2 of P.L.1974, c.53 (C.18A:33-5). This section
12 exempts, from school lunch requirements, any school in which less
13 than five percent of enrolled students meet federal eligibility
14 requirements for receipt of free meals. Because the bill would
15 require all schools to operate school lunch programs, this section is
16 being repealed.

17 (2) Section 3 of P.L.2018, c.25 (C.18A:33-11.4). This section
18 provides that the implementation of a breakfast after the bell
19 program will be subject to the applicable requirements of section 3
20 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014, c.66
21 (C.18A:33-11.1), as well as any rules or regulations adopted
22 pursuant thereto. Because the bill is amending section 3 of
23 P.L.2003, c.4 (C.18A:33-11), referenced in this provision, to
24 include specific reference to breakfast after the bell programs, and
25 because section 1 of P.L.2014, c.66 (C.18A:33-11.1) does not
26 actually provide any requirements for the implementation of
27 breakfast after the bell programs (and instead, merely encourages
28 schools to participate in such programs), this section is no longer
29 necessary, and is being repealed.

30 (3) Section 3 of P.L.2020, c.29 (C.18A:33-21b). This section
31 requires a school district to provide a student's parent or guardian
32 with information on the National School Lunch Program and federal
33 School Breakfast Program, as well as an application to apply for
34 free and reduced meals under these programs, and information on
35 the rights that apply to students and families participating in these
36 school meals programs. Because this section, as currently drafted,
37 is not conducive to amendment, as would be necessary to
38 incorporate the clarifying changes provided by this bill, the section
39 is being replaced with, and its existing notice and application
40 provisions are being incorporated into, a new section of law
41 appearing at section 15 of the bill.

42 In addition to the repealers described above, this bill would also
43 clarify and reorganize the provisions of sections 1 and 2 of
44 P.L.2018, c.28 (C.18A:33-24 and C.18A:33-25), in order to make it
45 clear that section 1 applies to school districts that are required to
46 become a sponsor or site under the Summer Food Service Program,
47 while section 2 applies to school districts that elect to become a

1 sponsor or site under the Summer Food Service Program, despite
2 not being required to do so.

3 Finally, the bill would add a new central definitions section that
4 incorporates all definitions relevant to the provision of school meals
5 in the State. This definitions section would be applicable to the
6 bill's new sections, as well as to the remaining (un-repealed)
7 provisions of Chapter 33 of Title 18A of the New Jersey Statutes,
8 which is the chapter of law that addresses the provision of school
9 meals in the State, and in which chapter the provisions of this bill
10 will be codified.

ASSEMBLY AGRICULTURE AND FOOD SECURITY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2368

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2022

The Assembly Agriculture and Food Security Committee reports favorably Assembly Bill No. 2368.

This bill would require all schools in the State to serve school breakfast and lunch, free of charge, to students from working class, middle-income families. “Middle-income family” is defined by the bill to include any family with an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the federal poverty level (FPL).

Under existing State and federal law, a student is eligible to receive free or reduced price school lunch or breakfast under the National School Lunch Program or 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 household income that is equal to or less than 185 percent of the FPL). State law also currently requires school lunch programs to be offered only by those schools at which at least five percent of the students are federally eligible for free or reduced price meals, and school breakfast programs to be offered only by those schools at which at least 20 percent of the students are federally eligible for free or reduced price meals. All schools participating in the federal School Breakfast Program are encouraged, by existing law, to increase the percentage of students receiving breakfast at the school through the implementation of a “breakfast after the bell” program, in which breakfast is served during the first few minutes of school each day, and each school at which at least 70 percent of the students are federally eligible for free or reduced price school meals is required to implement a breakfast after the bell program for these purposes.

This bill would alter the existing law to require each school in the State to offer a school lunch program and a school breakfast program, regardless of the percentage of students at the school who are federally eligible for free or reduced price school meals, and it would further require each school to provide free school breakfasts and lunches to all middle-income students enrolled at the school, including when such

meals are offered to students through a breakfast after the bell program or an emergency meals distribution program (which is activated during a period of school closure resulting from COVID-19). Each school district, and the Department of Agriculture (DOA), would be required, by the bill, to publicize, to parents and students, the fact that free meals are being made available to middle-income students under these school meals programs, pursuant to the bill's provisions.

In order to avoid establishing an unfunded mandate, the bill would require the State to provide funding to each school district, as may be necessary to reimburse the costs associated with the district's provision of free meals to middle-income students who are federally ineligible for such meals under the National School Lunch Program or federal School Breakfast Program. These reimbursement provisions are similar to current law, at section 1 of P.L.2019, c.445 (C.18A:33-21.1), which provides that a student who is federally eligible for reduced price meals is not required to pay any cost for those meals, and that the State will reimburse schools for the difference between the federal allocation for reduced price meals and the total cost of the meals served to such students.

Existing law requires a school district, at the beginning of each school year, or upon initial enrollment, in the case of a student who enrolls during the school year, to provide each student's parent or guardian with:

(1) information on the National School Lunch Program and the federal School Breakfast Program, as well the rights that are available to students and their families under those programs; and

(2) a school meals application and instructions for completing the application.

The bill would supplement these existing notice requirements to clarify that the information provided to parents and guardians is to include, but not be limited to: information on the availability of free or reduced price school meals for eligible students, as well as information on the school meals application and determination processes that are used to certify students for subsidized school meals. The bill would further clarify that a school district will be required to assist parents or guardians in completing the school meals application.

The bill would additionally clarify that a school meals application that is submitted by a parent or guardian is to be treated as confidential, and may not be used or shared by the school district, or by the student's school, except as may be necessary to:

(1) determine whether the student is eligible for free or reduced price meals;

(2) determine whether the school is required, by existing law, to establish a breakfast after the bell program, or to participate as a sponsor or site in the federal Summer Meals Service Program;

(3) ensure that the school receives appropriate reimbursement, from the State and federal governments, for meals provided to eligible

students, free of charge, through a school lunch program, a school breakfast program, a breakfast after the bell program, a summer meals program, or an emergency meals distribution program; and

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

Any information or application that is provided to a parent or guardian in association with a school meals program is to be communicated in a language that the parent or guardian understands, and is to specify the limited purposes for which collected personal data may be used, as specified in the bill.

The bill would require a school district to take steps to maximize the use of federal resources and to minimize the debt that is incurred by families for school meals, in accordance with a protocol developed by the DOA, in consultation with the Department of Education (DOE), the School Nutrition Association of New Jersey, and all relevant stakeholders. The protocol developed by the DOE is to: (1) promote the increased certification of students from low-income families and middle-income families for free and reduced price school meals, in accordance with the bill’s provisions; and (2) identify best practices to maximize the receipt and use of federal resources by the district’s schools. The bill would additionally require the DOA and DOE, in cooperation with each other, to consult with, and provide direct assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce the administrative burden on schools and school districts that results from that process.

Under the bill’s provisions, any school that serves lunch or breakfast and is eligible for the Community Eligibility Provision (a special assistance alternative federal reimbursement method that authorizes reimbursement for free school meals provided by eligible, high-poverty local educational agencies and schools participating in both the National School Lunch Program and the federal School Breakfast Program) would be required, to the greatest extent practicable, to participate in, and maximize the receipt of federal resources available under, that reimbursement alternative.

The bill would require the DOA, in consultation with the DOE, to annually prepare and submit, to the Governor and Legislature, a written report that identifies, for each school and school district in the State: (1) the methods being used by each school or school district to facilitate the prompt identification and subsidized meal certification of students who are categorically eligible or income-eligible for free or reduced price school meals; (2) the number and percentage of income-eligible students from low-income families and from middle-income families, respectively, that are receiving free or reduced price school meals; and (3) for school breakfast programs, the format in which breakfast is being offered, including an indication as to whether breakfast is being provided through a breakfast after the bell program.

Existing law, at section 3 of P.L.2003, c.4 (C.18A:33-11) requires a school district to publicize the availability of school breakfasts and make every effort to ensure that non-paying, income-eligible students participating in the school breakfast program are not recognized in any manner that is different from the students who pay for school meals. This law also requires school districts to encourage students who are not income-eligible for free or reduced price meals to, nonetheless, participate in the school breakfast program. The bill would amend this law to:

(1) clarify that its requirements are intended to apply both to individual schools and to school districts;

(2) clarify that the same requirements are to be applied, under this section of law, not only with respect to the implementation of a school breakfast program, but also with respect to the implementation of a school lunch program and a breakfast after the bell program;

(3) modify the applicable publicity requirements, for school lunch and breakfast programs, in order to clarify that a school and school district will be required to publicize, to parents and guardians, the various ways in which a student may qualify to receive subsidized meals under those programs, including through categorical eligibility, federal income eligibility, or the new State-level income eligibility established by the bill; and

(4) require schools and school districts to make every effort to: facilitate the prompt and accurate identification of categorically eligible students; encourage students and their families, whenever an application is required to establish subsidized meals eligibility, to complete a school meals application for that purpose; facilitate and expedite, to the greatest extent practicable, the subsidized school meals application and income-eligibility determination processes, which are used, by the school or district, to certify a student for subsidized meals on the basis of income; assist parents and guardians in completing the school meals application; and encourage students who are neither categorically eligible nor income-eligible for free or reduced price school meals to nonetheless participate, on a paid and unsubsidized basis, in the school's lunch and breakfast programs.

The bill would additionally amend section 1 of P.L.2015, c.15 (C.18A:33-21), which pertains to school meal arrearages and prohibits the undertaking of certain discriminatory treatment against students in arrears. Specifically, the bill would amend this law to: clarify that the rights included therein apply to unsubsidized students who cannot pay for their school meals; clarify that the prohibitions on discriminatory treatment, appearing therein, apply to both school districts and individual schools; and expand the existing list of prohibited discriminatory treatment to include: (1) the act of prohibiting an unsubsidized student, or a sibling thereof, from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report

cards, or from graduating or attending graduation events, solely because of the student's unresolved meal debt; and (2) the act of requiring the parent or guardian of an unsubsidized student to pay fees or costs in excess of the actual amounts owed for meals previously served to the student. The bill would additionally specify that an unsubsidized student may not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the school is making a determination as to whether such student is eligible for free or reduced price meals.

The bill would repeal the following sections of law, which are no longer necessary:

(1) Section 2 of P.L.1974, c.53 (C.18A:33-5). This section exempts, from school lunch requirements, any school in which less than five percent of enrolled students meet federal eligibility requirements for receipt of free meals. Because the bill would require all schools to operate school lunch programs, this section is being repealed.

(2) Section 3 of P.L.2018, c.25 (C.18A:33-11.4). This section provides that the implementation of a breakfast after the bell program will be subject to the applicable requirements of section 3 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014, c.66 (C.18A:33-11.1), as well as any rules or regulations adopted pursuant thereto. Because the bill is amending section 3 of P.L.2003, c.4 (C.18A:33-11), referenced in this provision, to include specific reference to breakfast after the bell programs, and because section 1 of P.L.2014, c.66 (C.18A:33-11.1) does not actually provide any requirements for the implementation of breakfast after the bell programs (and instead, merely encourages schools to participate in such programs), this section is no longer necessary, and is being repealed.

(3) Section 3 of P.L.2020, c.29 (C.18A:33-21b). This section requires a school district to provide a student's parent or guardian with information on the National School Lunch Program and federal School Breakfast Program, as well as an application to apply for free and reduced meals under these programs, and information on the rights that apply to students and families participating in these school meals programs. Because this section, as currently drafted, is not conducive to amendment, as would be necessary to incorporate the clarifying changes provided by this bill, the section is being replaced with, and its existing notice and application provisions are being incorporated into, a new section of law appearing at section 15 of the bill.

In addition to the repealers described above, this bill would also clarify and reorganize the provisions of sections 1 and 2 of P.L.2018, c.28 (C.18A:33-24 and C.18A:33-25), in order to make it clear that section 1 applies to school districts that are required to become a sponsor or site under the Summer Food Service Program, while section 2 applies to school districts that elect to become a sponsor or

site under the Summer Food Service Program, despite not being required to do so.

Finally, the bill would add a new central definitions section that incorporates all definitions relevant to the provision of school meals in the State. This definitions section would be applicable to the bill's new sections, as well as to the remaining (un-repealed) provisions of Chapter 33 of Title 18A of the New Jersey Statutes, which is the chapter of law that addresses the provision of school meals in the State, and in which chapter the provisions of this bill will be codified.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2368
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: APRIL 27, 2022

SUMMARY

- Synopsis:** Requires schools to provide free school breakfasts and lunches to students from working class, middle-income families; designated as "Working Class Families' Anti-Hunger Act."
- Type of Impact:** Annual State expenditure increase from the General Fund. Annual local expenditure and revenue increases. Potential State revenue increase.
- Agencies Affected:** Department of Agriculture, Department of Education, school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase	At least \$19.4 million per year		
Potential State Revenue Increase	Indeterminate		
Local Expenditure Increase	At least \$19.4 million per year		
Local Revenue Increase	At least \$19.4 million per year		

- The Office of Legislative Services (OLS) estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.
- In addition, schools that currently do not participate in the National School Lunch Program and the federal School Breakfast Program would be required to participate in these programs by the bill, and this may result in significant one-time capital costs.
- The OLS notes that school districts may incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals.

- School districts that already utilize the National School Lunch Program and the federal School Breakfast Program may see increased expenditures and revenues if more students participate as a result of the bill's provisions. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide.
- Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.
- The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from all schools in the State, beginning one year after the date of the bill's enactment. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

BILL DESCRIPTION

This bill would expand the income eligibility for free breakfasts and lunches at all public schools. Currently, only students whose families have an annual household income of up to 185 percent of the federal poverty level qualify for free breakfasts and lunches. The bill would raise the limit to 199 percent of the federal poverty level with the State reimbursing school districts for 100 percent of the costs associated with the eligibility expansion.

This bill would additionally require each public school in the State to offer a school lunch program under the National School Lunch Program and a school breakfast program under the federal School Breakfast Program. Currently, a school lunch program is to be offered only by those public schools where at least five percent of students are federally eligible for free or reduced price meals, while a school breakfast program is to be offered only by public schools where at least 20 percent of students are federally eligible for free or reduced price meals. Currently, a student is "federally eligible" for free or reduced price meals if the student participates in certain federal benefits programs or if the student's family has an annual household income of up to 185 percent of the federal poverty level.

By way of background, under current federal law, the federal government funds the cost of free meals and the reduced part of the reduced price meals for students who qualify for the services under federal income guidelines. In addition, under current State law, students who are federally eligible for reduced price meals do not have to pay any cost for those meals with the State reimbursing school districts for the discounted costs that the student would have otherwise paid. State law also 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 bill would also require school districts to maximize the use of federal resources in support of school meals programs. Each school and school district would also have to publicize to parents,

guardians, and students the various ways in which a student may qualify for free school meals, and to provide assistance to parents and guardians in completing the application process.

The Department of Agriculture would be additionally required to consult with, and provide assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce their cost of administration.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.

This estimate assumes the following, using data from the United States Department of Agriculture, the United States Census Bureau, and the Annie E. Casey Foundation's Kids Count Data Center: (1) that there are 36,670 families in the State whose income lies in the bracket between 186 percent and 199 percent of the federal poverty level; (2) that each family includes around 0.68 children who are enrolled in school; (3) that the State would reimburse schools at the federal rate (\$3.66 per lunch and \$1.97 per breakfast); (4) that 76 percent of eligible students would receive free meals (this is the estimated participation rate in the National School Lunch Program by students certified to be eligible for free or reduced-price lunches during the 2018-2019 school year); and (5) that each participating student would receive 180 lunches and breakfasts per year.

In addition, schools that currently do not participate in the National School Lunch Program and the federal School Breakfast Program would be required to participate in these programs by the bill, and this may result in significant one-time capital costs. For example, the OLS corresponded with two school districts that do not possess cooking facilities at certain schools in their districts. Such schools may need to contract with catering companies, build infrastructure, or hire additional personnel to meet the requirements of the federal meals programs and this bill. None of the schools that the OLS contacted provided a quantifiable estimate of this expenditure increase. However, a school that is required to construct new facilities could expect expenditures of at least hundreds of thousands of dollars. The OLS corresponded with several schools that do not participate in the federal meals programs, but it remains unclear how many schools in the State do not currently participate.

The OLS notes that school districts may incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals. The OLS determines that the local expenditure increases would vary widely from school district to school district. For schools that already participate in the National School Lunch Program and the federal School Breakfast Program, there would likely be only marginal expenditure increases, since the costs of providing free meals to a larger number of students would be reimbursed by the State. These marginal costs might include: (1) a differential between the price currently charged to students for meals and the State reimbursement rate; and (2) increased administrative duties that will result

from the bill, such as the requirement to publicize the various ways in which free meals are being made available to students and the requirement to assist parents to apply for free meals.

School districts that already utilize the National School Lunch Program and the federal School Breakfast Program may see increased expenditures and revenues if more students participate as a result of the bill's provisions. The OLS estimates that, for each additional student that participates in the National School Lunch Program, a school would expend around \$1,084, and, for each additional student that participates in the federal School Breakfast Program, a school would expend around \$754. These estimates use the full cost of meals (\$6.02 for lunch and \$4.19 for breakfast) from Volume 3 of the "School Nutrition and Meal Cost Study," published in 2019 by the USDA. (The full cost includes the costs of food, labor, equipment, etc. to provide school meals.) The OLS notes that these expenditures would likely be accompanied by nearly equal revenues, since schools usually price their paid meals and a-la-carte items such that the school meal program is revenue neutral or runs a small deficit. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide. This estimate uses the FY 2019 participation numbers for New Jersey, published by the USDA -- 667,127 students for the National School Lunch Program and 318,981 students for the federal School Breakfast Program -- to avoid potential misleading data caused by the COVID-19 pandemic.

Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.

The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from all schools in the State, beginning one year after the date of the bill's enactment. Although this represents a one-time, implementation task, it may require hiring additional personnel or the temporary transfer of personnel. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

Section: Environment, Agriculture, Energy, and Natural Resources

*Analyst: Eric Hansen
Associate 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.).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2368

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2022

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 2368.

As amended, this bill would require certain schools in the State to serve school breakfast and lunch, free of charge, to students from working class, middle-income families. “Middle-income family” is defined by the bill to include any family with an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the federal poverty level (FPL).

Under existing State and federal law, a student is eligible to receive free or reduced price school lunch or breakfast under the National School Lunch Program or 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 household income that is equal to or less than 185 percent of the FPL). State law requires school lunch programs to be offered by those schools at which at least five percent of the students are federally eligible for free or reduced price meals, and school breakfast programs to be offered by those schools at which at least 20 percent of the students are federally eligible for free or reduced price meals. All schools participating in the federal School Breakfast Program are encouraged, by existing law, to increase the percentage of students receiving breakfast at the school through the implementation of a “breakfast after the bell” program, in which breakfast is served during the first few minutes of school each day, and each school at which at least 70 percent of the students are federally eligible for free or reduced price school meals is required to implement a breakfast after the bell program for these purposes.

