

[First Reprint]

**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:**

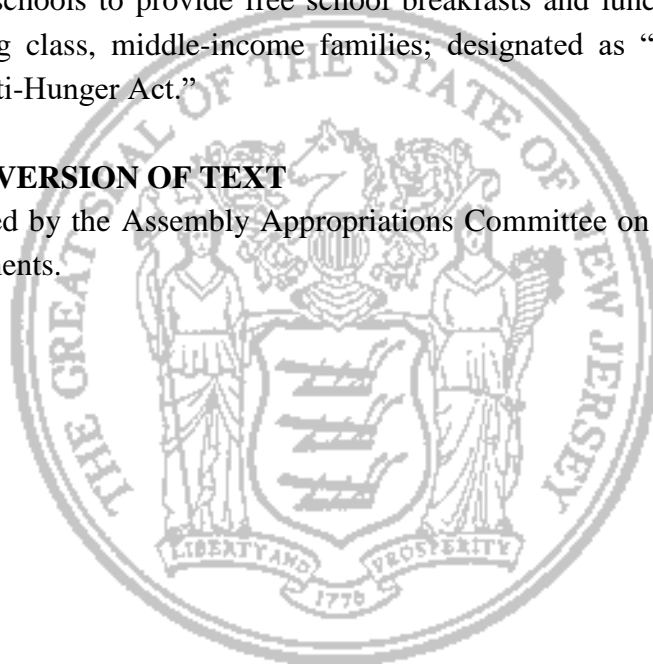
**Assemblywomen Quijano, Haider, Carter, Assemblyman Atkins,  
Assemblywomen Mosquera, McKnight, Assemblymen Spearman and  
Freiman**

**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 reported by the Assembly Appropriations Committee on May 19, 2022, with amendments.



**(Sponsorship Updated As Of: 5/26/2022)**

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.**

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

**<sup>1</sup>Assembly AAP committee amendments adopted May 19, 2022.**

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 <sup>1</sup>~~11~~ <sup>12</sup> of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill), as is necessary for the student to  
28 qualify for and receive free or reduced price lunch under the  
29 National School Lunch Program or free or reduced price breakfast  
30 under the 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  
2 **1[5] 6**<sup>1</sup> of P.L. , c. (C. ) (pending before the Legislature as  
3 this bill), and pursuant to which the school offers daily breakfasts to  
4 all 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 **1[11]**  
26 **12**<sup>1</sup> of P.L. , c. (C. ) (pending before the Legislature as this  
27 bill), is not required to pay for meals that are served to the student  
28 under the National School Lunch Program or the federal School  
29 Breakfast 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 42 U.S.C. s.1761, or any other similar State or federal program that  
43 is 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 <sup>1</sup>[at which less than five percent of students are  
9 federally eligible for free or reduced price meals,] that are exempt  
10 from the requirements of this section, as provided by section 2 of  
11 P.L.1974, c.53 (C.18A:33-5),<sup>1</sup> within [1] one year [from] after the  
12 effective date of [this act] P.L.1974, c.53 (C.18A:33-4 et seq.).  
13 [Such lunches]

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

18 (3)<sup>1</sup> School lunches made available pursuant to this section  
19 shall meet minimum nutritional standards, established by the  
20 Department of Education.

21 <sup>1</sup>[(4)] (3)<sup>1</sup> Free [and] or reduced price lunches, as appropriate,  
22 shall be offered, under a school lunch program, to [all children  
23 qualifying under Statewide eligibility criteria] each student enrolled  
24 in the district who is determined to be federally eligible for free or  
25 reduced price meals. As provided by section 1 of P.L.2019, c.445  
26 (C.18A:33-21.1), any student who is eligible for a reduced price  
27 lunch, pursuant to federal income eligibility standards and criteria,  
28 shall not be required to pay for such lunch. Free lunches shall also  
29 be offered to each student enrolled in the district who is federally  
30 ineligible for free or reduced price meals, but who has an annual  
31 household income that is not less than 186 percent, and not more  
32 than 199 percent, of the federal poverty level, as determined  
33 pursuant to section <sup>1</sup>[15] 16<sup>1</sup> of P.L. , c. (C. ) (pending  
34 before the Legislature as this bill).

