

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.