This bill would alter the existing school breakfast law to expand the number of schools that provide breakfast to students in the State. Specifically, the bill would provide for a school breakfast program to be offered by any school at which at least 10 percent of the students are federally eligible for free or reduced price meals. The bill would further require each school that operates a school breakfast or lunch

program to provide free school breakfasts or lunches, as the case may be, to all middle-income students enrolled at the school (not just to low-income students, as provided by federal law), including when such meals are offered to students through a breakfast after the bell program or an emergency meals distribution program (which is activated during a period of school closure resulting from COVID-19). Each school district, and the Department of Agriculture (DOA), would be required, by the bill, to publicize, to parents and students, the fact that free meals are being made available to middle-income students under these school meals programs, pursuant to the bill's provisions.

In order to avoid establishing an unfunded mandate, the bill would require the State to provide funding to each school district, as may be necessary to reimburse the costs associated with the district's provision of free meals to middle-income students who are federally ineligible for such meals under the National School Lunch Program or federal School Breakfast Program. These reimbursement provisions are similar to current law, at section 1 of P.L.2019, c.445 (C.18A:33-21.1), which provides that a student who is federally eligible for reduced price meals is not required to pay any cost for those meals, and that the State will reimburse schools for the difference between the federal allocation for reduced price meals and the total cost of the meals served to such students.

Existing law requires a school district, at the beginning of each school year, or upon initial enrollment, in the case of a student who enrolls during the school year, to provide each student's parent or guardian with:

(1) information on the National School Lunch Program and the federal School Breakfast Program, as well the rights that are available to students and their families under those programs; and

(2) a school meals application and instructions for completing the application.

The bill would supplement these existing notice requirements to clarify that the information provided to parents and guardians is to include, but not be limited to: information on the availability of free or reduced price school meals for eligible students, as well as information on the school meals application and determination processes that are used to certify students for subsidized school meals. The bill would further clarify that a school district will be required to assist parents or guardians in completing the school meals application.

The bill would additionally clarify that a school meals application that is submitted by a parent or guardian is to be treated as confidential, and may not be used or shared by the school district, or by the student's school, except as may be necessary to:

(1) determine whether the student is eligible for free or reduced price meals;

(2) determine whether the school is required, by existing law, to establish a breakfast after the bell program, or to participate as a sponsor or site in the federal Summer Meals Service Program;

(3) ensure that the school receives appropriate reimbursement, from the State and federal governments, for meals provided to eligible students, free of charge, through a school lunch program, a school breakfast program, a breakfast after the bell program, a summer meals program, or an emergency meals distribution program; and

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

Any information or application that is provided to a parent or guardian in association with a school meals program is to be communicated in a language that the parent or guardian understands, and is to specify the limited purposes for which collected personal data may be used, as specified in the bill.

The bill would require a school district to take steps to maximize the use of federal resources and to minimize the debt that is incurred by families for school meals, in accordance with a protocol developed by the DOA, in consultation with the Department of Education (DOE), the School Nutrition Association of New Jersey, and all relevant stakeholders. The protocol developed by the DOE is to: (1) promote the increased certification of students from low-income families and middle-income families for free and reduced price school meals, in accordance with the bill’s provisions; and (2) identify best practices to maximize the receipt and use of federal resources by the district’s schools. The bill would additionally require the DOA and DOE, in cooperation with each other, to consult with, and provide direct assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce the administrative burden on schools and school districts that results from that process.

Under the bill’s provisions, any school that serves lunch or breakfast and is eligible for the Community Eligibility Provision (a special assistance alternative federal reimbursement method that authorizes reimbursement for free school meals provided by eligible, high-poverty local educational agencies and schools participating in both the National School Lunch Program and the federal School Breakfast Program) would be required, to the greatest extent practicable, to participate in, and maximize the receipt of federal resources available under, that reimbursement alternative.

The bill would require the DOA, in consultation with the DOE, to annually prepare and submit, to the Governor and Legislature, a written report that identifies, for each school and school district in the State: (1) the methods being used by each school or school district to facilitate the prompt identification and subsidized meal certification of students who are categorically eligible or income-eligible for free or reduced price school meals; (2) the number and percentage of income-

eligible students from low-income families and from middle-income families, respectively, that are receiving free or reduced price school meals; and (3) for school breakfast programs, the format in which breakfast is being offered, including an indication as to whether breakfast is being provided through a breakfast after the bell program.

Existing law, at section 3 of P.L.2003, c.4 (C.18A:33-11) requires a school district to publicize the availability of school breakfasts and make every effort to ensure that non-paying, income-eligible students participating in the school breakfast program are not recognized in any manner that is different from the students who pay for school meals. This law also requires school districts to encourage students who are not income-eligible for free or reduced price meals to, nonetheless, participate in the school breakfast program. The bill would amend this law to:

(1) clarify that its requirements are intended to apply both to individual schools and to school districts;

(2) clarify that the same requirements are to be applied, under this section of law, not only with respect to the implementation of a school breakfast program, but also with respect to the implementation of a school lunch program and a breakfast after the bell program;

(3) modify the applicable publicity requirements, for school lunch and breakfast programs, in order to clarify that a school and school district will be required to publicize, to parents and guardians, the various ways in which a student may qualify to receive subsidized meals under those programs, including through categorical eligibility, federal income eligibility, or the new State-level income eligibility established by the bill; and

(4) require schools and school districts to make every effort to: facilitate the prompt and accurate identification of categorically eligible students; encourage students and their families, whenever an application is required to establish subsidized meals eligibility, to complete a school meals application for that purpose; facilitate and expedite, to the greatest extent practicable, the subsidized school meals application and income-eligibility determination processes, which are used, by the school or district, to certify a student for subsidized meals on the basis of income; assist parents and guardians in completing the school meals application; and encourage students who are neither categorically eligible nor income-eligible for free or reduced price school meals to nonetheless participate, on a paid and unsubsidized basis, in the school's lunch and breakfast programs.

The bill would additionally amend section 1 of P.L.2015, c.15 (C.18A:33-21), which pertains to school meal arrearages and prohibits the undertaking of certain discriminatory treatment against students in arrears. Specifically, the bill would amend this law to: clarify that the rights included therein apply to unsubsidized students who cannot pay for their school meals; clarify that the prohibitions on discriminatory treatment, appearing therein, apply to both school districts and

individual schools; and expand the existing list of prohibited discriminatory treatment to include: (1) the act of prohibiting an unsubsidized student, or a sibling thereof, from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report cards, or from graduating or attending graduation events, solely because of the student's unresolved meal debt; and (2) the act of requiring the parent or guardian of an unsubsidized student to pay fees or costs in excess of the actual amounts owed for meals previously served to the student. The bill would additionally specify that an unsubsidized student may not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the school is making a determination as to whether such student is eligible for free or reduced price meals.

The bill would repeal the following sections of law, which are no longer necessary:

(1) Section 3 of P.L.2018, c.25 (C.18A:33-11.4). This section provides that the implementation of a breakfast after the bell program will be subject to the applicable requirements of section 3 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014, c.66 (C.18A:33-11.1), as well as any rules or regulations adopted pursuant thereto. Because the bill is amending section 3 of P.L.2003, c.4 (C.18A:33-11), referenced in this provision, to include specific reference to breakfast after the bell programs, and because section 1 of P.L.2014, c.66 (C.18A:33-11.1) does not actually provide any requirements for the implementation of breakfast after the bell programs (and instead, merely encourages schools to participate in such programs), this section is no longer necessary, and is being repealed.

(2) Section 3 of P.L.2020, c.29 (C.18A:33-21b). This section requires a school district to provide a student's parent or guardian with information on the National School Lunch Program and federal School Breakfast Program, as well as an application to apply for free and reduced meals under these programs, and information on the rights that apply to students and families participating in these school meals programs. Because this section, as currently drafted, is not conducive to amendment, as would be necessary to incorporate the clarifying changes provided by this bill, the section is being replaced with, and its existing notice and application provisions are being incorporated into, a new section of law appearing at section 15 of the bill.

In addition to the repealers described above, this bill would also clarify and reorganize the provisions of sections 1 and 2 of P.L.2018, c.28 (C.18A:33-24 and C.18A:33-25), in order to make it clear that section 1 applies to school districts that are required to become a sponsor or site under the Summer Food Service Program, while section 2 applies to school districts that elect to become a sponsor or

site under the Summer Food Service Program, despite not being required to do so.

Finally, the bill would add a new central definitions section that incorporates all definitions relevant to the provision of school meals in the State. This definitions section would be applicable to the bill's new sections, as well as to the remaining (un-repealed) provisions of Chapter 33 of Title 18A of the New Jersey Statutes, which is the chapter of law that addresses the provision of school meals in the State, and in which chapter the provisions of this bill will be codified.

COMMITTEE AMENDMENTS:

The committee amended the bill to eliminate the provisions that would have required all public schools to implement a school lunch program and a school breakfast program. Instead, the amendments would: (1) maintain the original provisions of law that require a public school to offer a school lunch program only if at least five percent of the students enrolled at the school are federally eligible for free or reduced price school meals; and (2) require a public school to provide a school breakfast program only if at least 10 percent of the students enrolled at the school are federally eligible for free or reduced price school meals.

The amendments would add a new section amending section 2 of P.L.1974, c.53 (C.18A:33-5), to clarify the exemption that is applicable, under that section, to school lunch programs. The amendments would also incorporate associated technical changes to update section numbering and cross-references throughout the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.

In addition, certain schools that currently do not participate in the federal School Breakfast Program would be required to participate in this program by the bill, and this may result in significant one-time capital costs for those schools.

The OLS notes that school districts may also incur costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals.

School districts that already utilize the National School Lunch Program and the federal School Breakfast Program may see increased expenditures and revenues if more students participate as a result of the bill's provisions. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and

federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide.

Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.

The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2368

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MAY 27, 2022

SUMMARY

- Synopsis:** Requires schools to provide free school breakfasts and lunches to students from working class, middle-income families; designated as "Working Class Families' Anti-Hunger Act."
- Type of Impact:** Annual State expenditure increase from the General Fund. Annual local expenditure and revenue increases. Potential State revenue increase.
- Agencies Affected:** Department of Agriculture, Department of Education, school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase	At least \$19.4 million per year		
Potential State Revenue Increase	Indeterminate		
Local Expenditure Increase	At least \$19.4 million per year		
Local Revenue Increase	At least \$19.4 million per year		

- The Office of Legislative Services (OLS) estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.
- In addition, certain schools that currently do not participate in the federal School Breakfast Program would be required to participate in this program by the bill, and this may result in increased administrative costs for those schools.
- The OLS notes that school districts may incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals.

- School districts may also see increased expenditures and revenues if more students participate in the National School Lunch Program and the federal School Breakfast Program as a result of the bill's provisions. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide.
- Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.
- The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from schools in the State, beginning one year after the date of the bill's enactment. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

BILL DESCRIPTION

This bill would expand the income eligibility for free breakfasts and lunches at all public schools. Currently, only students whose families have an annual household income of up to 185 percent of the federal poverty level qualify for free breakfasts and lunches. The bill would raise the limit to 199 percent of the federal poverty level with the State reimbursing school districts for 100 percent of the costs associated with the eligibility expansion.

This bill would additionally require schools where at least 10 percent of students are federally eligible for free or reduced price meals to offer a school breakfast program under the federal School Breakfast Program. Currently, a school breakfast program is to be offered only by public schools where at least 20 percent of students are federally eligible for free or reduced price meals. Currently, a student is "federally eligible" for free or reduced price meals if the student participates in certain federal benefits programs or if the student's family has an annual household income of up to 185 percent of the federal poverty level.

By way of background, under current federal law, the federal government funds the cost of free meals and the reduced part of the reduced price meals for students who qualify for the services under federal income guidelines. In addition, under current State law, students who are federally eligible for reduced price meals do not have to pay any cost for those meals with the State reimbursing school districts for the discounted costs that the student would have otherwise paid. State law also 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 bill would also require school districts to maximize the use of federal resources in support of school meals programs. Each school and school district would also have to publicize to parents, guardians, and students the various ways in which a student may qualify for free school meals, and to provide assistance to parents and guardians in completing the application process.

The Department of Agriculture would be additionally required to consult with, and provide assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce their cost of administration.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.

This estimate assumes the following, using data from the United States Department of Agriculture, the United States Census Bureau, and the Annie E. Casey Foundation's Kids Count Data Center: (1) that there are 36,670 families in the State whose income lies in the bracket between 186 percent and 199 percent of the federal poverty level; (2) that each family includes around 0.68 children who are enrolled in school; (3) that the State would reimburse schools at the federal rate (\$3.66 per lunch and \$1.97 per breakfast); (4) that 76 percent of eligible students would receive free meals (this is the estimated participation rate in the National School Lunch Program by students certified to be eligible for free or reduced-price lunches during the 2018-2019 school year); and (5) that each participating student would receive 180 lunches and breakfasts per year.

In addition, certain schools that currently do not participate in the federal School Breakfast Program would be required to participate in this program by the bill, and this may result in increased administrative costs for those schools. Such schools may need to contract with catering companies or hire additional personnel to implement a school breakfast program that meets the federal requirements. The OLS corresponded with several schools that do not participate in the federal School Breakfast Program, but it remains unclear how many schools in the State do not currently participate. School districts may also incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals.

School districts may see increased expenditures and revenues if more students participate in the National School Lunch Program and the federal School Breakfast Program as a result of the bill's provisions. The OLS estimates that, for each additional student that participates in the National School Lunch Program, a school would expend around \$1,084, and, for each additional student that participates in the federal School Breakfast Program, a school would expend around \$754. These estimates use the full cost of meals (\$6.02 for lunch and \$4.19 for breakfast) from Volume 3 of the "School Nutrition and Meal Cost Study," published in 2019 by the USDA. (The full cost includes the costs of food, labor, equipment, etc. to provide school meals.) The OLS notes that these expenditures would likely be accompanied by nearly equal revenues, since schools usually price their paid meals and a-la-carte items such that the school meal program is revenue neutral or runs a small deficit. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide. This estimate uses the FY 2019 participation numbers for New Jersey, published by the USDA --

667,127 students for the National School Lunch Program and 318,981 students for the federal School Breakfast Program -- to avoid potentially misleading data caused by the COVID-19 pandemic.

Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.

The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from schools in the State, beginning one year after the date of the bill's enactment. Although this represents a one-time, implementation task, it may require hiring additional personnel or the temporary transfer of personnel. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

Section: Environment, Agriculture, Energy, and Natural Resources

*Analyst: Eric Hansen
Associate 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 BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2368

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 2368 (1R).

As amended, this bill requires certain schools in the State to serve school breakfast and lunch, free of charge, to students from working class, middle-income families. “Middle-income family” is defined by the bill to include any family with an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the federal poverty level (FPL).

Under existing State and federal law, a student is eligible to receive free or reduced price school lunch or breakfast under the National School Lunch Program or 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 household income that is equal to or less than 185 percent of the FPL). State law requires school lunch programs to be offered by those schools at which at least five percent of the students are federally eligible for free or reduced price meals, and school breakfast programs to be offered by those schools at which at least 20 percent of the students are federally eligible for free or reduced price meals. All schools participating in the federal School Breakfast Program are encouraged, by existing law, to increase the percentage of students receiving breakfast at the school through the implementation of a “breakfast after the bell” program, in which breakfast is served during the first few minutes of school each day, and each school at which at least 70 percent of the students are federally eligible for free or reduced price school meals is required to implement a breakfast after the bell program for these purposes.

This bill alters the existing school breakfast law to expand the number of schools that provide breakfast to students in the State. Specifically, the bill provides for a school breakfast program to be

offered by any school at which at least 10 percent of the students are federally eligible for free or reduced price meals. A school, or a school district acting on behalf of a school in the district, would be authorized to obtain a waiver of these breakfast program requirements if the Department of Agriculture (DOA) determines that the provision of a breakfast program at the school will result in financial hardship for either the school or the school district. The DOA would be authorized to rescind a previously issued waiver if, based on a review of updated financial and demographic information requested and provided not more often than biennially, it determines that a change in circumstances has eliminated the financial hardship that previously warranted continuation of the waiver.

The bill further requires each school that operates a school breakfast or lunch program to provide free school breakfasts or lunches, as the case may be, to all middle-income students enrolled at the school (not just to low-income students, as provided by federal law), including when such meals are offered to students through a breakfast after the bell program or an emergency meals distribution program (which is activated during a period of school closure resulting from COVID-19). Each school district, and the DOA, would be required, by the bill, to publicize, to parents and students, the fact that free meals are being made available to middle-income students under these school meals programs, pursuant to the bill's provisions.

In order to avoid establishing an unfunded mandate, the bill requires the State to provide funding to each school district, as may be necessary to reimburse the costs associated with the district's provision of free meals to middle-income students who are federally ineligible for such meals under the National School Lunch Program or federal School Breakfast Program. These reimbursement provisions are similar to current law, at section 1 of P.L.2019, c.445 (C.18A:33-21.1), which provides that a student who is federally eligible for reduced price meals is not required to pay any cost for those meals, and that the State will reimburse schools for the difference between the federal allocation for reduced price meals and the total cost of the meals served to such students.

Existing law requires a school district, at the beginning of each school year, or upon initial enrollment, in the case of a student who enrolls during the school year, to provide each student's parent or guardian with:

(1) information on the National School Lunch Program and the federal School Breakfast Program, as well the rights that are available to students and their families under those programs; and

(2) a school meals application and instructions for completing the application.

The bill supplements these existing notice requirements to clarify that the information provided to parents and guardians is to include, but not be limited to: information on the availability of free or reduced

price school meals for eligible students, as well as information on the school meals application and determination processes that are used to certify students for subsidized school meals. The bill further clarifies that a school district will be required to assist parents or guardians in completing the school meals application.

The bill additionally clarifies that a school meals application that is submitted by a parent or guardian is to be treated as confidential, and may not be used or shared by the school district, or by the student's school, except as may be necessary to:

(1) determine whether the student is eligible for free or reduced price meals;

(2) determine whether the school is required, by existing law, to establish a breakfast after the bell program, or to participate as a sponsor or site in the federal Summer Meals Service Program;

(3) ensure that the school receives appropriate reimbursement, from the State and federal governments, for meals provided to eligible students, free of charge, through a school lunch program, a school breakfast program, a breakfast after the bell program, a summer meals program, or an emergency meals distribution program; and

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

Any information or application that is provided to a parent or guardian in association with a school meals program is to be communicated in a language that the parent or guardian understands, and is to specify the limited purposes for which collected personal data may be used, as specified in the bill.