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

40 c. The Department of Agriculture, in consultation with the  
41 Department of Education, shall annually prepare and submit, to the  
42 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
43 19.1), to the Legislature, a written report that identifies, for each  
44 school and school district in the State:

45 (1) the methods that are being used by each school or school  
46 district to facilitate the prompt identification and subsidized meal  
47 certification of students who are categorically eligible or income-

1 eligible for free or reduced price lunch under the National School  
2 Lunch Program; and

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

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

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

17

18 <sup>1</sup>3. Section 2 of P.L.1974, c.53 (C.18A:33-5) is amended to read  
19 as follows:

20 2. Any school **[in]** at which less than **[5%]** five percent of  
21 **[pupils]** enrolled **[meet the eligibility requirements]** students are  
22 federally eligible for a free or reduced price lunch shall be exempt  
23 from the provisions of **[this act]** P.L.1974, c.53 (C.18A:33-  
24 1 et seq.).<sup>1</sup>

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

26

27 <sup>1</sup>**[3.] 4.<sup>1</sup>** Section 1 of P.L.2003, c.4 (C.18A:33-9) is amended  
28 to read as follows:

29 1. The Legislature finds and declares that:

30 a. The federal School Breakfast Program is a federally assisted  
31 meal program **[operating]** that is implemented in public and  
32 nonprofit private schools and residential child care institutions  
33 nationwide, and **[supplying to]** is designed to ensure that each  
34 participating child receives breakfast containing at least one-fourth  
35 of the nutrients needed daily**[:]**.

36 b. The federal School Breakfast Program was established **[by**  
37 **the federal government]** in 1966 with the purpose of providing a  
38 nutritious, well-balanced breakfast to promote sound eating habits,  
39 and fostering good health and academic achievement for school-age  
40 children**[:]**.

41 c. New Jersey ranks fiftieth in the nation for participation in  
42 the federal School Breakfast Program by schools offering school  
43 lunch, and the State has seen only modest increases in participation  
44 in recent years**[:]**.

45 d. Research shows that school breakfast increases attendance  
46 and decreases tardiness, improves academic performance both in  
47 class and on standardized tests, improves attentiveness, and reduces

1 emotional and behavioral problems among students from all  
2 backgrounds[; and].

3 e. [Therefore] Based on the foregoing findings, it is clearly in  
4 the public interest for the State to require [that] school districts  
5 [with large populations of students eligible for federally subsidized  
6 meals] to offer school breakfasts through the federal School  
7 Breakfast Program, and to publicize the [program] availability of  
8 such breakfasts in their communities.

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

10

11 <sup>1</sup>[4.] <sup>1</sup>5. Section 2 of P.L.2003, c.4 (C.18A:33-10) is amended  
12 to read as follows:

13 2. a. (1) A public school operated by a local or regional  
14 school district of the State in which 20[%] percent or more of the  
15 students enrolled in the school on October 1 of the preceding school  
16 year were federally eligible for free or reduced price meals under  
17 the [federal] National School Lunch Program or the federal School  
18 Breakfast Program, shall establish a [School Breakfast Program]  
19 school breakfast program in the school.

20 [The] (2) A school district shall submit a school breakfast  
21 program plan [for the establishment of school breakfast programs]  
22 for each school in the district that is subject to the requirements of  
23 paragraph (1) of this [section that is] subsection. The plan for each  
24 school shall be adopted in compliance with, and pursuant to [the],  
25 federal School Breakfast Program [administered by the State  
26 Department of Agriculture. The plan for each school]  
27 requirements, and shall be submitted to the Department of  
28 Agriculture by the date required by subsection b. of this section, in  
29 a form and manner prescribed by the Secretary of Agriculture.