The bill requires a school district to take steps to maximize the use of federal resources and to minimize the debt that is incurred by families for school meals, in accordance with a protocol developed by the DOA, in consultation with the Department of Education (DOE), the School Nutrition Association of New Jersey, and all relevant stakeholders. The protocol is to: (1) promote the increased certification of students from low-income families and middle-income families for free and reduced price school meals, in accordance with the bill's provisions; and (2) identify best practices to maximize the receipt and use of federal resources by the district's schools. The bill additionally requires the DOA and DOE, in cooperation with each other, to consult with, and provide direct assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce the administrative burden on schools and school districts that results from that process.

Under the bill's provisions, any school that serves lunch or breakfast and is eligible for the Community Eligibility Provision (a special assistance alternative federal reimbursement method that authorizes reimbursement for free school meals provided by eligible, high-poverty local educational agencies and schools participating in

both the National School Lunch Program and the federal School Breakfast Program) would be required, to the greatest extent practicable, to participate in, and maximize the receipt of federal resources available under, that reimbursement alternative.

The bill requires the DOA, in consultation with the DOE, to annually prepare and submit, to the Governor and Legislature, a written report that identifies, for each school and school district in the State: (1) the methods being used by each school or school district to facilitate the prompt identification and subsidized meal certification of students who are categorically eligible or income-eligible for free or reduced price school meals; (2) the number and percentage of income-eligible students from low-income families and from middle-income families, respectively, that are receiving free or reduced price school meals; and (3) for school breakfast programs, the format in which breakfast is being offered, including an indication as to whether breakfast is being provided through a breakfast after the bell program.

Existing law, at section 3 of P.L.2003, c.4 (C.18A:33-11) requires a school district to publicize the availability of school breakfasts and make every effort to ensure that non-paying, income-eligible students participating in the school breakfast program are not recognized in any manner that is different from the students who pay for school meals. This law also requires school districts to encourage students who are not income-eligible for free or reduced price meals to, nonetheless, participate in the school breakfast program. The bill would amend this law to:

(1) clarify that its requirements are intended to apply both to individual schools and to school districts;

(2) clarify that the same requirements are to be applied, under this section of law, not only with respect to the implementation of a school breakfast program, but also with respect to the implementation of a school lunch program and a breakfast after the bell program;

(3) modify the applicable publicity requirements, for school lunch and breakfast programs, in order to clarify that a school and school district will be required to publicize, to parents and guardians, the various ways in which a student may qualify to receive subsidized meals under those programs, including through categorical eligibility, federal income eligibility, or the new State-level income eligibility established by the bill; and

(4) require schools and school districts to make every effort to: facilitate the prompt and accurate identification of categorically eligible students; encourage students and their families, whenever an application is required to establish subsidized meals eligibility, to complete a school meals application for that purpose; facilitate and expedite, to the greatest extent practicable, the subsidized school meals application and income-eligibility determination processes, which are used, by the school or district, to certify a student for subsidized meals on the basis of income; assist parents and guardians in completing the

school meals application; and encourage students who are neither categorically eligible nor income-eligible for free or reduced price school meals to nonetheless participate, on a paid and unsubsidized basis, in the school's lunch and breakfast programs.

The bill additionally amends section 1 of P.L.2015, c.15 (C.18A:33-21), which pertains to school meal arrearages and prohibits the undertaking of certain discriminatory treatment against students in arrears. Specifically, the bill would amend this law to: clarify that the rights included therein apply to unsubsidized students who cannot pay for their school meals; clarify that the prohibitions on discriminatory treatment, appearing therein, apply to both school districts and individual schools; and expand the existing list of prohibited discriminatory treatment to include: (1) the act of prohibiting an unsubsidized student, or a sibling thereof, from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report cards, or from graduating or attending graduation events, solely because of the student's unresolved meal debt; and (2) the act of requiring the parent or guardian of an unsubsidized student to pay fees or costs in excess of the actual amounts owed for meals previously served to the student. The bill additionally specifies that an unsubsidized student may not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the school is making a determination as to whether such student is eligible for free or reduced price meals.

The bill repeals the following sections of law, which are no longer necessary:

(1) Section 4 of P.L.2003, c.4 (C.18A:33-12). This section authorizes a school to obtain a one-year initial waiver of the breakfast program requirements that were established pursuant to existing law at section 2 of P.L.2003, c.4 (C.18A:33-10). Because section 2 of P.L.2003, c.4 (C.18A:33-10) will be superseded by the bill's provisions establishing new breakfast program requirements and requiring all schools to submit new breakfast program plans, and because the bill, as amended, includes a new waiver provision that authorizes ongoing waivers of the bill's new breakfast program requirements in appropriate cases, section 2 of P.L.2003, c.4 (C.18A:33-12) is no longer necessary and is being repealed.

(2) Section 3 of P.L.2018, c.25 (C.18A:33-11.4). This section provides that the implementation of a breakfast after the bell program will be subject to the applicable requirements of section 3 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014, c.66 (C.18A:33-11.1), as well as any rules or regulations adopted pursuant thereto. Because the bill is amending section 3 of P.L.2003, c.4 (C.18A:33-11), referenced in this provision, to include specific reference to breakfast after the bell programs, and because section 1 of P.L.2014, c.66 (C.18A:33-

11.1) does not actually provide any requirements for the implementation of breakfast after the bell programs (and instead, merely encourages schools to participate in such programs), this section is no longer necessary, and is being repealed.

(3) Section 3 of P.L.2020, c.29 (C.18A:33-21b). This section requires a school district to provide a student's parent or guardian with information on the National School Lunch Program and federal School Breakfast Program, as well as an application to apply for free and reduced meals under these programs, and information on the rights that apply to students and families participating in these school meals programs. Because this section, as currently drafted, is not conducive to amendment, as would be necessary to incorporate the clarifying changes provided by this bill, the section is being replaced with, and its existing notice and application provisions are being incorporated into, a new section of law appearing at section 16 of the bill.

In addition to the repealers described above, this bill would also clarify and reorganize the provisions of sections 1 and 2 of P.L.2018, c.28 (C.18A:33-24 and C.18A:33-25), in order to make it clear that section 1 applies to school districts that are required to become a sponsor or site under the Summer Food Service Program, while section 2 applies to school districts that elect to become a sponsor or site under the Summer Food Service Program, despite not being required to do so.

Finally, the bill adds a new central definitions section that incorporates all definitions relevant to the provision of school meals in the State. This definitions section would be applicable to the bill's new sections, as well as to the remaining (un-repealed) provisions of Chapter 33 of Title 18A of the New Jersey Statutes, which is the chapter of law that addresses the provision of school meals in the State, and in which chapter the provisions of this bill will be codified.

As amended and reported by the committee, Assembly Bill No. 2368 (2R) is identical to Senate Bill No. 1677 (1R), as amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to revise the bill's effective date, so as to provide for the bill to take effect on September 1, 2023, while authorizing the Commissioner of Agriculture and the Commissioner of Education to take anticipatory administrative action, in advance of the effective date, as may be necessary to implement the bill's provisions. The committee additionally amended the bill to extend, for one year, the deadlines applicable, under the bill, to the submission and implementation of new school breakfast plans, in order to ensure that those plans will be submitted and implemented after the bill's revised effective date. The committee further amended the bill to include new provisions authorizing the ongoing waiver of the bill's new breakfast program requirements in cases of financial hardship, and authorizing

the DOA to rescind a previously issued waiver if, based on a review of updated financial and demographic information requested and provided not more often than biennially, it determines that a change in circumstances has eliminated the financial hardship that warranted continuation of the waiver. Finally, the committee amendments repeal section 4 of P.L.2003, c.4 (C.18A:33-12), which authorizes one-year initial waivers of the law's existing breakfast program requirements, and they make technical changes to correct citations.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 2368

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 5, 2022

SUMMARY

- Synopsis:** Requires schools to provide free school breakfasts and lunches to students from working class, middle-income families; designated as "Working Class Families' Anti-Hunger Act."
- Type of Impact:** Annual State expenditure increase from the General Fund. Annual local expenditure and revenue increases. Potential State revenue increase.
- Agencies Affected:** Department of Agriculture, Department of Education, school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase	At least \$19.4 million per year		
Potential State Revenue Increase	Indeterminate		
Local Expenditure Increase	At least \$19.4 million per year		
Local Revenue Increase	At least \$19.4 million per year		

- The Office of Legislative Services (OLS) estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.
- In addition, certain schools that currently do not participate in the federal School Breakfast Program would be required to participate in this program by the bill, and this may result in increased administrative costs for those schools. The OLS notes that these expenditure increases would be mitigated to the extent schools apply for and are granted financial hardship waivers from participating in the School Breakfast program.
- The OLS notes that school districts may incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals.

- School districts may also see increased expenditures and revenues if more students participate in the National School Lunch Program and the federal School Breakfast Program as a result of the bill's provisions. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide.
- Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.
- The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from schools in the State, beginning one year after the date of the bill's enactment. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

BILL DESCRIPTION

This bill would expand the income eligibility for free breakfasts and lunches at all public schools. Currently, only students whose families have an annual household income of up to 185 percent of the federal poverty level qualify for free breakfasts and lunches. The bill would raise the limit to 199 percent of the federal poverty level with the State reimbursing school districts for 100 percent of the costs associated with the eligibility expansion.

This bill would additionally require schools where at least 10 percent of students are federally eligible for free or reduced price meals to offer a school breakfast program under the federal School Breakfast Program. Currently, a school breakfast program is to be offered only by public schools where at least 20 percent of students are federally eligible for free or reduced price meals. Currently, a student is "federally eligible" for free or reduced price meals if the student participates in certain federal benefits programs or if the student's family has an annual household income of up to 185 percent of the federal poverty level. A school, or a school district acting on behalf of a school in the district, would be authorized to obtain a waiver of these breakfast program requirements if the Department of Agriculture determines that the provision of a breakfast program at the school will result in financial hardship for either the school or the school district.

By way of background, under current federal law, the federal government funds the cost of free meals and the reduced part of the reduced price meals for students who qualify for the services under federal income guidelines. In addition, under current State law, students who are federally eligible for reduced price meals do not have to pay any cost for those meals with the State reimbursing school districts for the discounted costs that the student would have otherwise paid. State law also 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 bill would also require school districts to maximize the use of federal resources in support of school meals programs. Each school and school district would also have to publicize to parents, guardians, and students the various ways in which a student may qualify for free school meals, and to provide assistance to parents and guardians in completing the application process.

The Department of Agriculture would be additionally required to consult with, and provide assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce their cost of administration.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.

This estimate assumes the following, using data from the United States Department of Agriculture, the United States Census Bureau, and the Annie E. Casey Foundation's Kids Count Data Center: (1) that there are 36,670 families in the State whose income lies in the bracket between 186 percent and 199 percent of the federal poverty level; (2) that each family includes around 0.68 children who are enrolled in school; (3) that the State would reimburse schools at the federal rate (\$3.66 per lunch and \$1.97 per breakfast); (4) that 76 percent of eligible students would receive free meals (this is the estimated participation rate in the National School Lunch Program by students certified to be eligible for free or reduced-price lunches during the 2018-2019 school year); and (5) that each participating student would receive 180 lunches and breakfasts per year.

In addition, certain schools that currently do not participate in the federal School Breakfast Program would be required to participate in this program by the bill, and this may result in increased administrative costs for those schools. Such schools may need to contract with catering companies or hire additional personnel to implement a school breakfast program that meets the federal requirements. The OLS corresponded with several schools that do not participate in the federal School Breakfast Program, but it remains unclear how many schools in the State do not currently participate. School districts may also incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals. The OLS notes that these expenditure increases would be mitigated to the extent schools apply for and are granted financial hardship waivers from participating in the School Breakfast program.

School districts may see increased expenditures and revenues if more students participate in the National School Lunch Program and the federal School Breakfast Program as a result of the bill's provisions. The OLS estimates that, for each additional student that participates in the National School Lunch Program, a school would expend around \$1,084, and, for each additional student that participates in the federal School Breakfast Program, a school would expend around \$754. These estimates use the full cost of meals (\$6.02 for lunch and \$4.19 for breakfast) from Volume 3 of the "School Nutrition and Meal Cost Study," published in 2019 by the USDA. (The full cost includes the costs of food, labor, equipment, etc. to provide school meals.) The OLS notes

that these expenditures would likely be accompanied by nearly equal revenues, since schools usually price their paid meals and a-la-carte items such that the school meal program is revenue neutral or runs a small deficit. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide. This estimate uses the FY 2019 participation numbers for New Jersey, published by the USDA -- 667,127 students for the National School Lunch Program and 318,981 students for the federal School Breakfast Program -- to avoid potentially misleading data caused by the COVID-19 pandemic.

Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.

The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from schools in the State. Although this represents a one-time, implementation task, it may require hiring additional personnel or the temporary transfer of personnel. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

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. 1677

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 14, 2022

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senators Gill, Singleton, Zwicker, Cruz-Perez, Cunningham and Pou

SYNOPSIS

Requires schools to provide free school breakfasts and lunches to students from working class, middle-income families; designated as “Working Class Families’ Anti-Hunger Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/19/2022)

1 AN ACT concerning the provision of free school meals to students
2 from working class, middle-income families, supplementing
3 Title 18A of the New Jersey Statutes, and amending and
4 repealing various parts of the statutory law.

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

8
9 1. (New section) As used in this chapter:

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

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

32 “Eligible student” means a student who is either categorically
33 eligible or income-eligible for one or more free or reduced price
34 school meals.

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

41 “Federal School Breakfast Program” means the federal
42 reimbursement program, established under the “Child Nutrition Act
43 of 1966,” 42 U.S.C. s.1771 et seq., pursuant to which the United
44 States Department of Agriculture is authorized to provide grants-in-
45 aid and other assistance to the States, as may be necessary to help

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 finance the establishment, maintenance, operation, and expansion of
2 school breakfast programs and facilitate the provision of free and
3 reduced price breakfasts to eligible students.

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

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

21 “Income-eligible” means that a student either satisfies federal
22 income eligibility requirements, adopted by the United States
23 Department of Agriculture pursuant to 7 C.F.R. Part 245, or
24 satisfies State-level income eligibility requirements, set forth in
25 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) or
26 subsection a. of section 11 of P.L. , c. (C.) (pending before
27 the Legislature as this bill), as is necessary for the student to qualify
28 for and receive free or reduced price lunch under the National
29 School Lunch Program or free or reduced price breakfast under the
30 federal School Breakfast Program.

31 “Low-income family” means a family with an annual household
32 income amounting to not more than 185 percent of the federal
33 poverty level.

34 “Middle-income family” means a family with an annual
35 household income amounting to not less than 186 percent, and not
36 more than 199 percent, of the federal poverty level.

37 “National School Lunch Program” means the federal
38 reimbursement program established under the “Richard B. Russell
39 National School Lunch Act,” 42 U.S.C. s.1751 et seq., pursuant to
40 which the United States Department of Agriculture is authorized to
41 provide grants-in-aid and other assistance to the States, as may be
42 necessary to help finance the establishment, maintenance,
43 operation, and expansion of school lunch programs and facilitate
44 the provision of free and reduced price lunches to eligible students.

45 “School breakfast program” means a program that is established
46 and operated by a public or nonpublic school, in accordance with
47 the requirements of the federal School Breakfast Program and, in
48 the case of a public school, in accordance with a plan adopted

1 pursuant to section 2 of P.L.2003, c.4 (C.18A:33-10) or section 5 of
2 P.L. , c. (C.) (pending before the Legislature as this bill),
3 and pursuant to which the school offers daily breakfasts to all
4 enrolled students.

5 “School lunch program” means a program that is established and
6 operated by a school district, in accordance with the requirements
7 of the National School Lunch Program and the provisions of section
8 1 of P.L.1974, c.53 (C.18A:33-4), and pursuant to which the district
9 offers daily lunches to all students enrolled in the district.

10 “Special assistance alternative” means a special nutrition
11 assistance alternative federal reimbursement method that is
12 authorized by the United States Department of Agriculture,
13 pursuant to 42 U.S.C. s.1759a and 7 C.F.R. Part 245, for eligible
14 schools that serve free meals to all enrolled students. “Special
15 assistance alternative” includes Provision 2, Provision 3, and the
16 Community Eligibility Provision, as described in 7 C.F.R. Part 245,
17 as well as any other similar alternative reimbursement method that
18 is authorized by the United States Department of Agriculture, now
19 or in the future, for schools that serve free meals to all enrolled
20 students.

21 “Student” means a child 18 years of age or younger who is
22 enrolled at a school in the State.

23 “Subsidized student” means a categorically eligible student or
24 income-eligible student who, as provided by subsection a. of section
25 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section 11 of
26 P.L. , c. (C.) (pending before the Legislature as this bill), is
27 not required to pay for meals that are served to the student under the
28 National School Lunch Program or the federal School Breakfast
29 Program.

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

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

46 “Unsubsidized student” means a student who is neither
47 categorically eligible nor income-eligible for free or reduced price
48 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

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

6 1. a. (1) Each school district shall make school lunch
7 available to all [children] students enrolled in the district, except at
8 those schools at which less than five percent of students are
9 federally eligible for free or reduced price meals, within [1] one
10 year [from] after the effective date of [this act] P.L.1974, c.53
11 (C.18A:33-4 et seq.). [Such lunches]

12 (2) Each school district shall make school lunch available at
13 every school that was exempt from the provisions of paragraph (1)
14 of this subsection, within one year after the effective date of P.L. ,
15 c. (C.) (pending before the Legislature as this bill).

16 (3) School lunches made available pursuant to this section shall
17 meet minimum nutritional standards, established by the Department
18 of Education.

19 (4) Free [and] or reduced price lunches, as appropriate, shall be
20 offered, under a school lunch program, to [all children qualifying
21 under Statewide eligibility criteria] each student enrolled in the
22 district who is determined to be federally eligible for free or
23 reduced price meals. As provided by section 1 of P.L.2019, c.445
24 (C.18A:33-21.1), any student who is eligible for a reduced price
25 lunch, pursuant to federal income eligibility standards and criteria,
26 shall not be required to pay for such lunch. Free lunches shall also
27 be offered to each student enrolled in the district who is federally
28 ineligible for free or reduced price meals, but who has an annual
29 household income that is not less than 186 percent, and not more
30 than 199 percent, of the federal poverty level, as determined
31 pursuant to section 15 of P.L. , c. (C.) (pending before the
32 Legislature as this bill).

33 b. The State shall provide funding to each school district, as
34 may be necessary to reimburse the costs associated with the
35 district's provision of free lunches, pursuant to subsection a. of this
36 section, to students who are federally ineligible for free or reduced
37 price meals.

38 c. The Department of Agriculture, in consultation with the
39 Department of Education, shall annually prepare and submit, to the
40 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
41 19.1), to the Legislature, a written report that identifies, for each
42 school and school district in the State:

43 (1) the methods that are being used by each school or school
44 district to facilitate the prompt identification and subsidized meal
45 certification of students who are categorically eligible or income-
46 eligible for free or reduced price lunch under the National School
47 Lunch Program; and

1 (2) the number and percentage of income-eligible students from
2 low-income families and from middle-income families,
3 respectively, that are receiving free or reduced price lunches under
4 the National School Lunch Program and the provisions of this
5 section.

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

14 (cf: P.L.1974, c.53, s.1)

15

16 3. Section 1 of P.L.2003, c.4 (C.18A:33-9) is amended to read
17 as follows:

18 1. The Legislature finds and declares that:

19 a. The federal School Breakfast Program is a federally assisted
20 meal program **【operating】** that is implemented in public and
21 nonprofit private schools and residential child care institutions
22 nationwide, and **【supplying to】** is designed to ensure that each
23 participating child receives breakfast containing at least one-fourth
24 of the nutrients needed daily**【;】**.

25 b. The federal School Breakfast Program was established **【by**
26 **the federal government】** in 1966 with the purpose of providing a
27 nutritious, well-balanced breakfast to promote sound eating habits,
28 and fostering good health and academic achievement for school-age
29 children**【;】**.

30 c. New Jersey ranks fiftieth in the nation for participation in
31 the federal School Breakfast Program by schools offering school
32 lunch, and the State has seen only modest increases in participation
33 in recent years**【;】**.

34 d. Research shows that school breakfast increases attendance
35 and decreases tardiness, improves academic performance both in
36 class and on standardized tests, improves attentiveness, and reduces
37 emotional and behavioral problems among students from all
38 backgrounds**【; and】**.

39 e. **【Therefore】** Based on the foregoing findings, it is clearly in
40 the public interest for the State to require **【that】** school districts
41 **【with large populations of students eligible for federally subsidized**
42 **meals】** to offer school breakfasts through the federal School
43 Breakfast Program, and to publicize the **【program】** availability of
44 such breakfasts in their communities.

45 (cf: P.L.2003, c.4, s.1)

1 4. Section 2 of P.L.2003, c.4 (C.18A:33-10) is amended to read
2 as follows:

3 2. a. (1) A public school operated by a local or regional
4 school district of the State in which 20[%] percent or more of the
5 students enrolled in the school on October 1 of the preceding school
6 year were federally eligible for free or reduced price meals under
7 the [federal] National School Lunch Program or the federal School
8 Breakfast Program, shall establish a [School Breakfast Program]
9 school breakfast program in the school.

10 [The] (2) A school district shall submit a school breakfast
11 program plan [for the establishment of school breakfast programs]
12 for each school in the district that is subject to the requirements of
13 paragraph (1) of this [section that is] subsection. The plan for each
14 school shall be adopted in compliance with, and pursuant to [the],
15 federal School Breakfast Program [administered by the State
16 Department of Agriculture. The plan for each school
17 requirements, and shall be submitted to the Department of
18 Agriculture by the date required by subsection b. of this section, in
19 a form and manner prescribed by the Secretary of Agriculture.

20 (3) Following the enactment of P.L. , c. (C.) (pending
21 before the Legislature as this bill), a school district shall submit a
22 new school breakfast program plan, in accordance with the
23 provisions of section 5 of P.L. , c. (C.) (pending before the
24 Legislature as this bill), for each school in the district that is subject
25 to the requirements of paragraph (1) of this subsection. A new plan
26 adopted pursuant to this paragraph and section 5 of P.L. ,
27 c. (C.) (pending before the Legislature as this bill) shall
28 supersede any plan previously adopted for the school, pursuant to
29 this section, and the adoption of a new plan under this paragraph
30 and section 5 of P.L. , c. (C.) (pending before the
31 Legislature as this bill) shall cause the plan previously adopted
32 under paragraph (2) of this subsection to become void and
33 inoperable.

34 b. (1) A school district shall submit a plan, by November 1,
35 2003, for all grades of each school that has one or more of the
36 grades pre-K through sixth grade and for which a plan is required
37 by paragraph (2) of subsection a. of this section [on or before
38 November 1, 2003].

39 (2) A school district shall submit a plan, by November 1, 2004,
40 for all grades of each school [that is not] , other than the schools
41 described in paragraph (1) of this subsection [and], for which a
42 plan is required by paragraph (2) of subsection a. of this section [on
43 or before November 1, 2004].

44 c. The Department of Agriculture, in consultation with the
45 Department of Education, shall review each school breakfast plan
46 submitted pursuant to this section and make recommendations, if
47 necessary, [on] regarding how the school breakfast program can

1 operate within the limits of the federal and State reimbursement
2 rates for the federal School Breakfast Program.

3 d. The Department of Agriculture shall notify each school
4 district that submits a school breakfast plan, pursuant to this
5 section, of the completion of the department's review and any
6 recommended changes to the plan, within three months **【of the】**
7 after receipt of the plan, but no later than the February 1 following
8 the date required for submission of the plan pursuant to subsection
9 b. of this section.

10 e. A school district **【subject to the requirements of this**
11 **section】** shall establish a school breakfast program in each of its
12 schools, based on the plan submitted **【by the school district to the**
13 **Department of Agriculture】** pursuant to paragraph (2) of subsection
14 a. of this section, by September 1, 2004 for schools for which plans
15 are required to be submitted **【by】** pursuant to paragraph (1) of
16 subsection b. of this section, and by September 1, 2005 for schools
17 for which plans are required to be submitted **【by】** pursuant to
18 paragraph (2) of subsection b. of this section.

19 f. (1) If a school district does not submit a school breakfast
20 plan to the Department of Agriculture, pursuant to paragraph (2) of
21 subsection a. of this section, by the date required by subsection b. of
22 this section, it shall establish a school breakfast program, in each of
23 its schools in which a program is required pursuant to paragraph (1)
24 of subsection a. of this section, based on a model plan provided by
25 the department.

26 (2) The model plan developed by the department, for the
27 purposes of this section, shall include recommendations on how
28 **【the】** a school breakfast program can operate within the limits of
29 the federal and State reimbursement rates for the federal School
30 Breakfast Program.

31 (3) The Department of Agriculture shall provide the model plan
32 to the school district no later than March 1, 2004 for schools for
33 which plans are required to be submitted **【by】** pursuant to
34 paragraph (1) of subsection b. of this section, and by March 1, 2005
35 for schools for which plans are required to be submitted **【by】**
36 pursuant to paragraph (2) of subsection b. of this section, and the
37 school district shall establish the school breakfast program in each
38 of its schools, based on the model plan, by September 1, 2004 for
39 schools for which plans are required to be submitted **【by】** pursuant
40 to paragraph (1) of subsection b. of this section, and by September
41 1, 2005 for schools for which plans are required to be submitted
42 **【by】** pursuant to paragraph (2) of subsection b. of this section.

43 (cf: P.L.2003, c.4, s.2)

44

45 5. (New section) a. (1) Notwithstanding the provisions of
46 section 2 of P.L.2003, c.4 (C.18A:33-10) to the contrary, following
47 the enactment of P.L. , c. (C.) (pending before the

1 Legislature as this bill), each public school in the State shall
2 establish a school breakfast program, regardless of the percentage
3 of students, at the school or in the district, who are federally eligible
4 for free or reduced price meals under the National School Lunch
5 Program or the federal School Breakfast Program.

6 (2) A school district shall submit, to the Department of
7 Agriculture, a school breakfast program plan for each school in the
8 district. The plan shall be submitted in a form and manner
9 prescribed by the Secretary of Agriculture and in accordance with
10 the timeframes specified by subsection b. of this section.

11 b. (1) A plan for all grades in each school having one or more
12 of the grades pre-K through sixth grade, shall be submitted by
13 November 1, 2022.

14 (2) A plan for all grades in each school not described in
15 paragraph (1) of this subsection shall be submitted by November 1,
16 2023.

17 c. The Department of Agriculture, in consultation with the
18 Department of Education, shall review each school breakfast
19 program plan submitted pursuant to this section and make
20 recommendations, if necessary, regarding how the school breakfast
21 program can operate most effectively, in accordance with federal
22 School Breakfast Program requirements and the provisions of
23 section 11 of P.L. , c. (C.) (pending before the Legislature
24 as this bill). The Department of Agriculture shall notify each
25 school district of the completion of the department's review and any
26 recommended changes to the plan, within 90 days after receipt
27 thereof.

28 d. A school district shall establish a school breakfast program
29 in each of its schools, based on the plan submitted pursuant to
30 paragraph (2) of subsection a. of this section, by September 1, 2023
31 for schools for which plans are required to be submitted pursuant to
32 paragraph (1) of subsection b. of this section, and by September 1,
33 2024 for schools for which plans are required to be submitted
34 pursuant to paragraph (2) of subsection b. of this section.

35 e. (1) If a school district does not submit a school breakfast
36 plan to the Department of Agriculture by the date required by
37 subsection b. of this section, the district shall establish a school
38 breakfast program, in each school for which a plan has not been
39 submitted, based on a model plan provided by the department.

40 (2) The model plan developed by the department, for the
41 purposes of this subsection, shall include recommendations on how
42 a school breakfast program can operate in accordance with federal
43 School Breakfast Program requirements and the provisions of
44 section 11 of P.L. , c. (C.) (pending before the Legislature
45 as this bill).

46 (3) The department shall provide the model plan to a school
47 district that is subject to this subsection by March 1, 2023 for
48 schools for which plans are required to be submitted pursuant to

1 paragraph (1) of subsection b. of this section, and by March 1, 2024
2 for schools for which plans are required to be submitted pursuant to
3 paragraph (2) of subsection b. of this section, and the school district
4 shall establish the school breakfast program in each of its schools,
5 based on the model plan, by September 1, 2023 for schools for
6 which plans are required to be submitted pursuant to paragraph (1)
7 of subsection b. of this section, and by September 1, 2024 for
8 schools for which plans are required to be submitted pursuant to
9 paragraph (2) of subsection b. of this section.

10
11 6. Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended to read
12 as follows:

13 3. In implementing a school lunch program, pursuant to
14 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program
15 【under this act】, pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.), or
16 a breakfast after the bell program, pursuant to section 1 of
17 P.L.2014, c.66 (C.18A:33-11.1) or section 2 of P.L.2018, c.25
18 (C.18A:33-11.3), each school and school district shall:

19 a. publicize, to parents and students, the availability of the
20 【school breakfast】 respective school meals program 【to parents and
21 students】, as well as the various ways in which a student may
22 qualify to receive free or reduced price meals under the program, as
23 provided by subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-
24 4) and subsection a. of section 11 of P.L. , c. (C.) (pending
25 before the Legislature as this bill);

26 b. make every effort to ensure that 【income-eligible】
27 subsidized students are not recognized as program participants, by
28 the student body, faculty, or staff, in a manner that is 【distinct】
29 different from 【student participants who are not income-eligible】
30 the manner in which unsubsidized students are recognized as
31 program participants. Such efforts shall include, but need not be
32 limited to, the establishment of a neutral meal plan or voucher
33 system 【under which】 that does not make a distinction between
34 subsidized and unsubsidized students 【receiving subsidized
35 breakfasts are not distinguished from students receiving non-
36 subsidized breakfasts】; and

37 c. make every effort to:

38 (1) facilitate the prompt and accurate identification of
39 categorically eligible students who may be certified to participate in
40 the program, on a subsidized basis, without first submitting an
41 application therefor, and, whenever an application is required to
42 establish eligibility for subsidized meals, encourage students and
43 their families to submit a subsidized school meals application for
44 that purpose;

45 (2) facilitate and expedite, to the greatest extent practicable, the
46 subsidized school meals application and income-eligibility
47 determination processes that are used, by the school or school
48 district, to certify a student for free or reduced price school meals

1 on the basis of income, and assist parents and guardians in
2 completing the school meals application; and

3 (3) encourage students who are **[not]** neither categorically
4 eligible nor income-eligible for free or reduced price school meals
5 to nonetheless participate, on a paid and unsubsidized basis, in the
6 program.

7 (cf: P.L.2003, c.4, s.3)

8

9 7. Section 1 of P.L.2014, c.66 (C.18A:33-11.1) is amended to
10 read as follows:

11 1. a. A public school operated by a school district **[of the State**
12 **participating]** that participates in the federal **[school breakfast**
13 **program]** School Breakfast Program, or a nonpublic school
14 participating in the federal **[school breakfast program]** School
15 Breakfast Program, is encouraged to increase the number of
16 students participating in the program by establishing a **["]**breakfast
17 after the bell~~**["]**~~ program **[through the incorporation of]** that
18 incorporates school breakfast [in] into the first-period classroom or
19 **[during]** the first few minutes of the school day.

20 b. The Department of Agriculture, in consultation with the
21 Department of Education shall:

22 (1) make every effort to assist, guide, and support school
23 districts, public schools, **[or] and** nonpublic schools in planning,
24 establishing, implementing, or modifying **[the "] a** breakfast after
25 the bell~~**["]**~~ program to increase the **[participation rate of all**
26 **students in the]** number of students, especially the number of
27 students from low-income families and middle-income families,
28 who are participating in each school breakfast program], especially
29 students from low income families; and].

30 (2) **[prepare and issue an annual report to the Governor and,**
31 **pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the**
32 **Legislature on the number and percentages of students from low**
33 **income families participating in the school breakfast program, and**
34 **the format used for providing breakfast, for each school district,**
35 **public school, or nonpublic school.]** (Deleted by amendment,
36 P.L. , c. (pending before the Legislature as this bill)

37 (cf: P.L.2014, c.66, s.1)

38

39 8. Section 1 of P.L.2018, c.25 (C.18A:33-11.2) is amended to
40 read as follows:

41 1. The Legislature finds and declares that numerous studies
42 document that childhood hunger impedes learning and can cause
43 lifelong health problems; and that, in New Jersey, tens of thousands
44 of children suffer from hunger each year, with nearly 540,000
45 students living in low-income families that are federally eligible [to
46 receive] for free or [low-cost] reduced price school meals.

1 The Legislature further finds and declares that New Jersey
2 schools have made great strides in serving breakfast to more
3 **【children】** students at the start of the school day, achieving a 73
4 percent increase since 2010; and that, despite this progress, only 44
5 percent of low-income **【children】** students in New Jersey received
6 breakfast through the federal School Breakfast Program, according
7 to the most recent data published by Advocates for Children of New
8 Jersey, **【and that this means】** meaning that approximately 304,000
9 **【eligible children】** low-income students who **【are】** were already
10 enrolled in the program **【in】**, as of April 2017, were not served this
11 all-important morning meal.

12 The Legislature further finds and declares that New Jersey law
13 **【currently】**, at section 2 of P.L.2003, c.4 (C.18A:33-10), requires a
14 public school **【operated by a local or regional school district with】**
15 to provide school breakfast to its students if 20 percent or more of
16 the students enrolled in the school, on October 1 of the preceding
17 school year 【who】, were federally eligible for free or reduced price
18 meals 【under the federal School Lunch Program or the federal
19 School Breakfast Program to be provided school breakfast】; that
20 section 5 of P.L. , c. (C.) (pending before the Legislature
21 as this bill) expands existing law so as to require all public schools
22 in the State to provide school breakfast to students, regardless of the
23 percentage of students at the school who are federally eligible for
24 free or reduced priced meals; that, 【however】 despite these
25 breakfast program requirements, current law does not specify how
26 breakfast is to be served to students; and that, by requiring high-
27 poverty schools to serve 【"】breakfast to students through a
28 breakfast after the bell program,【"】 New Jersey schools will reach a
29 much larger percentage of children in need, thereby helping to
30 further their academic success.

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

40 The Legislature, therefore, determines that: it **【to】** shall be the
41 public policy of the State to help remove a major barrier to learning
42 by providing children the nutrition they need to succeed in school**【,**
43 and determines that】; it is the understanding and the intention of the
44 Legislature to make breakfast an integral part of the school day【.】;
45 and 【that "】 the implementation of breakfast after the bell【"】
46 programs is the most effective way to ensure that all students have

1 the morning nutrition they need to concentrate, learn, and succeed
2 in school.

3 (cf: P.L.2018, c.25, s.1)

4

5 9. Section 2 of P.L.2018, c.25 (C.18A:33-11.3) is amended to
6 read as follows:

7 2. a. Every public school in which 70【%】 percent or more of
8 the students enrolled in the school on or before the last school day
9 before October 16 of the preceding school year were federally
10 eligible for free or reduced price meals under the National School
11 Lunch Program or the federal School Breakfast Program, shall
12 establish a 【school "】breakfast after the bell【"】 program.

13 b. (1) (a) No later than six months following the effective date
14 of 【this act】 P.L.2018, c.25 (C.18A:33-11.2 et seq.), each school
15 district shall submit, to the Department of Agriculture, a plan for
16 the establishment of a 【"】breakfast after the bell【"】 program for all
17 grades at each 【school in the district which is】 of the district's
18 schools that are subject to the requirements of this section. The
19 plan shall comply with the requirements of the federal School
20 Breakfast Program 【administered by the Department of
21 Agriculture】.

22 (b) No later than the first full school year following the
23 submission of the plan, the school district shall establish a
24 【"】breakfast after the bell【"】 program in each of its schools
25 【which】 that are subject to the requirements of this section 【based
26 upon】 , in accordance with the plan submitted 【by the school
27 district to the Department of Agriculture】 pursuant to this
28 paragraph.

29 (2) (a) No later than six months after the effective date of
30 P.L. , c. (C.) (pending before the Legislature as this bill),
31 each school district shall submit, to the Department of Agriculture,
32 a revised breakfast after the bell plan for each school in the district
33 that is subject to the requirements of this section. The revised plan
34 shall comply with federal School Breakfast Program requirements
35 and the provisions of section 11 of P.L. , c. (C.) (pending
36 before the Legislature as this bill).

37 (b) No later than the first full school year following the
38 submission of a revised plan pursuant to this paragraph, the school
39 district shall modify the breakfast after the bell program operating
40 in each of its schools that are subject to the requirements of this
41 section, as may be necessary to implement the provisions of the
42 revised plan.

43 (3) The Department of Agriculture, in consultation with the
44 Department of Education, shall review each revised plan submitted
45 pursuant to this subsection and make recommendations, if
46 necessary, regarding how a school's breakfast after the bell program
47 can operate most effectively, in accordance with the federal School

1 Breakfast Program requirements and the provisions of section 11 of
2 P.L. , c. (C.) (pending before the Legislature as this bill).
3 The Department of Agriculture shall notify each school district that
4 submits a plan pursuant to this subsection of the completion of the
5 department's review, and of any recommended changes to the plan,
6 within 90 days after receipt thereof.

7 c. Upon application, a school district may be granted a waiver
8 by the Department of Agriculture of the requirements of this section
9 for any school in which more than 70 percent of eligible students
10 received a meal under the school breakfast program during the
11 preceding school year. A school district that requests a waiver shall
12 provide **【such】** relevant information, as may be required by the
13 Department of Agriculture **【specifies】**, to justify the request.