30 (3) Following the enactment of P.L. , c. (C. ) (pending  
31 before the Legislature as this bill), a school district shall submit a  
32 new school breakfast program plan, in accordance with the  
33 provisions of section <sup>1</sup>[5] (6)<sup>1</sup> of P.L. , c. (C. ) (pending  
34 before the Legislature as this bill), for each school in the district  
35 that is subject to the requirements of paragraph (1) of this  
36 subsection. A new plan adopted pursuant to this paragraph and  
37 section <sup>1</sup>[5] (6)<sup>1</sup> of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill) shall supersede any plan previously adopted  
39 for the school, pursuant to this section, and the adoption of a new  
40 plan under this paragraph and section <sup>1</sup>[5] (6)<sup>1</sup> of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill)  
42 shall cause the plan previously adopted under paragraph (2) of this  
43 subsection to become void and inoperable.

44 b. (1) A school district shall submit a plan, by November 1,  
45 2003, for all grades of each school that has one or more of the  
46 grades pre-K through sixth grade and for which a plan is required

1 by paragraph (2) of subsection a. of this section **【on or before**  
2 **November 1, 2003】**.

3 (2) A school district shall submit a plan, by November 1, 2004,  
4 for all grades of each school **【that is not】**, other than the schools  
5 described in paragraph (1) of this subsection **【and】**, for which a  
6 plan is required by paragraph (2) of subsection a. of this section **【on**  
7 **or before November 1, 2004】**.

8 c. The Department of Agriculture, in consultation with the  
9 Department of Education, shall review each school breakfast plan  
10 submitted pursuant to this section and make recommendations, if  
11 necessary, **【on】** regarding how the school breakfast program can  
12 operate within the limits of the federal and State reimbursement  
13 rates for the federal School Breakfast Program.

14 d. The Department of Agriculture shall notify each school  
15 district that submits a school breakfast plan, pursuant to this  
16 section, of the completion of the department's review and any  
17 recommended changes to the plan, within three months **【of the】**  
18 after receipt of the plan, but no later than the February 1 following  
19 the date required for submission of the plan pursuant to subsection  
20 b. of this section.

21 e. A school district **【subject to the requirements of this**  
22 **section】** shall establish a school breakfast program in each of its  
23 schools, based on the plan submitted **【by the school district to the**  
24 **Department of Agriculture】** pursuant to paragraph (2) of subsection  
25 a. of this section, by September 1, 2004 for schools for which plans  
26 are required to be submitted **【by】** pursuant to paragraph (1) of  
27 subsection b. of this section, and by September 1, 2005 for schools  
28 for which plans are required to be submitted **【by】** pursuant to  
29 paragraph (2) of subsection b. of this section.

30 f. (1) If a school district does not submit a school breakfast  
31 plan to the Department of Agriculture, pursuant to paragraph (2) of  
32 subsection a. of this section, by the date required by subsection b. of  
33 this section, it shall establish a school breakfast program, in each of  
34 its schools in which a program is required pursuant to paragraph (1)  
35 of subsection a. of this section, based on a model plan provided by  
36 the department.

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

42 (3) The Department of Agriculture shall provide the model plan  
43 to the school district no later than March 1, 2004 for schools for  
44 which plans are required to be submitted **【by】** pursuant to  
45 paragraph (1) of subsection b. of this section, and by March 1, 2005  
46 for schools for which plans are required to be submitted **【by】**  
47 pursuant to paragraph (2) of subsection b. of this section, and the



1 school district shall establish the school breakfast program in each  
2 of its schools, based on the model plan, by September 1, 2004 for  
3 schools for which plans are required to be submitted **by** pursuant  
4 to paragraph (1) of subsection b. of this section, and by September  
5 1, 2005 for schools for which plans are required to be submitted  
6 **by** pursuant to paragraph (2) of subsection b. of this section.  
7 (cf: P.L.2003, c.4, s.2)

8  
9 <sup>1</sup>~~5.~~ 6.<sup>1</sup> (New section) a. (1) Notwithstanding the provisions  
10 of section 2 of P.L.2003, c.4 (C.18A:33-10) to the contrary,  
11 following the enactment of P.L. , c. (C. ) (pending before  
12 the Legislature as this bill), each public school in the State <sup>1</sup>**shall**  
13 establish a school breakfast program, regardless of the percentage  
14 of students, at the school or in the district, who are **in which** 10  
15 percent or more of the students enrolled in the school on October 1  
16 of the preceding school year were<sup>1</sup> federally eligible for free or  
17 reduced price meals under the National School Lunch Program or  
18 the federal School Breakfast Program <sup>1</sup>shall establish a breakfast  
19 program in the school<sup>1</sup>.