14 d. **【The】** No later than three months after the effective date of
15 P.L.2018, c.25 (C.18A:33-11.2 et seq.), the Department of
16 Agriculture shall provide each school district with a **【listing】** list of
17 **【available】** resources that are available for the purposes of this
18 section **【to each school district no later than three months following**
19 the effective date of this act】.

20 (cf: P.L.2018, c.25, s.2)

21

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

24 4. The Department of Agriculture, in consultation with the
25 Department of Education, shall develop **【any】** guidelines, as may
26 be necessary **【for】** to facilitate the implementation and operation of
27 **【a paid "】**breakfast after the bell【" program】 programs by schools
28 in the State, in accordance with the provisions of section 1 of
29 P.L.2014, c.66 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25
30 (C.18A:33-11.2 and C.18A:33-11.3), and section 11 of P.L. ,
31 c. (C.) (pending before the Legislature as this bill),
32 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 breakfasts served to such students under a breakfast
36 after the bell program.

37 (cf: P.L.2018, c.25, s.4)

38

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

43 (2) Free or reduced price breakfasts, as appropriate, shall be
44 offered, under a school breakfast program or a breakfast after the
45 bell program, to all enrolled students who are determined to be
46 federally eligible for free or reduced price meals. As provided by
47 section 1 of P.L.2019, c.445 (C.18A:33-21.1), any student who is

1 eligible for a reduced price breakfast, pursuant to federal income
2 eligibility criteria, shall not be required to pay for such breakfast.
3 Free breakfasts shall also be offered to each enrolled student who is
4 federally ineligible for free or reduced price meals, but who has an
5 annual household income that is not less than 186 percent, and not
6 more than 199 percent, of the federal poverty level, as determined
7 pursuant to section 15 of P.L. , c. (C.) (pending before the
8 Legislature as this bill).

9 b. The State shall provide funding to each school that operates
10 a School Breakfast Program or a breakfast after the bell program, as
11 may be necessary to reimburse the costs associated with the
12 school's provision of free breakfasts, pursuant to subsection a. of
13 this section, to students who are federally ineligible for free or
14 reduced price meals.

15 c. The Department of Agriculture, in consultation with the
16 Department of Education, shall annually prepare and issue, to the
17 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
18 19.1, to the Legislature, a written report that identifies, for each
19 school and school district in the State:

20 (1) the methods that are being used by each such school or
21 school district to facilitate the prompt identification and subsidized
22 meal certification of students who are categorically eligible or
23 income-eligible for free or reduced price breakfast under the federal
24 School Breakfast Program;

25 (2) the number and percentage of income-eligible students from
26 low-income families and from middle-income families,
27 respectively, in each such school and district, who are receiving free
28 or reduced price breakfast under the federal School Breakfast
29 Program and the provisions of this section; and

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

35 d. The Department of Agriculture, in consultation with the
36 Department of Education, shall adopt rules and regulations pursuant
37 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
38 1 et seq.), to implement the provisions of this section, including, but
39 not limited to, rules and regulations establishing a schedule for, and
40 identifying the manner in which, State-level reimbursements are to
41 be made pursuant to subsection b. of this section.

42

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

45 1. a. (1) A school district that participates in the National
46 School Lunch Program or the federal School Breakfast Program
47 shall take steps to maximize the use of federal resources and to
48 minimize the debt that is incurred by families for school meals, in

1 accordance with a protocol established by the Department of
2 Agriculture. The protocol established by the department, pursuant
3 this paragraph, shall be adopted within 180 days after the effective
4 date of P.L. , c. (C.) (pending before the Legislature as this
5 bill), in consultation with the Department of Education, the School
6 Nutrition Association of New Jersey, and all relevant stakeholders,
7 and shall: (a) promote the increased certification of students from
8 low-income families and middle-income families for free and
9 reduced price school meals, in accordance with the provisions of
10 P.L. , c. (C.) (pending before the Legislature as this bill);
11 and (b) identify best practices to maximize the receipt and use of
12 federal resources by the district's schools.

13 (2) The Department of Agriculture and Department of
14 Education, in cooperation with each other, shall consult with, and
15 provide direct assistance to, school districts to help them improve,
16 simplify, and expedite the free and reduced price meal certification
17 process and otherwise reduce the administrative burden on schools
18 and school districts that results from such process.

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

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

39 c. **[As used in this section, "Community Eligibility Provision"**
40 **means a federal reimbursement alternative for eligible, high-poverty**
41 **local educational agencies and schools participating in both the**
42 **National School Lunch Program and School Breakfast Program**
43 **which is funded by the United States Department of Agriculture and**
44 **administered by the New Jersey Department of Agriculture in**
45 **accordance with the requirements set forth in federal regulations at**
46 **7 CFR Part 245.] (Deleted by amendment, P.L. , c. (pending**
47 **before the Legislature as this bill)**

48 (cf: P.L.2018, c.26, s.1)

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

3 1. a. (1) In the event that a school district determines that **[a]**
4 an unsubsidized student's school breakfast or school lunch bill is in
5 arrears, the district shall contact the student's parent or guardian to
6 provide notice of the arrearage, and shall provide the parent or
7 guardian with a period of 10 school days to pay the amount due. If
8 the student's parent or guardian has not made full payment by the
9 end of **[the 10 school days]** the designated 10-day period, then the
10 district shall again contact the student's parent or guardian to
11 provide notice of any action to be taken by the school district in
12 response to **[a student's school breakfast or school lunch bill being**
13 **in arrears]** the arrearage.

14 (2) A school district shall report at least biannually to the
15 Department of Agriculture the number of students who are denied
16 school breakfast or school lunch pursuant to this section.

17 (3) Nothing in this section shall be construed to require a school
18 district to deny or restrict the ability of an unsubsidized student to
19 access **[to]** school breakfast or school lunch **[to a student whose]**
20 when the student's school breakfast or school lunch bill is in
21 arrears.

22 b. A school or school district shall not:

23 (1) publicly identify or stigmatize **[a]** an unsubsidized student
24 who cannot pay for a school breakfast or a school lunch or whose
25 school breakfast or school lunch bill is in arrears, for example, by
26 requiring **[that]** the student to sit at a separate table **[or], by**
27 requiring that the student to wear a wristband, hand stamp, or
28 identifying mark, or by serving the student an alternative meal;

29 (2) require **[a]** an unsubsidized student, who cannot pay for a
30 school breakfast or a school lunch, or whose school breakfast or
31 school lunch bill is in arrears, to do chores or other work to pay for
32 the school breakfast or school lunch; **[or]**

33 (3) require **[a]** an unsubsidized student to discard a school
34 breakfast or school lunch after it has been served because of the
35 student's inability to pay for a school breakfast or a school lunch or
36 because money is owed for previously provided meals;

37 (4) prohibit an unsubsidized student, or a sibling of such a
38 student, from attending or participating in non-fee-based
39 extracurricular activities, field trips, or school events, from
40 receiving grades, official transcripts, or report cards, or from
41 graduating or attending graduation events, solely because of the
42 student's unresolved meal debt; or

43 (5) require the parent or guardian of an unsubsidized student to
44 pay fees or costs in excess of the actual amounts owed for meals
45 previously served to the student.

46 c. If **[a]** an unsubsidized student owes money for the
47 equivalent of five or more school meals, a school district shall:

1 (1) **【determine if the student is eligible for a free or reduced**
2 **price school meal;】** (Deleted by amendment, P.L. , c. (pending
3 before the Legislature as this bill)

4 (2) **【make】** determine whether the student is categorically
5 eligible or income-eligible for free or reduced price meals, by
6 conducting a review of all available records related to the student,
7 and by making at least two attempts, not including the initial
8 **【application or instructions provided to the parent or guardian】**
9 attempt made pursuant to section 3 of P.L.2020, c.29 (C.18A:33-
10 21b), to contact the student's parent or guardian and have the parent
11 or guardian fill out **【an】** a school meals application **【for the school**
12 **lunch program and school breakfast program】**; and

13 (3) require a principal, or a person designated by the principal,
14 to contact the parent or guardian of the unsubsidized student to
15 offer assistance with respect to the completion of the school meals
16 application **【for the school lunch and school breakfast program】**, to
17 determine if there are other issues **【within】** in the household that
18 have caused the child to have insufficient funds to purchase a
19 school breakfast or school lunch, and to offer any other appropriate
20 assistance.

21 d. A school district shall direct communications about a
22 student's school breakfast or school lunch bill being in arrears to the
23 parent or guardian and not to the student. Nothing in this subsection
24 shall prohibit a school district from sending a student home with a
25 letter addressed to a parent or guardian.

26 e. Notwithstanding the provisions of this section and the
27 provisions of any other law, rule, or regulation to the contrary, an
28 unsubsidized student shall not be denied access to a school meal,
29 regardless of the student's ability to pay or the status of the
30 student's meal arrearages, during any period of time in which the
31 school is making a determination, pursuant to subsection c. of this
32 section, as to whether the student is eligible for, and can be certified
33 to receive, free or reduced price meals.

34 (cf: P.L.2020, c.29, s.2)

35
36 14. Section 1 of P.L.2020, c.29 (C.18A:33-21a) is amended to
37 read as follows:

38 1. Section 1 of P.L.2015, c.15 (C.18A:33-21) and **【sections 3**
39 **and 4 of P.L.2020, c.29 (C.18A:33-21b and C.18A:33-21c)】** section
40 15 of P.L. , c. (C.) (pending before the Legislature as this
41 bill), shall be known and may be cited as the "Hunger-Free
42 Students' Bill of Rights Act."

43 (cf: P.L.2020, c.29, s.1)

44
45 15. (New section) a. At the beginning of each school year, or
46 upon initial enrollment, in the case of a student who enrolls during

1 the school year, a school district shall provide each student's parent
2 or guardian with:

3 (1) information on the National School Lunch Program and the
4 federal School Breakfast Program, including, but not limited to,
5 information on the availability of free or reduced price meals for
6 eligible students, information on the application and determination
7 processes that are used to certify eligible students for subsidized
8 school meals, and information on the rights that are available to
9 students and their families under this section and section 1 of
10 P.L.2015, c.15 (C.18A:33-21); and

11 (2) a school meals application form, as well as instructions for
12 completing the application, and, as necessary, assistance in
13 completing the application.

14 b. The school meals information and application provided to
15 parents and guardians, pursuant to subsection a. of this section,
16 shall:

17 (1) be communicated in a language that the parent or guardian
18 understands;

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

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

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

29 (1) determine whether a student identified in the application is
30 eligible for free or reduced price school meals;

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 Summer
35 Meals Service Program;

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

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

1 1. a. Notwithstanding any other law, or rule or regulation
2 adopted pursuant thereto, to the contrary, **[no]** a public school
3 student who is eligible for a reduced price breakfast under **[a]** the
4 federal School Breakfast Program **[established pursuant to**
5 **P.L.2003, c.4 (C.18A:33-9 et seq.),]** or a reduced price lunch
6 **[pursuant to P.L.1974, c.53 (C.18A:33-4 et seq.),]** under the
7 National School Lunch Program shall not be required to pay for any
8 such reduced price breakfast or reduced price lunch.

9 b. The State shall pay the difference between the federal
10 allocation for reduced price breakfasts and reduced price lunches
11 and the total cost of the reduced price breakfasts and reduced price
12 lunches that are served to public school students who are federally
13 eligible **[public school students]** 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 **[shall]** are to be made **[to school districts, and any other provisions**
21 **necessary for the implementation of this act]** pursuant to subsection
22 b. of this section.

23 (cf: P.L.2019, c.445, s.1)

24

25 17. Section 1 of P.L.2018, c.28 (C.18A:33-24) is amended to
26 read as follows:

27 1. a. Every school district in which 50 percent or more of the
28 students enrolled in the school district on or before the last school
29 day before October 16 of the preceding school year were federally
30 eligible for free or reduced price meals under the National School
31 Lunch Program or the federal School Breakfast Program, shall:

32 (1) become a sponsor or site **[of]** under the federal Summer
33 Food Service Program; or

34 (2) apply for a waiver pursuant to section 3 of **[this act]**
35 P.L.2018, c.28 (C.18A:33-26).

36 b. No later than one year after the date of enactment of **[this**
37 **act]** P.L.2018, c.28 (C.18A:33-24 et seq.), a school district **[which]**
38 that is required to become a sponsor **[a]** or site under the Summer
39 Food Service Program, pursuant to subsection a. of this section,
40 shall submit, to the Department of Agriculture, either an application
41 to become a sponsor of the federal Summer Food Service Program
42 or documentation showing that the school district will become a site
43 under an existing and approved sponsor.

44 c. **[As used in this act, "Summer Food Service Program"**
45 **means** the federal program that reimburses sponsors for
46 administrative and operational costs to provide meals for children
47 18 years of age and younger during periods when they are out of

1 school for 15 or more consecutive school days, which is funded by
2 the United States Department of Agriculture and administered by
3 the State Department of Agriculture in accordance with the
4 requirements set forth in federal regulations at 7 CFR Part 225 and
5 7 CFR Part 250.】 (Deleted by amendment, P.L. , c. (pending
6 before the Legislature as this bill)

7 d. A school district that is subject to the requirements of this
8 section shall become a sponsor of the federal Summer Food Service
9 Program or a site under an existing and approved sponsor, no later
10 than two years following the date of enactment of this section.

11 (cf: P.L.2018, c.28, s.1)

12

13 18. Section 2 of P.L.2018, c.28 (C.18A:33-25) is amended to
14 read as follows:

15 2. a. **【A】** Nothing in section 1 of P.L.2018, c.28 (C.18A:33-24)
16 shall be deemed to prohibit a school district from becoming a
17 sponsor or site under the Summer Food Service Program. Any
18 school district that is not subject to the requirements of section 1 of
19 P.L.2018, c.28 (C.18A:33-24), but that wishes to become a sponsor
20 or site under the Summer Food Service Program, shall submit, to
21 the Department of Agriculture, an application 【pursuant to section 1
22 of this act】 to become a sponsor or documentation showing that the
23 school district will become a site under an existing and approved
24 sponsor.

25 b. **【A** school district subject to the requirements of this act
26 shall become a sponsor of the federal Summer Food Service
27 Program or become a site under an existing approved sponsor, no
28 later than two years following the date of enactment of this act.】
29 (Deleted by amendment, P.L. , c. (pending before the
30 Legislature as this bill)

31 (cf: P.L.2018, c.28, s.2)

32

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

35 1. a. In the event that a board of education is provided a
36 written directive, by either the New Jersey Department of Health or
37 the health officer of the jurisdiction, to institute a public health-
38 related closure due to the COVID-19 epidemic, the district shall
39 implement a program, during the period of the school closure, to
40 provide school meals, at meal distribution sites designated pursuant
41 to subsection b. of this section, to all students enrolled in the district
42 who are either categorically eligible or income-eligible for **【the】**
43 free **【and】** or reduced price school **【lunch and school breakfast**
44 **programs】** meals.

45 b. In the event of **【the】** an emergency closure, as described in
46 subsection a. of this section, the school district shall identify one or
47 more school meal distribution sites that are walkable and easily

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

10 c. ~~The~~ A school district shall identify students enrolled in
11 the district who are categorically eligible or income-eligible for
12 ~~the~~ free ~~and~~ or reduced price ~~school lunch and school~~
13 ~~breakfast programs~~ meals, and for whom a 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 school meals to the student's
17 residence or to the student's bus stop along an established bus route,
18 provided that the student or the student's parent or guardian is
19 present at the bus stop for the distribution. Food distributed
20 pursuant to this ~~section~~ subsection may include up to a total of
21 three school days' worth of food per delivery.

22 d. ~~School districts~~ A school district may use school buses
23 owned and operated by the district to distribute school meals
24 pursuant to this section. In the case of a school district that does
25 not own and operate its own buses, the district may contract for the
26 distribution of school meals, and these contracts shall not be subject
27 to the public bidding requirements established pursuant to the
28 "Public School Contracts Law," P.L.1977, c.114 (C.18A:18A-1 et
29 seq.).

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

35 f. School lunches and breakfasts that are made available,
36 through an emergency meals distribution program operating
37 pursuant to this section, shall be provided to eligible students, free
38 of charge, in accordance with the provisions of subsection a. of
39 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of
40 section 11 of P.L. , c. (C.) (pending before the Legislature
41 as this bill).

42 (cf: P.L.2020, c.6, s.1)

43

44 20. The following sections of law are repealed:

45 Section 2 of P.L.1974, c.53 (C.18A:33-5);

46 Section 3 of P.L.2018, c.25 (C.18A:33-11.4); and

47 Section 3 of P.L.2020, c.29 (C.18A:33-21b).

1 21. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would require all schools in the State to serve school
7 breakfast and lunch, free of charge, to students from working class,
8 middle-income families. “Middle-income family” is defined by the
9 bill to include any family with an annual household income
10 amounting to not less than 186 percent, and not more than 199
11 percent, of the federal poverty level (FPL).

12 Under existing State and federal law, a student is eligible to
13 receive free or reduced price school lunch or breakfast under the
14 National School Lunch Program or the federal School Breakfast
15 Program only if the student is determined to be categorically
16 eligible for such benefits (i.e., is determined to be a homeless child,
17 a migrant child, a runaway child, a foster child, or a Head Start
18 Child, or is a participant in certain public benefits programs) or can
19 demonstrate that the student lives in a low-income household (i.e., a
20 household with an annual household income that is equal to or less
21 than 185 percent of the FPL). State law also currently requires
22 school lunch programs to be offered only by those schools at which
23 at least five percent of the students are federally eligible for free or
24 reduced price meals, and school breakfast programs to be offered
25 only by those schools at which at least 20 percent of the students
26 are federally eligible for free or reduced price meals. All schools
27 participating in the federal School Breakfast Program are
28 encouraged, by existing law, to increase the percentage of students
29 receiving breakfast at the school through the implementation of a
30 “breakfast after the bell” program, in which breakfast is served
31 during the first few minutes of school each day, and each school at
32 which at least 70 percent of the students are federally eligible for
33 free or reduced price school meals is required to implement a
34 breakfast after the bell program for these purposes.

35 This bill would alter the existing law to require each school in
36 the State to offer a school lunch program and a school breakfast
37 program, regardless of the percentage of students at the school who
38 are federally eligible for free or reduced price school meals, and it
39 would further require each school to provide free school breakfasts
40 and lunches to all middle-income students enrolled at the school,
41 including when such meals are offered to students through a
42 breakfast after the bell program or an emergency meals distribution
43 program (which is activated during a period of school closure
44 resulting from COVID-19). Each school district, and the
45 Department of Agriculture (DOA), would be required, by the bill, to
46 publicize, to parents and students, the fact that free meals are being
47 made available to middle-income students under these school meals
48 programs, pursuant to the bill’s provisions.

1 In order to avoid establishing an unfunded mandate, the bill
2 would require the State to provide funding to each school district, as
3 may be necessary to reimburse the costs associated with the
4 district's provision of free meals to middle-income students who are
5 federally ineligible for such meals under the National School Lunch
6 Program or federal School Breakfast Program. These
7 reimbursement provisions are similar to current law, at section 1 of
8 P.L.2019, c.445 (C.18A:33-21.1), which provides that a student
9 who is federally eligible for reduced price meals is not required to
10 pay any cost for those meals, and that the State will reimburse
11 schools for the difference between the federal allocation for reduced
12 price meals and the total cost of the meals served to such students.

13 Existing law requires a school district, at the beginning of each
14 school year, or upon initial enrollment, in the case of a student who
15 enrolls during the school year, to provide each student's parent or
16 guardian with:

17 (1) information on the National School Lunch Program and the
18 federal School Breakfast Program, as well the rights that are
19 available to students and their families under those programs; and

20 (2) a school meals application and instructions for completing
21 the application.

22 The bill would supplement these existing notice requirements to
23 clarify that the information provided to parents and guardians is to
24 include, but not be limited to: information on the availability of
25 free or reduced price school meals for eligible students, as well as
26 information on the school meals application and determination
27 processes that are used to certify students for subsidized school
28 meals. The bill would further clarify that a school district will be
29 required to assist parents or guardians in completing the school
30 meals application.

31 The bill would additionally clarify that a school meals
32 application that is submitted by a parent or guardian is to be treated
33 as confidential, and may not be used or shared by the school
34 district, or by the student's school, except as may be necessary to:

35 (1) determine whether the student is eligible for free or reduced
36 price meals;

37 (2) determine whether the school is required, by existing law, to
38 establish a breakfast after the bell program, or to participate as a
39 sponsor or site in the federal Summer Meals Service Program;

40 (3) ensure that the school receives appropriate reimbursement,
41 from the State and federal governments, for meals provided to
42 eligible students, free of charge, through a school lunch program, a
43 school breakfast program, a breakfast after the bell program, a
44 summer meals program, or an emergency meals distribution
45 program; and

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

1 Any information or application that is provided to a parent or
2 guardian in association with a school meals program is to be
3 communicated in a language that the parent or guardian
4 understands, and is to specify the limited purposes for which
5 collected personal data may be used, as specified in the bill.

6 The bill would require a school district to take steps to maximize
7 the use of federal resources and to minimize the debt that is
8 incurred by families for school meals, in accordance with a protocol
9 developed by the DOA, in consultation with the Department of
10 Education (DOE), the School Nutrition Association of New Jersey,
11 and all relevant stakeholders. The protocol developed by the DOE
12 is to: (1) promote the increased certification of students from low-
13 income families and middle-income families for free and reduced
14 price school meals, in accordance with the bill's provisions; and (2)
15 identify best practices to maximize the receipt and use of federal
16 resources by the district's schools. The bill would additionally
17 require the DOA and DOE, in cooperation with each other, to
18 consult with, and provide direct assistance to, school districts to
19 help them improve, simplify, and expedite the free and reduced
20 price meal certification process and otherwise reduce the
21 administrative burden on schools and school districts that results
22 from that process.

23 Under the bill's provisions, any school that serves lunch or
24 breakfast and is eligible for the Community Eligibility Provision (a
25 special assistance alternative federal reimbursement method that
26 authorizes reimbursement for free school meals provided by
27 eligible, high-poverty local educational agencies and schools
28 participating in both the National School Lunch Program and the
29 federal School Breakfast Program) would be required, to the
30 greatest extent practicable, to participate in, and maximize the
31 receipt of federal resources available under, that reimbursement
32 alternative.

33 The bill would require the DOA, in consultation with the DOE,
34 to annually prepare and submit, to the Governor and Legislature, a
35 written report that identifies, for each school and school district in
36 the State: (1) the methods being used by each school or school
37 district to facilitate the prompt identification and subsidized meal
38 certification of students who are categorically eligible or income-
39 eligible for free or reduced price school meals; (2) the number and
40 percentage of income-eligible students from low-income families
41 and from middle-income families, respectively, that are receiving
42 free or reduced price school meals; and (3) for school breakfast
43 programs, the format in which breakfast is being offered, including
44 an indication as to whether breakfast is being provided through a
45 breakfast after the bell program.

46 Existing law, at section 3 of P.L.2003, c.4 (C.18A:33-11)
47 requires a school district to publicize the availability of school
48 breakfasts and make every effort to ensure that non-paying, income-

1 eligible students participating in the school breakfast program are
2 not recognized in any manner that is different from the students
3 who pay for school meals. This law also requires school districts to
4 encourage students who are not income-eligible for free or reduced
5 price meals to, nonetheless, participate in the school breakfast
6 program. The bill would amend this law to:

7 (1) clarify that its requirements are intended to apply both to
8 individual schools and to school districts;

9 (2) clarify that the same requirements are to be applied, under
10 this section of law, not only with respect to the implementation of a
11 school breakfast program, but also with respect to the
12 implementation of a school lunch program and a breakfast after the
13 bell program;

14 (3) modify the applicable publicity requirements, for school
15 lunch and breakfast programs, in order to clarify that a school and
16 school district will be required to publicize, to parents and
17 guardians, the various ways in which a student may qualify to
18 receive subsidized meals under those programs, including through
19 categorical eligibility, federal income eligibility, or the new State-
20 level income eligibility established by the bill; and

21 (4) require schools and school districts to make every effort to:
22 facilitate the prompt and accurate identification of categorically
23 eligible students; encourage students and their families, whenever
24 an application is required to establish subsidized meals eligibility,
25 to complete a school meals application for that purpose; facilitate
26 and expedite, to the greatest extent practicable, the subsidized
27 school meals application and income-eligibility determination
28 processes, which are used, by the school or district, to certify a
29 student for subsidized meals on the basis of income; assist parents
30 and guardians in completing the school meals application; and
31 encourage students who are neither categorically eligible nor
32 income-eligible for free or reduced price school meals to
33 nonetheless participate, on a paid and unsubsidized basis, in the
34 school's lunch and breakfast programs.

35 The bill would additionally amend section 1 of P.L.2015, c.15
36 (C.18A:33-21), which pertains to school meal arrearages and
37 prohibits the undertaking of certain discriminatory treatment against
38 students in arrears. Specifically, the bill would amend this law to:
39 clarify that the rights included therein apply to unsubsidized
40 students who cannot pay for their school meals; clarify that the
41 prohibitions on discriminatory treatment, appearing therein, apply
42 to both school districts and individual schools; and expand the
43 existing list of prohibited discriminatory treatment to include: (1)
44 the act of prohibiting an unsubsidized student, or a sibling thereof,
45 from attending or participating in non-fee-based extracurricular
46 activities, field trips, or school events, from receiving grades,
47 official transcripts, or report cards, or from graduating or attending
48 graduation events, solely because of the student's unresolved meal

1 debt; and (2) the act of requiring the parent or guardian of an
2 unsubsidized student to pay fees or costs in excess of the actual
3 amounts owed for meals previously served to the student. The bill
4 would additionally specify that an unsubsidized student may not be
5 denied access to a school meal, regardless of the student's ability to
6 pay or the status of the student's meal arrearages, during any period
7 of time in which the school is making a determination as to whether
8 such student is eligible for free or reduced price meals.

9 The bill would repeal the following sections of law, which are no
10 longer necessary:

11 (1) Section 2 of P.L.1974, c.53 (C.18A:33-5). This section
12 exempts, from school lunch requirements, any school in which less
13 than five percent of enrolled students meet federal eligibility
14 requirements for receipt of free meals. Because the bill would
15 require all schools to operate school lunch programs, this section is
16 being repealed.

17 (2) Section 3 of P.L.2018, c.25 (C.18A:33-11.4). This section
18 provides that the implementation of a breakfast after the bell
19 program will be subject to the applicable requirements of section 3
20 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014, c.66
21 (C.18A:33-11.1), as well as any rules or regulations adopted
22 pursuant thereto. Because the bill is amending section 3 of
23 P.L.2003, c.4 (C.18A:33-11), referenced in this provision, to
24 include specific reference to breakfast after the bell programs, and
25 because section 1 of P.L.2014, c.66 (C.18A:33-11.1) does not
26 actually provide any requirements for the implementation of
27 breakfast after the bell programs (and instead, merely encourages
28 schools to participate in such programs), this section is no longer
29 necessary, and is being repealed.

30 (3) Section 3 of P.L.2020, c.29 (C.18A:33-21b). This section
31 requires a school district to provide a student's parent or guardian
32 with information on the National School Lunch Program and federal
33 School Breakfast Program, as well as an application to apply for
34 free and reduced meals under these programs, and information on
35 the rights that apply to students and families participating in these
36 school meals programs. Because this section, as currently drafted,
37 is not conducive to amendment, as would be necessary to
38 incorporate the clarifying changes provided by this bill, the section
39 is being replaced with, and its existing notice and application
40 provisions are being incorporated into, a new section of law
41 appearing at section 15 of the bill.

42 In addition to the repealers described above, this bill would also
43 clarify and reorganize the provisions of sections 1 and 2 of
44 P.L.2018, c.28 (C.18A:33-24 and C.18A:33-25), in order to make it
45 clear that section 1 applies to school districts that are required to
46 become a sponsor or site under the Summer Food Service Program,
47 while section 2 applies to school districts that elect to become a

1 sponsor or site under the Summer Food Service Program, despite
2 not being required to do so.

3 Finally, the bill would add a new central definitions section that
4 incorporates all definitions relevant to the provision of school meals
5 in the State. This definitions section would be applicable to the
6 bill's new sections, as well as to the remaining (un-repealed)
7 provisions of Chapter 33 of Title 18A of the New Jersey Statutes,
8 which is the chapter of law that addresses the provision of school
9 meals in the State, and in which chapter the provisions of this bill
10 will be codified.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1677

STATE OF NEW JERSEY

DATED: MARCH 7, 2022

The Senate Education Committee favorably reports Senate Bill No. 1677.

This bill would require all schools in the State to serve school breakfast and lunch, free of charge, to students from working class, middle-income families. “Middle-income family” is defined by the bill to include any family with an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the federal poverty level (FPL).

Under existing State and federal law, a student is eligible to receive free or reduced price school lunch or breakfast under the National School Lunch Program or 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 household income that is equal to or less than 185 percent of the FPL). State law also currently requires school lunch programs to be offered only by those schools at which at least five percent of the students are federally eligible for free or reduced price meals, and school breakfast programs to be offered only by those schools at which at least 20 percent of the students are federally eligible for free or reduced price meals. All schools participating in the federal School Breakfast Program are encouraged, by existing law, to increase the percentage of students receiving breakfast at the school through the implementation of a “breakfast after the bell” program, in which breakfast is served during the first few minutes of school each day, and each school at which at least 70 percent of the students are federally eligible for free or reduced price school meals is required to implement a breakfast after the bell program for these purposes.

This bill would alter the existing law to require each school in the State to offer a school lunch program and a school breakfast program, regardless of the percentage of students at the school who are federally eligible for free or reduced price school meals, and it would further require each school to provide free school breakfasts and lunches to all middle-income students enrolled at the school, including when such meals are offered to students through a

breakfast after the bell program or an emergency meals distribution program (which is activated during a period of school closure resulting from COVID-19). Each school district, and the Department of Agriculture (DOA), would be required, by the bill, to publicize, to parents and students, the fact that free meals are being made available to middle-income students under these school meals programs, pursuant to the bill's provisions.

In order to avoid establishing an unfunded mandate, the bill would require the State to provide funding to each school district, as may be necessary to reimburse the costs associated with the district's provision of free meals to middle-income students who are federally ineligible for such meals under the National School Lunch Program or federal School Breakfast Program. These reimbursement provisions are similar to current law, at section 1 of P.L.2019, c.445 (C.18A:33-21.1), which provides that a student who is federally eligible for reduced price meals is not required to pay any cost for those meals, and that the State will reimburse schools for the difference between the federal allocation for reduced price meals and the total cost of the meals served to such students.

Existing law requires a school district, at the beginning of each school year, or upon initial enrollment, in the case of a student who enrolls during the school year, to provide each student's parent or guardian with:

(1) information on the National School Lunch Program and the federal School Breakfast Program, as well the rights that are available to students and their families under those programs; and

(2) a school meals application and instructions for completing the application.

The bill would supplement these existing notice requirements to clarify that the information provided to parents and guardians is to include, but not be limited to: information on the availability of free or reduced price school meals for eligible students, as well as information on the school meals application and determination processes that are used to certify students for subsidized school meals. The bill would further clarify that a school district will be required to assist parents or guardians in completing the school meals application.

The bill would additionally clarify that a school meals application that is submitted by a parent or guardian is to be treated as confidential, and may not be used or shared by the school district, or by the student's school, except as may be necessary to:

(1) determine whether the student is eligible for free or reduced price meals;

(2) determine whether the school is required, by existing law, to establish a breakfast after the bell program, or to participate as a sponsor or site in the federal Summer Meals Service Program;

(3) ensure that the school receives appropriate reimbursement, from the State and federal governments, for meals provided to eligible students, free of charge, through a school lunch program, a school breakfast program, a breakfast after the bell program, a summer meals program, or an emergency meals distribution program; and

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

Any information or application that is provided to a parent or guardian in association with a school meals program is to be communicated in a language that the parent or guardian understands, and is to specify the limited purposes for which collected personal data may be used, as specified in the bill.

The bill would require a school district to take steps to maximize the use of federal resources and to minimize the debt that is incurred by families for school meals, in accordance with a protocol developed by the DOA, in consultation with the Department of Education (DOE), the School Nutrition Association of New Jersey, and all relevant stakeholders. The protocol developed by the DOE is to: (1) promote the increased certification of students from low-income families and middle-income families for free and reduced price school meals, in accordance with the bill’s provisions; and (2) identify best practices to maximize the receipt and use of federal resources by the district’s schools. The bill would additionally require the DOA and DOE, in cooperation with each other, to consult with, and provide direct assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce the administrative burden on schools and school districts that results from that process.

Under the bill’s provisions, any school that serves lunch or breakfast and is eligible for the Community Eligibility Provision (a special assistance alternative federal reimbursement method that authorizes reimbursement for free school meals provided by eligible, high-poverty local educational agencies and schools participating in both the National School Lunch Program and the federal School Breakfast Program) would be required, to the greatest extent practicable, to participate in, and maximize the receipt of federal resources available under, that reimbursement alternative.

The bill would require the DOA, in consultation with the DOE, to annually prepare and submit, to the Governor and Legislature, a written report that identifies, for each school and school district in the State: (1) the methods being used by each school or school district to facilitate the prompt identification and subsidized meal certification of students who are categorically eligible or income-

eligible for free or reduced price school meals; (2) the number and percentage of income-eligible students from low-income families and from middle-income families, respectively, that are receiving free or reduced price school meals; and (3) for school breakfast programs, the format in which breakfast is being offered, including an indication as to whether breakfast is being provided through a breakfast after the bell program.

Existing law, at section 3 of P.L.2003, c.4 (C.18A:33-11) requires a school district to publicize the availability of school breakfasts and make every effort to ensure that non-paying, income-eligible students participating in the school breakfast program are not recognized in any manner that is different from the students who pay for school meals. This law also requires school districts to encourage students who are not income-eligible for free or reduced price meals to, nonetheless, participate in the school breakfast program. The bill would amend this law to:

(1) clarify that its requirements are intended to apply both to individual schools and to school districts;

(2) clarify that the same requirements are to be applied, under this section of law, not only with respect to the implementation of a school breakfast program, but also with respect to the implementation of a school lunch program and a breakfast after the bell program;

(3) modify the applicable publicity requirements, for school lunch and breakfast programs, in order to clarify that a school and school district will be required to publicize, to parents and guardians, the various ways in which a student may qualify to receive subsidized meals under those programs, including through categorical eligibility, federal income eligibility, or the new State-level income eligibility established by the bill; and

(4) require schools and school districts to make every effort to: facilitate the prompt and accurate identification of categorically eligible students; encourage students and their families, whenever an application is required to establish subsidized meals eligibility, to complete a school meals application for that purpose; facilitate and expedite, to the greatest extent practicable, the subsidized school meals application and income-eligibility determination processes, which are used, by the school or district, to certify a student for subsidized meals on the basis of income; assist parents and guardians in completing the school meals application; and encourage students who are neither categorically eligible nor income-eligible for free or reduced price school meals to nonetheless participate, on a paid and unsubsidized basis, in the school's lunch and breakfast programs.

The bill would additionally amend section 1 of P.L.2015, c.15 (C.18A:33-21), which pertains to school meal arrearages and prohibits the undertaking of certain discriminatory treatment against

students in arrears. Specifically, the bill would amend this law to: clarify that the rights included therein apply to unsubsidized students who cannot pay for their school meals; clarify that the prohibitions on discriminatory treatment, appearing therein, apply to both school districts and individual schools; and expand the existing list of prohibited discriminatory treatment to include: (1) the act of prohibiting an unsubsidized student, or a sibling thereof, from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report cards, or from graduating or attending graduation events, solely because of the student's unresolved meal debt; and (2) the act of requiring the parent or guardian of an unsubsidized student to pay fees or costs in excess of the actual amounts owed for meals previously served to the student. The bill would additionally specify that an unsubsidized student may not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the school is making a determination as to whether such student is eligible for free or reduced price meals.

The bill would repeal the following sections of law, which are no longer necessary:

(1) Section 2 of P.L.1974, c.53 (C.18A:33-5). This section exempts, from school lunch requirements, any school in which less than five percent of enrolled students meet federal eligibility requirements for receipt of free meals. Because the bill would require all schools to operate school lunch programs, this section is being repealed.

(2) Section 3 of P.L.2018, c.25 (C.18A:33-11.4). This section provides that the implementation of a breakfast after the bell program will be subject to the applicable requirements of section 3 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014, c.66 (C.18A:33-11.1), as well as any rules or regulations adopted pursuant thereto. Because the bill is amending section 3 of P.L.2003, c.4 (C.18A:33-11), referenced in this provision, to include specific reference to breakfast after the bell programs, and because section 1 of P.L.2014, c.66 (C.18A:33-11.1) does not actually provide any requirements for the implementation of breakfast after the bell programs (and instead, merely encourages schools to participate in such programs), this section is no longer necessary, and is being repealed.

(3) Section 3 of P.L.2020, c.29 (C.18A:33-21b). This section requires a school district to provide a student's parent or guardian with information on the National School Lunch Program and federal School Breakfast Program, as well as an application to apply for free and reduced meals under these programs, and information on the rights that apply to students and families participating in these school meals programs. Because this section, as currently drafted,

is not conducive to amendment, as would be necessary to incorporate the clarifying changes provided by this bill, the section is being replaced with, and its existing notice and application provisions are being incorporated into, a new section of law appearing at section 15 of the bill.