20 (2) A school district shall submit, to the Department of  
21 Agriculture, a school breakfast program plan for each school in the  
22 district <sup>1</sup>that is subject to the requirements of paragraph (1) of this  
23 subsection<sup>1</sup>. The plan shall be submitted in a form and manner  
24 prescribed by the Secretary of Agriculture and in accordance with  
25 the timeframes specified by subsection b. of this section.

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

29 (2) A plan for all grades in each school not described in  
30 paragraph (1) of this subsection shall be submitted by November 1,  
31 2023.

32 c. The Department of Agriculture, in consultation with the  
33 Department of Education, shall review each school breakfast  
34 program plan submitted pursuant to this section and make  
35 recommendations, if necessary, regarding how the school breakfast  
36 program can operate most effectively, in accordance with federal  
37 School Breakfast Program requirements and the provisions of  
38 section <sup>1</sup>~~11~~ 12<sup>1</sup> of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill). The Department of Agriculture shall notify  
40 each school district of the completion of the department's review  
41 and any recommended changes to the plan, within 90 days after  
42 receipt thereof.

43 d. A school district shall establish a school breakfast program  
44 in each of its schools, based on the plan submitted pursuant to  
45 paragraph (2) of subsection a. of this section, by September 1, 2023  
46 for schools for which plans are required to be submitted pursuant to  
47 paragraph (1) of subsection b. of this section, and by September 1,

1 2024 for schools for which plans are required to be submitted  
2 pursuant to paragraph (2) of subsection b. of this section.

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

8 (2) The model plan developed by the department, for the  
9 purposes of this subsection, shall include recommendations on how  
10 a school breakfast program can operate in accordance with federal  
11 School Breakfast Program requirements and the provisions of  
12 section <sup>1</sup>~~11~~ 12<sup>1</sup> of P.L. , c. (C. ) (pending before the  
13 Legislature as this bill).

14 (3) The department shall provide the model plan to a school  
15 district that is subject to this subsection by March 1, 2023 for  
16 schools for which plans are required to be submitted pursuant to  
17 paragraph (1) of subsection b. of this section, and by March 1, 2024  
18 for schools for which plans are required to be submitted pursuant to  
19 paragraph (2) of subsection b. of this section, and the school district  
20 shall establish the school breakfast program in each of its schools,  
21 based on the model plan, by September 1, 2023 for schools for  
22 which plans are required to be submitted pursuant to paragraph (1)  
23 of subsection b. of this section, and by September 1, 2024 for  
24 schools for which plans are required to be submitted pursuant to  
25 paragraph (2) of subsection b. of this section.

26

27 <sup>1</sup>~~6.~~ 7.<sup>1</sup> Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended  
28 to read as follows:

29 3. In implementing a school lunch program, pursuant to  
30 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program  
31 【under this act】, pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.) <sup>1</sup>or  
32 section 6 of P.L. , c. (C. ) (pending before the Legislature  
33 as this bill)<sup>1</sup>, or a breakfast after the bell program, pursuant to  
34 section 1 of P.L.2014, c.66 (C.18A:33-11.1) or section 2 of  
35 P.L.2018, c.25 (C.18A:33-11.3), each school and school district  
36 shall:

37 a. publicize, to parents and students, the availability of the  
38 【school breakfast】 respective school meals program 【to parents and  
39 students】, as well as the various ways in which a student may  
40 qualify to receive free or reduced price meals under the program, as  
41 provided by subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-  
42 4) and subsection a. of section <sup>1</sup>~~11~~ 12<sup>1</sup> of P.L. , c. (C. )  
43 (pending before the Legislature as this bill);