In addition to the repealers described above, this bill would also clarify and reorganize the provisions of sections 1 and 2 of P.L.2018, c.28 (C.18A:33-24 and C.18A:33-25), in order to make it clear that section 1 applies to school districts that are required to become a sponsor or site under the Summer Food Service Program, while section 2 applies to school districts that elect to become a sponsor or site under the Summer Food Service Program, despite not being required to do so.

Finally, the bill would add a new central definitions section that incorporates all definitions relevant to the provision of school meals in the State. This definitions section would be applicable to the bill's new sections, as well as to the remaining (un-repealed) provisions of Chapter 33 of Title 18A of the New Jersey Statutes, which is the chapter of law that addresses the provision of school meals in the State, and in which chapter the provisions of this bill will be codified.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1677
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: APRIL 27, 2022

SUMMARY

- Synopsis:** Requires schools to provide free school breakfasts and lunches to students from working class, middle-income families; designated as "Working Class Families' Anti-Hunger Act."
- Type of Impact:** Annual State expenditure increase from the General Fund. Annual local expenditure and revenue increases. Potential State revenue increase.
- Agencies Affected:** Department of Agriculture, Department of Education, school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase	At least \$19.4 million per year		
Potential State Revenue Increase	Indeterminate		
Local Expenditure Increase	At least \$19.4 million per year		
Local Revenue Increase	At least \$19.4 million per year		

- The Office of Legislative Services (OLS) estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.
- In addition, schools that currently do not participate in the National School Lunch Program and the federal School Breakfast Program would be required to participate in these programs by the bill, and this may result in significant one-time capital costs.
- The OLS notes that school districts may incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals.

- School districts that already utilize the National School Lunch Program and the federal School Breakfast Program may see increased expenditures and revenues if more students participate as a result of the bill's provisions. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide.
- Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.
- The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from all schools in the State, beginning one year after the date of the bill's enactment. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

BILL DESCRIPTION

This bill would expand the income eligibility for free breakfasts and lunches at all public schools. Currently, only students whose families have an annual household income of up to 185 percent of the federal poverty level qualify for free breakfasts and lunches. The bill would raise the limit to 199 percent of the federal poverty level with the State reimbursing school districts for 100 percent of the costs associated with the eligibility expansion.

This bill would additionally require each public school in the State to offer a school lunch program under the National School Lunch Program and a school breakfast program under the federal School Breakfast Program. Currently, a school lunch program is to be offered only by those public schools where at least five percent of students are federally eligible for free or reduced price meals, while a school breakfast program is to be offered only by public schools where at least 20 percent of students are federally eligible for free or reduced price meals. Currently, a student is "federally eligible" for free or reduced price meals if the student participates in certain federal benefits programs or if the student's family has an annual household income of up to 185 percent of the federal poverty level.

By way of background, under current federal law, the federal government funds the cost of free meals and the reduced part of the reduced price meals for students who qualify for the services under federal income guidelines. In addition, under current State law, students who are federally eligible for reduced price meals do not have to pay any cost for those meals with the State reimbursing school districts for the discounted costs that the student would have otherwise paid. State law also 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 bill would also require school districts to maximize the use of federal resources in support of school meals programs. Each school and school district would also have to publicize to parents,

guardians, and students the various ways in which a student may qualify for free school meals, and to provide assistance to parents and guardians in completing the application process.

The Department of Agriculture would be additionally required to consult with, and provide assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce their cost of administration.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.

This estimate assumes the following, using data from the United States Department of Agriculture, the United States Census Bureau, and the Annie E. Casey Foundation's Kids Count Data Center: (1) that there are 36,670 families in the State whose income lies in the bracket between 186 percent and 199 percent of the federal poverty level; (2) that each family includes around 0.68 children who are enrolled in school; (3) that the State would reimburse schools at the federal rate (\$3.66 per lunch and \$1.97 per breakfast); (4) that 76 percent of eligible students would receive free meals (this is the estimated participation rate in the National School Lunch Program by students certified to be eligible for free or reduced-price lunches during the 2018-2019 school year); and (5) that each participating student would receive 180 lunches and breakfasts per year.

In addition, schools that currently do not participate in the National School Lunch Program and the federal School Breakfast Program would be required to participate in these programs by the bill, and this may result in significant one-time capital costs. For example, the OLS corresponded with two school districts that do not possess cooking facilities at certain schools in their districts. Such schools may need to contract with catering companies, build infrastructure, or hire additional personnel to meet the requirements of the federal meals programs and this bill. None of the schools that the OLS contacted provided a quantifiable estimate of this expenditure increase. However, a school that is required to construct new facilities could expect expenditures of at least hundreds of thousands of dollars. The OLS corresponded with several schools that do not participate in the federal meals programs, but it remains unclear how many schools in the State do not currently participate.

The OLS notes that school districts may incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals. The OLS determines that the local expenditure increases would vary widely from school district to school district. For schools that already participate in the National School Lunch Program and the federal School Breakfast Program, there would likely be only marginal expenditure increases, since the costs of providing free meals to a larger number of students would be reimbursed by the State. These marginal costs might include: (1) a differential between the price currently charged to students for meals and the State reimbursement rate; and (2) increased administrative duties that will result

from the bill, such as the requirement to publicize the various ways in which free meals are being made available to students and the requirement to assist parents to apply for free meals.

School districts that already utilize the National School Lunch Program and the federal School Breakfast Program may see increased expenditures and revenues if more students participate as a result of the bill's provisions. The OLS estimates that, for each additional student that participates in the National School Lunch Program, a school would expend around \$1,084, and, for each additional student that participates in the federal School Breakfast Program, a school would expend around \$754. These estimates use the full cost of meals (\$6.02 for lunch and \$4.19 for breakfast) from Volume 3 of the "School Nutrition and Meal Cost Study," published in 2019 by the USDA. (The full cost includes the costs of food, labor, equipment, etc. to provide school meals.) The OLS notes that these expenditures would likely be accompanied by nearly equal revenues, since schools usually price their paid meals and a-la-carte items such that the school meal program is revenue neutral or runs a small deficit. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide. This estimate uses the FY 2019 participation numbers for New Jersey, published by the USDA -- 667,127 students for the National School Lunch Program and 318,981 students for the federal School Breakfast Program -- to avoid potential misleading data caused by the COVID-19 pandemic.

Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.

The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from all schools in the State, beginning one year after the date of the bill's enactment. Although this represents a one-time, implementation task, it may require hiring additional personnel or the temporary transfer of personnel. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

Section: Environment, Agriculture, Energy, and Natural Resources

*Analyst: Eric Hansen
Associate 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 BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1677

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1677.

As amended by the committee, this bill requires certain schools in the State to serve school breakfast and lunch, free of charge, to students from working class, middle-income families. “Middle-income family” is defined by the bill to include any family with an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the federal poverty level (FPL).

Under existing State and federal law, a student is eligible to receive free or reduced price school lunch or breakfast under the National School Lunch Program or 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 household income that is equal to or less than 185 percent of the FPL). State law requires school lunch programs to be offered by those schools at which at least five percent of the students are federally eligible for free or reduced price meals, and school breakfast programs to be offered by those schools at which at least 20 percent of the students are federally eligible for free or reduced price meals. All schools participating in the federal School Breakfast Program are encouraged, by existing law, to increase the percentage of students receiving breakfast at the school through the implementation of a “breakfast after the bell” program, in which breakfast is served during the first few minutes of school each day, and each school at which at least 70 percent of the students are federally eligible for free or reduced price school meals is required to implement a breakfast after the bell program for these purposes.

This bill alters the existing school breakfast law to expand the number of schools that provide breakfast to students in the State. Specifically, the bill provides for a school breakfast program to be offered by any school at which at least 10 percent of the students are federally eligible for free or reduced price meals. A school, or a school district acting on behalf of a school in the district, would be

authorized to obtain a waiver of these breakfast program requirements if the Department of Agriculture (DOA) determines that the provision of a breakfast program at the school will result in financial hardship for either the school or the school district. The DOA would be authorized to rescind a previously issued waiver if, based on a review of updated financial and demographic information requested and provided not more often than biennially, it determines that a change in circumstances has eliminated the financial hardship that previously warranted continuation of the waiver.

The bill further requires each school that operates a school breakfast or lunch program to provide free school breakfasts or lunches, as the case may be, to all middle-income students enrolled at the school (not just to low-income students, as provided by federal law), including when such meals are offered to students through a breakfast after the bell program or an emergency meals distribution program (which is activated during a period of school closure resulting from COVID-19). Each school district, and the DOA, would be required, by the bill, to publicize, to parents and students, the fact that free meals are being made available to middle-income students under these school meals programs, pursuant to the bill's provisions.

In order to avoid establishing an unfunded mandate, the bill requires the State to provide funding to each school district, as may be necessary to reimburse the costs associated with the district's provision of free meals to middle-income students who are federally ineligible for such meals under the National School Lunch Program or federal School Breakfast Program. These reimbursement provisions are similar to current law, at section 1 of P.L.2019, c.445 (C.18A:33-21.1), which provides that a student who is federally eligible for reduced price meals is not required to pay any cost for those meals, and that the State will reimburse schools for the difference between the federal allocation for reduced price meals and the total cost of the meals served to such students.

Existing law requires a school district, at the beginning of each school year, or upon initial enrollment, in the case of a student who enrolls during the school year, to provide each student's parent or guardian with:

- (1) information on the National School Lunch Program and the federal School Breakfast Program, as well the rights that are available to students and their families under those programs; and
- (2) a school meals application and instructions for completing the application.

The bill supplements these existing notice requirements to clarify that the information provided to parents and guardians is to include, but not be limited to: information on the availability of free or reduced price school meals for eligible students, as well as information on the school meals application and determination processes that are used to certify students for subsidized school meals. The bill further clarifies

that a school district will be required to assist parents or guardians in completing the school meals application.

The bill additionally clarifies that a school meals application that is submitted by a parent or guardian is to be treated as confidential, and may not be used or shared by the school district, or by the student's school, except as may be necessary to:

(1) determine whether the student is eligible for free or reduced price meals;

(2) determine whether the school is required, by existing law, to establish a breakfast after the bell program, or to participate as a sponsor or site in the federal Summer Meals Service Program;

(3) ensure that the school receives appropriate reimbursement, from the State and federal governments, for meals provided to eligible students, free of charge, through a school lunch program, a school breakfast program, a breakfast after the bell program, a summer meals program, or an emergency meals distribution program; and

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

Any information or application that is provided to a parent or guardian in association with a school meals program is to be communicated in a language that the parent or guardian understands, and is to specify the limited purposes for which collected personal data may be used, as specified in the bill.

The bill requires a school district to take steps to maximize the use of federal resources and to minimize the debt that is incurred by families for school meals, in accordance with a protocol developed by the DOA, in consultation with the Department of Education (DOE), the School Nutrition Association of New Jersey, and all relevant stakeholders. The protocol is to: (1) promote the increased certification of students from low-income families and middle-income families for free and reduced price school meals, in accordance with the bill's provisions; and (2) identify best practices to maximize the receipt and use of federal resources by the district's schools. The bill would additionally require the DOA and DOE, in cooperation with each other, to consult with, and provide direct assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce the administrative burden on schools and school districts that results from that process.

Under the bill's provisions, any school that serves lunch or breakfast and is eligible for the Community Eligibility Provision (a special assistance alternative federal reimbursement method that authorizes reimbursement for free school meals provided by eligible, high-poverty local educational agencies and schools participating in both the National School Lunch Program and the federal School Breakfast Program) would be required, to the greatest extent

practicable, to participate in, and maximize the receipt of federal resources available under, that reimbursement alternative.

The bill requires the DOA, in consultation with the DOE, to annually prepare and submit, to the Governor and Legislature, a written report that identifies, for each school and school district in the State: (1) the methods being used by each school or school district to facilitate the prompt identification and subsidized meal certification of students who are categorically eligible or income-eligible for free or reduced price school meals; (2) the number and percentage of income-eligible students from low-income families and from middle-income families, respectively, that are receiving free or reduced price school meals; and (3) for school breakfast programs, the format in which breakfast is being offered, including an indication as to whether breakfast is being provided through a breakfast after the bell program.

Existing law, at section 3 of P.L.2003, c.4 (C.18A:33-11) requires a school district to publicize the availability of school breakfasts and make every effort to ensure that non-paying, income-eligible students participating in the school breakfast program are not recognized in any manner that is different from the students who pay for school meals. This law also requires school districts to encourage students who are not income-eligible for free or reduced price meals to, nonetheless, participate in the school breakfast program. The bill amends this law to:

(1) clarify that its requirements are intended to apply both to individual schools and to school districts;

(2) clarify that the same requirements are to be applied, under this section of law, not only with respect to the implementation of a school breakfast program, but also with respect to the implementation of a school lunch program and a breakfast after the bell program;

(3) modify the applicable publicity requirements, for school lunch and breakfast programs, in order to clarify that a school and school district will be required to publicize, to parents and guardians, the various ways in which a student may qualify to receive subsidized meals under those programs, including through categorical eligibility, federal income eligibility, or the new State-level income eligibility established by the bill; and

(4) require schools and school districts to make every effort to: facilitate the prompt and accurate identification of categorically eligible students; encourage students and their families, whenever an application is required to establish subsidized meals eligibility, to complete a school meals application for that purpose; facilitate and expedite, to the greatest extent practicable, the subsidized school meals application and income-eligibility determination processes, which are used, by the school or district, to certify a student for subsidized meals on the basis of income; assist parents and guardians in completing the school meals application; and encourage students who are neither categorically eligible nor income-eligible for free or reduced price

school meals to nonetheless participate, on a paid and unsubsidized basis, in the school's lunch and breakfast programs.

The bill additionally amends section 1 of P.L.2015, c.15 (C.18A:33-21), which pertains to school meal arrearages and prohibits the undertaking of certain discriminatory treatment against students in arrears. Specifically, the bill would amend this law to: clarify that the rights included therein apply to unsubsidized students who cannot pay for their school meals; clarify that the prohibitions on discriminatory treatment, appearing therein, apply to both school districts and individual schools; and expand the existing list of prohibited discriminatory treatment to include: (1) the act of prohibiting an unsubsidized student, or a sibling thereof, from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report cards, or from graduating or attending graduation events, solely because of the student's unresolved meal debt; and (2) the act of requiring the parent or guardian of an unsubsidized student to pay fees or costs in excess of the actual amounts owed for meals previously served to the student. The bill additionally specifies that an unsubsidized student may not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the school is making a determination as to whether such student is eligible for free or reduced price meals.

The bill repeals the following sections of law, which are no longer necessary:

(1) Section 4 of P.L.2003, c.4 (C.18A:33-12). This section authorizes a school to obtain a one-year initial waiver of the breakfast program requirements that were established pursuant to existing law at section 2 of P.L.2003, c.4 (C.18A:33-10). Because section 2 of P.L.2003, c.4 (C.18A:33-10) will be superseded by the bill's provisions establishing new breakfast program requirements and requiring all schools to submit new breakfast program plans, and because the bill, as amended, includes a new waiver provision that authorizes ongoing waivers of the bill's new breakfast program requirements in appropriate cases, section 2 of P.L.2003, c.4 (C.18A:33-12) is no necessary and is being repealed.

(2) Section 3 of P.L.2018, c.25 (C.18A:33-11.4). This section provides that the implementation of a breakfast after the bell program will be subject to the applicable requirements of section 3 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014, c.66 (C.18A:33-11.1), as well as any rules or regulations adopted pursuant thereto. Because the bill is amending section 3 of P.L.2003, c.4 (C.18A:33-11), referenced in this provision, to include specific reference to breakfast after the bell programs, and because section 1 of P.L.2014, c.66 (C.18A:33-11.1) does not actually provide any requirements for the implementation of breakfast after the bell programs (and instead,

merely encourages schools to participate in such programs), this section is no longer necessary, and is being repealed.

(3) Section 3 of P.L.2020, c.29 (C.18A:33-21b). This section requires a school district to provide a student's parent or guardian with information on the National School Lunch Program and federal School Breakfast Program, as well as an application to apply for free and reduced meals under these programs, and information on the rights that apply to students and families participating in these school meals programs. Because this section, as currently drafted, is not conducive to amendment, as would be necessary to incorporate the clarifying changes provided by this bill, the section is being replaced with, and its existing notice and application provisions are being incorporated into, a new section of law appearing at section 16 of the bill, as amended.

In addition to the repealers described above, this bill would also clarify and reorganize the provisions of sections 1 and 2 of P.L.2018, c.28 (C.18A:33-24 and C.18A:33-25), in order to make it clear that section 1 applies to school districts that are required to become a sponsor or site under the Summer Food Service Program, while section 2 applies to school districts that elect to become a sponsor or site under the Summer Food Service Program, despite not being required to do so.

Finally, the bill would add a new central definitions section that incorporates all definitions relevant to the provision of school meals in the State. This definitions section would be applicable to the bill's new sections, as well as to the remaining (un-repealed) provisions of Chapter 33 of Title 18A of the New Jersey Statutes, which is the chapter of law that addresses the provision of school meals in the State, and in which chapter the provisions of this bill will be codified.

As amended and reported by the committee, Senate Bill No. 1677 (1R) is identical to Assembly Bill No. 2368 (2R), as amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to eliminate the provisions that would have required all public schools to implement a school lunch program and a school breakfast program. Instead, the amendments would: (1) maintain the original provisions of law that require a public school to offer a school lunch program only if at least five percent of the students enrolled at the school are federally eligible for free or reduced price school meals; and (2) require a public school to provide a school breakfast program only if at least 10 percent of the students enrolled at the school are federally eligible for free or reduced price school meals.

The committee also amended the bill to add a new section amending section 2 of P.L.1974, c.53 (C.18A:33-5) to clarify the exemption that is applicable, under that section, to school lunch

programs. The committee amendments additionally revise the bill's effective date, so as to provide for the bill to take effect on September 1, 2023, while authorizing the Commissioner of Agriculture and the Commissioner of Education to take anticipatory administrative action, in advance of the effective date, as may be necessary to implement the bill's provisions. The committee also amended the bill to extend, for one year, the deadlines applicable to the submission and implementation of new school breakfast plans, under the bill, in order to ensure that those plans will be submitted and implemented after the bill's revised effective date. Furthermore, the committee amended the bill to include new provisions authorizing the ongoing waiver of the bill's new breakfast program requirements in cases of financial hardship, and authorizing the DOA to rescind a previously issued waiver if, based on a review of updated financial and demographic information requested and provided not more often than biennially, it determines that a change in circumstances has eliminated the financial hardship that warranted continuation of the waiver. Finally, the committee amendments repeal section 4 of P.L.2003, c.4 (C.18A:33-12), which authorizes one-year initial waivers of the law's existing breakfast program requirements, and they make technical changes to update section numbering and citations throughout the bill.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1677 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 5, 2022

SUMMARY

- Synopsis:** Requires schools to provide free school breakfasts and lunches to students from working class, middle-income families; designated as "Working Class Families' Anti-Hunger Act."
- Type of Impact:** Annual State expenditure increase from the General Fund. Annual local expenditure and revenue increases. Potential State revenue increase.
- Agencies Affected:** Department of Agriculture, Department of Education, school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase	At least \$19.4 million per year		
Potential State Revenue Increase	Indeterminate		
Local Expenditure Increase	At least \$19.4 million per year		
Local Revenue Increase	At least \$19.4 million per year		

- The Office of Legislative Services (OLS) estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.
- In addition, certain schools that currently do not participate in the federal School Breakfast Program would be required to participate in this program by the bill, and this may result in increased administrative costs for those schools. The OLS notes that these expenditure increases would be mitigated to the extent schools apply for and are granted financial hardship waivers from participating in the School Breakfast program.
- The OLS notes that school districts may incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals.

- School districts may also see increased expenditures and revenues if more students participate in the National School Lunch Program and the federal School Breakfast Program as a result of the bill's provisions. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide.
- Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.
- The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from schools in the State, beginning one year after the date of the bill's enactment. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

BILL DESCRIPTION

This bill would expand the income eligibility for free breakfasts and lunches at all public schools. Currently, only students whose families have an annual household income of up to 185 percent of the federal poverty level qualify for free breakfasts and lunches. The bill would raise the limit to 199 percent of the federal poverty level with the State reimbursing school districts for 100 percent of the costs associated with the eligibility expansion.

This bill would additionally require schools where at least 10 percent of students are federally eligible for free or reduced price meals to offer a school breakfast program under the federal School Breakfast Program. Currently, a school breakfast program is to be offered only by public schools where at least 20 percent of students are federally eligible for free or reduced price meals. Currently, a student is "federally eligible" for free or reduced price meals if the student participates in certain federal benefits programs or if the student's family has an annual household income of up to 185 percent of the federal poverty level. A school, or a school district acting on behalf of a school in the district, would be authorized to obtain a waiver of these breakfast program requirements if the Department of Agriculture determines that the provision of a breakfast program at the school will result in financial hardship for either the school or the school district.

By way of background, under current federal law, the federal government funds the cost of free meals and the reduced part of the reduced price meals for students who qualify for the services under federal income guidelines. In addition, under current State law, students who are federally eligible for reduced price meals do not have to pay any cost for those meals with the State reimbursing school districts for the discounted costs that the student would have otherwise paid. State law also 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 bill would also require school districts to maximize the use of federal resources in support of school meals programs. Each school and school district would also have to publicize to parents,

guardians, and students the various ways in which a student may qualify for free school meals, and to provide assistance to parents and guardians in completing the application process.

The Department of Agriculture would be additionally required to consult with, and provide assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce their cost of administration.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that raising the income threshold for free school meals will increase annual school district expenditures for the meals by \$19.4 million. Because the State will reimburse school districts for these expenditures, the annual State expenditure increase will be \$19.4 million, which will also be an equal revenue increase for school districts.

This estimate assumes the following, using data from the United States Department of Agriculture, the United States Census Bureau, and the Annie E. Casey Foundation's Kids Count Data Center: (1) that there are 36,670 families in the State whose income lies in the bracket between 186 percent and 199 percent of the federal poverty level; (2) that each family includes around 0.68 children who are enrolled in school; (3) that the State would reimburse schools at the federal rate (\$3.66 per lunch and \$1.97 per breakfast); (4) that 76 percent of eligible students would receive free meals (this is the estimated participation rate in the National School Lunch Program by students certified to be eligible for free or reduced-price lunches during the 2018-2019 school year); and (5) that each participating student would receive 180 lunches and breakfasts per year.

In addition, certain schools that currently do not participate in the federal School Breakfast Program would be required to participate in this program by the bill, and this may result in increased administrative costs for those schools. Such schools may need to contract with catering companies or hire additional personnel to implement a school breakfast program that meets the federal requirements. The OLS corresponded with several schools that do not participate in the federal School Breakfast Program, but it remains unclear how many schools in the State do not currently participate. School districts may also incur additional costs from increased administrative duties that will result from the bill, such as publicizing the various ways in which free meals are being made available to students and assisting parents to apply for free meals. The OLS notes that these expenditure increases would be mitigated to the extent schools apply for and are granted financial hardship waivers from participating in the School Breakfast program.

School districts may see increased expenditures and revenues if more students participate in the National School Lunch Program and the federal School Breakfast Program as a result of the bill's provisions. The OLS estimates that, for each additional student that participates in the National School Lunch Program, a school would expend around \$1,084, and, for each additional student that participates in the federal School Breakfast Program, a school would expend around \$754. These estimates use the full cost of meals (\$6.02 for lunch and \$4.19 for breakfast) from Volume 3 of the "School Nutrition and Meal Cost Study," published in 2019 by the USDA. (The full cost includes the costs of food, labor, equipment, etc. to provide school meals.) The OLS notes that these expenditures would likely be accompanied by nearly equal revenues, since schools usually price their paid meals and a-la-carte items such that the school meal program is revenue

neutral or runs a small deficit. If the bill were to result in a one percent increase in overall participation in the National School Lunch Program and federal School Breakfast Program, schools would see an expenditure and revenue increase of around \$9.6 million Statewide. This estimate uses the FY 2019 participation numbers for New Jersey, published by the USDA -- 667,127 students for the National School Lunch Program and 318,981 students for the federal School Breakfast Program -- to avoid potentially misleading data caused by the COVID-19 pandemic.

Federal funds would pay for the entirety of the participation increase in the free meal component of the two federal programs. The cost of the participation increase in the reduced price component of the programs would be divided between the federal government and the State, with the State paying for the share of the meal for which the student's family would be responsible. The State will serve as the conduit for any federal funds received under these two programs, meaning that there would be equivalent State expenditure and revenue increases as the money passes through the State.

The bill would also impose additional administrative duties on the Department of Agriculture and the Department of Education. The most significant such duty may be the requirement to review school breakfast and breakfast-after-the-bell plans from schools in the State. Although this represents a one-time, implementation task, it may require hiring additional personnel or the temporary transfer of personnel. Both departments may also see marginal annual expenditure increases resulting from the State's increased participation in administering school meal programs throughout the State.

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.).

This Week in NJ - September 9, 2022

09/9/2022



Governor Murphy Signs Legislation to Combat Food Insecurity Among New Jersey Students

Governor Phil Murphy signed two bills that will help combat food insecurity among students across the state. The first bill, A2368/S1677, which was sponsored by Assembly Speaker Craig Coughlin, requires New Jersey schools to provide free breakfasts and lunches to students from working-class and middle-income families. The second bill, A2365/S1928, requires school food authorities to engage in public education campaigns and develop promotional materials to educate parents about existing and expanding school meals program options. Together, the laws will help ensure equitable access to resources that simultaneously benefit children's nutrition and support work families' financial stability.

"Consistent access to healthy meals is a fundamental human right, a fact that became all too clear for New Jersey families as they struggled to make ends meet amid a global pandemic," **said Governor Murphy**. "We've fought hard alongside our students' parents to provide our children with the tools they need to grow and excel, and today we demonstrate our intent to double those efforts in the battle against food insecurity. Crucially, by launching extensive public awareness campaigns, we will work to ensure that free, nutritious meals are not only available, but easily accessible, for every New Jersey student."

[READ MORE](#)

Governor Murphy and DOE Announce Over \$26 Million to Expand High-Quality Preschool in 27 School Districts

Governor Phil Murphy and the New Jersey Department of Education (DOE) announced that 27 school districts will receive Preschool Expansion Aid (PEA) to establish or expand access to high-quality preschool programs in the 2022-2023 school year. The over \$26 million, which was allocated in the FY2023 Budget, ensures that nearly 2,150 additional three- and four-year-old children will have access to a preschool classroom by increasing New Jersey's preschool seats to nearly 70,000. This announcement builds on Governor Murphy's long-term commitment to early education and the eventual goal of providing universal preschool to every three- and four-year-old in New Jersey.

"We know that providing children with access to preschool programs creates short and long term educational and economic benefits for families," said **Governor Phil Murphy**. "When we invest in preschool education, we also invest in our youth and in the future success of the State of New Jersey for decades to come. Today's announcement is another step toward universal preschool and a brighter future for New Jersey's youngest learners."

"I am excited to work with the 27 school districts receiving this funding to create and expand their community's preschool programs," said **Dr. Angelica Allen McMillan, Acting Commissioner of Education**. "Governor Murphy's continued budget allowance for high-quality preschool allows many young children an opportunity to attend preschool and reap the benefits of starting school earlier."



[READ MORE](#)

Governor Murphy Signs Bipartisan Bill Establishing Black Heritage Trail in New Jersey

In a room at the historic City of Newark's Public Library, surrounded by state and local officials, as well as activists, Governor Phil Murphy signed bipartisan bill A2677. The bill requires the New Jersey Historical Commission to establish a Black Heritage Trail to promote awareness and appreciation of Black history, heritage, and culture in the State. The Black Heritage Trail will highlight Black heritage sites through historical markers and a trail-like path that connect the stories of Black life and resiliency in the State.



"I am honored to sign this bill, establishing a Black Heritage Trail in New Jersey. However, our work does not stop here," **said Governor Murphy.** "Celebrating and commemorating Black history is not something that we should relegate to only the month of February or to Juneteenth. Black history is New Jersey history. It must be honored every day of the year."

In January 2021, the New Jersey Division of Travel and Tourism within the Department of State launched the New Jersey Black Heritage Trail, which invites visitors and residents to "discover the remarkable achievements and legacies of New Jersey's African American scholars, famous figures and everyday citizens who shaped the State's history for nearly four centuries." The New Jersey Black Heritage Trail will highlight landmarks, heritage sites, museums and modern-day attractions, which will be featured on downloadable three-day trip itineraries and map views. Under the bill, which appropriates \$ 1 million to the Department of State to establish the historical markers, the Historical Commission must give special consideration to sites that are in close geographic proximity, thematically linked by surrounding arts and other tourism destinations, or recommended by the New Jersey Black Cultural and Heritage Initiative Foundation.

[READ MORE](#)

New Jersey Students Enter First School Year With K-12 Climate Change Education

In June of 2020 First Lady Tammy Murphy announced that the New Jersey State Board of Education adopted her initiative to make New Jersey the first state in the nation to incorporate climate change education across its K-12 academic standards. As thousands of New Jersey students enter a new school year, the incorporation of climate change education for K-12 schools begins. This first of its kind curriculum will prepare and propel New Jersey students to the top of the ranks for the thousands of green economy jobs that will be made available in the future.

"New Jersey has the number one public education system in the nation, and our teachers and school administrators are well equipped to prepare our future climate change leaders to take on the climate crisis," **said Governor Murphy.** "Our children are our future, and the lessons New Jersey students will learn with this new curriculum will bring us one step closer to building our green

economy and reaching and sustaining 100 percent clean energy in New Jersey by 2050.”

“Today marks the first day of the highly anticipated climate change education curriculum in our K-12 school systems, and I cannot be more thrilled about the future for our students and for our state,” **said First Lady Tammy Murphy.** “New Jersey will be on the forefront of the climate movement, and these new standards will give our children the tools necessary to combat the effects of climate change. We are building the world’s next generation of climate literate leaders, including policymakers, historians, teachers, and more, who will discover new ways to address the climate crisis.”

“New Jersey will continue to be a national leader in preparing students to address issues related to climate change in the next decade,” **said Dr. Angelica Allen-McMillan, Acting Commissioner of Education.** “Our standards provide students with the tools to learn how climate change impacts our society, but how to also work collaboratively with peers and communities to address the issue of climate change.”



[READ MORE](#)

First Lady Tammy Murphy Highlights Significant Investments in Maternal and Infant Health Initiatives

First Lady Tammy Murphy hosted a roundtable discussion to highlight the investments made in maternal and infant health initiatives in the Fiscal Year 2023 (FY2023) budget. The First Lady’s initiative, Nurture NJ, aims to reduce New Jersey’s maternal mortality by fifty percent over five years and eliminate racial disparities in birth outcomes. Since its inception in 2019, Nurture NJ has made significant



strides in addressing maternal and infant health care in the state of New Jersey. The FY2023 budget includes over \$58 million to support Nurture NJ programs and policies.

“These necessary investments will continue to address and combat the shocking numbers our state holds in maternal and infant mortality rates and racial disparities in health care,” **said Governor Murphy**. “The health of our mothers and babies is of the utmost importance to each of the First Lady and me, as well as this Administration as a whole. Strengthening our maternal and infant health care systems will help us continue to build a stronger, fairer, and more equitable New Jersey for all families who call our great state their home.”

“I am so grateful for the funding allocated to Nurture NJ in this year’s budget, which will allow us to continue our work transforming our state into the safest and most equitable in the nation to deliver and raise a baby,” **said First Lady Tammy Murphy**. “Given New Jersey has one of the highest maternal mortality rates in the nation exacerbated by unacceptable racial disparities for our mothers and our babies, we feel it is our moral imperative to continue this fight. I am thrilled to see Nurture NJ build upon the significant progress we have already made, better support mothers and babies during one of the most vulnerable times of their lives, and, through innovative policymaking, become the national gold standard for maternal and infant health.”

[READ MORE](#)

Governor Murphy Signs Legislation to Combat Food Insecurity Among New Jersey Students

09/9/2022

SOUTH AMBOY – Governor Phil Murphy signed two bills today that will help combat food insecurity among students across the state. The first bill, A2368/S1677, which was sponsored by Assembly Speaker Craig Coughlin, requires New Jersey schools to provide free breakfasts and lunches to students from working-class and middle-income families. The second bill, A2365/S1928, requires school food authorities to engage in public education campaigns and develop promotional materials to educate parents about existing and expanding school meals program options. Together, the laws will help ensure equitable access to resources that simultaneously benefit children’s nutrition and support work families’ financial stability.

“Consistent access to healthy meals is a fundamental human right, a fact that became all too clear for New Jersey families as they struggled to make ends meet amid a global pandemic,” **said Governor Murphy**. “We’ve fought hard alongside our students’ parents to provide our children with the tools they need to grow and excel, and today we demonstrate our intent to double those efforts in the battle against food insecurity. Crucially, by launching extensive public awareness campaigns, we will work to ensure that free, nutritious meals are not only available, but easily accessible, for every New Jersey student.

“No student should have to go hungry at school. We know that students perform better on tests and retain more information when they receive the nutrition they need, and both of these bills will make sure that students in New Jersey are prepared to succeed in school,” **said U.S. Representative Frank Pallone, Jr.** “I applaud Governor Murphy, Assembly Speaker Coughlin and the New Jersey Legislature for their leadership on this issue and their support for our schools, teachers, and students in New Jersey.

“The Act is critical to meeting the needs of many working families and puts us on a direct path to feeding breakfast and lunch to every child who needs it,” **said Assembly Speaker Craig Coughlin**. “Millions of New Jersey residents experienced unemployment during the pandemic meaning more faced food insecurity as a result, many are still struggling to keep up with their bills. Helping keep money in people’s pockets, while ensuring more New Jersey students and their families can rely on access to the free school meals they need for success, has never been more important.”

“Food insecurity for New Jersey’s families is an issue that has become that much more evident since the pandemic,” **said Senator Teresa Ruiz**. “For many children throughout New Jersey, the meals they receive in school are their only source of food each day. That is why universal free lunch at school is a goal our state should strive to make a reality and today we take a step closer in order to help all struggling families which is not specific exclusively to low income ones. By expanding the free lunch program to more children, we help more New Jersey families foster a healthy academic experience for all of our students.”

“As we work to expand the assistance available to families struggling with food insecurity, many programs continue to be underutilized,” **said Senator Vin Gopal**. “This legislation will help to increase enrollment in the free school meals program, ensuring we are reaching as many eligible students as possible. No child should be expected to learn on an empty stomach.”

“Given the sharp increase in the cost of living, food insecurity is a major concern for many families around the state. Data has long shown a correlation between having access to nutritious meals and the ability of schoolchildren to learn and maintain good health,” **said Senator Joe Vitale, Chair of the Senate Health, Human Services and Senior Citizens Committee**. “This initiative will help alleviate some of the economic burden and insecurity for working families across New Jersey so they know they can afford to put meals on the table for their family members.”

“Ensuring children have access to proper nutrition is critical not only to their overall health but also their academic success,” **said Assemblywoman Pamela R. Lampitt**. “As many working families continue to feel the financial toll of the COVID-19 pandemic, it can be difficult at times to put food on the table. By expanding eligibility for free breakfast and lunch programs, we will provide families with the support they need in times of financial uncertainty and helps to ensure that no student is forced to go hungry.”

"Ensuring they have a healthy start in the morning and are nourished throughout the school day sets our children up for academic success," **said Assemblywoman Mila M. Jasey.** "By expanding the requirements for these free school meal programs, we can reach more children around the state and assist more families in their time of need."

"We have done great work to ensure that students throughout the state have school meal options. Along with the work that's been done to create these meal options, it is also very important to make sure that families are aware of the existing and expanding meal programs they can choose from. Giving families choices will help us to guarantee children are accessing healthy meals options during the school year," **said Assemblyman Danielsen, Assemblyman Giblin, and Assemblywoman Jaffer.**

"As a former teacher, I know the importance of having well-nourished students in class that have the energy to learn. Too often students fall behind because they are too tired to participate," **said South Amboy Mayor Fred Henry.** "With these two bills, the Governor and the state legislature continue to show that they are working for all of the citizens of New Jersey. On behalf of South Amboy and our school district, I want to thank Governor Murphy, Speaker Coughlin and the combined state legislature for passing these bills and giving our students a better chance for a better education, for our students are our future."

"Today's signing of Bills A2368 and A2365 places into motion the ability for schools to nourish the minds and bodies of scholars from middle-income families. South Amboy Public Schools is dedicated to our vision of ensuring that equity exists for all scholars regardless of any factor that may otherwise deem access to quality education and other daily needs beyond their reach. Providing access to healthy and affordable food enables scholars to be fueled and ready to learn. For the past few months, our Board of Education President, Patrick Walsh, and I have been discussing ways to infuse Diversity, Equity, and Inclusion into the fabric of our district and have referenced his graduate research that, in part, reveals that social factors such as a student's race and socio-economic status directly impacts student health outcomes. Not only does the bills signed, today, by Governor Murphy support these discussions but it puts into action across the state of New Jersey our district's vision and goal of equitably expanding access to all resources for all scholars inclusive of critical food safety net programs. The work of Speaker Coughlin, Governor Murphy and other legislators have leveled the playing field for all scholars and have provided schools with a means to nourish the whole child," **said South Amboy Superintendent of Schools Dr. Frederick D. Williams.**