44 b. make every effort to ensure that 【income-eligible】  
45 subsidized students are not recognized as program participants, by  
46 the student body, faculty, or staff, in a manner that is 【distinct】  
47 different from 【student participants who are not income-eligible】

1 the manner in which unsubsidized students are recognized as  
 2 program participants. Such efforts shall include, but need not be  
 3 limited to, the establishment of a neutral meal plan or voucher  
 4 system **【under which】** that does not make a distinction between  
 5 subsidized and unsubsidized students **【receiving subsidized**  
 6 **breakfasts are not distinguished from students receiving non-**  
 7 **subsidized breakfasts】**; and

8 c. make every effort to:

9 (1) facilitate the prompt and accurate identification of  
 10 categorically eligible students who may be certified to participate in  
 11 the program, on a subsidized basis, without first submitting an  
 12 application therefor, and, whenever an application is required to  
 13 establish eligibility for subsidized meals, encourage students and  
 14 their families to submit a subsidized school meals application for  
 15 that purpose;

16 (2) facilitate and expedite, to the greatest extent practicable, the  
 17 subsidized school meals application and income-eligibility  
 18 determination processes that are used, by the school or school  
 19 district, to certify a student for free or reduced price school meals  
 20 on the basis of income, and assist parents and guardians in  
 21 completing the school meals application; and

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

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

27

28 <sup>1</sup>**【7.】** 8.<sup>1</sup> Section 1 of P.L.2014, c.66 (C.18A:33-11.1) is  
 29 amended to read as follows:

30 1. a. A public school operated by a school district **【of the State**  
 31 **participating】** that participates in the federal **【school breakfast**  
 32 **program】** School Breakfast Program, or a nonpublic school  
 33 participating in the federal **【school breakfast program】** School  
 34 Breakfast Program, is encouraged to increase the number of  
 35 students participating in the program by establishing a **【"】**breakfast  
 36 after the bell**【"】** program **【through the incorporation of】** that  
 37 incorporates school breakfast **【in】** into the first-period classroom or  
 38 **【during】** the first few minutes of the school day.

39 b. The Department of Agriculture, in consultation with the  
 40 Department of Education shall:

41 (1) make every effort to assist, guide, and support school  
 42 districts, public schools, **【or】** and nonpublic schools in planning,  
 43 establishing, implementing, or modifying **【the "】** a breakfast after  
 44 the bell**【"】** program to increase the **【participation rate of all**  
 45 **students in the】** number of students, especially the number of  
 46 students from low-income families and middle-income families,

1 who are participating in each school breakfast program**],** especially  
2 students from low income families; and**].**

3 (2) **[**prepare and issue an annual report to the Governor and,  
4 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
5 Legislature on the number and percentages of students from low  
6 income families participating in the school breakfast program, and  
7 the format used for providing breakfast, for each school district,  
8 public school, or nonpublic school.**]** (Deleted by amendment,  
9 P.L. , c. (pending before the Legislature as this bill)  
10 (cf: P.L.2014, c.66, s.1)  
11

12 <sup>1</sup>**[8.]** <sup>1</sup>9. Section 1 of P.L.2018, c.25 (C.18A:33-11.2) is  
13 amended to read as follows:

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

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

31 The Legislature further finds and declares that New Jersey law  
32 **[**currently**],** at section 2 of P.L.2003, c.4 (C.18A:33-10), requires a  
33 public school **[**operated by a local or regional school district with**]**  
34 to provide school breakfast to its students if 20 percent or more of  
35 the students enrolled in the school<sup>1</sup>**[,]**<sup>1</sup> on October 1 of the  
36 preceding school year **[**who**]**<sup>1</sup>**[,]**<sup>1</sup> were federally eligible for free or  
37 reduced price meals **[**under the federal School Lunch Program or  
38 **the federal School Breakfast Program to be provided school**  
39 **breakfast****];** that section <sup>1</sup>**[5]** <sup>1</sup>**(6)**<sup>1</sup> of P.L. , c. (C. ) (pending  
40 before the Legislature as this bill) expands existing law so as to  
41 require <sup>1</sup>**[all]** <sup>1</sup>a <sup>1</sup>**[**public **]** <sup>1</sup>**[**schools in the State**]** <sup>1</sup>school<sup>1</sup> to provide  
42 school breakfast to students<sup>1</sup>**[, regardless of the percentage of]** <sup>1</sup>if  
43 10 percent or more of the<sup>1</sup> students <sup>1</sup>**[**at**]** <sup>1</sup>enrolled in<sup>1</sup> the school  
44 <sup>1</sup>**[**who are**]** on October 1 of the preceding school year were<sup>1</sup>  
45 federally eligible for free or reduced priced meals; that, [however]  
46 despite these breakfast program requirements, current law does not

1 specify how breakfast is to be served to students; and that, by  
 2 requiring high-poverty schools to serve **["]**breakfast to students  
 3 through a breakfast after the bell program,**["]** New Jersey schools  
 4 will reach a much larger percentage of children in need, thereby  
 5 helping to further their academic success.

6 The Legislature further finds and declares that the federal  
 7 government reimburses schools for each meal served, and that this  
 8 expansion can, therefore, be easily accomplished; that, since 2010,  
 9 the amount of federal school breakfast reimbursements has more  
 10 than doubled from about \$45 million to an anticipated \$105 million  
 11 in fiscal year 2018; and that Advocates for Children of New Jersey  
 12 estimates that school districts could collect an additional \$89  
 13 million in federal funds for school breakfast each year if breakfast  
 14 is served during the first few minutes of the school day.

15 The Legislature, therefore, determines that: it **["to"]** shall be the  
 16 public policy of the State to help remove a major barrier to learning  
 17 by providing children the nutrition they need to succeed in school**["**,  
 18 and determines that]; it is the understanding and the intention of the  
 19 Legislature to make breakfast an integral part of the school day**["**];  
 20 and **["that "** the implementation of breakfast after the bell**["**  
 21 programs is the most effective way to ensure that all students have  
 22 the morning nutrition they need to concentrate, learn, and succeed  
 23 in school.

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

25

26 <sup>1</sup>**["9.] 10.** Section 2 of P.L.2018, c.25 (C.18A:33-11.3) is  
 27 amended to read as follows:

28 2. a. Every public school in which 70**["%"]** percent or more of  
 29 the students enrolled in the school on or before the last school day  
 30 before October 16 of the preceding school year were federally  
 31 eligible for free or reduced price meals under the National School  
 32 Lunch Program or the federal School Breakfast Program, shall  
 33 establish a **["school "]**breakfast after the bell**[""]** program.

34 b. (1)(a) No later than six months following the effective date  
 35 of **["this act"]** P.L.2018, c.25 (C.18A:33-11.2 et seq.), each school  
 36 district shall submit, to the Department of Agriculture, a plan for  
 37 the establishment of a **[""]**breakfast after the bell**[""]** program for all  
 38 grades at each **["school in the district which is"]** of the district's  
 39 schools that are subject to the requirements of this section. The  
 40 plan shall comply with the requirements of the federal School  
 41 Breakfast Program **["administered by the Department of**  
 42 **Agriculture"]**.

43 (b) No later than the first full school year following the  
 44 submission of the plan, the school district shall establish a  
 45 **[""]**breakfast after the bell**[""]** program in each of its schools  
 46 **["which"]** that are subject to the requirements of this section **["based**  
 47 **upon"]** , in accordance with the plan submitted **["by the school**

1 district to the Department of Agriculture] pursuant to this  
2 paragraph.

3 (2) (a) No later than six months after the effective date of  
4 P.L. , c. (C. ) (pending before the Legislature as this bill),  
5 each school district shall submit, to the Department of Agriculture,  
6 a revised breakfast after the bell plan for each school in the district  
7 that is subject to the requirements of this section. The revised plan  
8 shall comply with federal School Breakfast Program requirements  
9 and the provisions of section <sup>1</sup>[11] 12<sup>1</sup> of P.L. , c. (C. )  
10 (pending before the Legislature as this bill).

11 (b) No later than the first full school year following the  
12 submission of a revised plan pursuant to this paragraph, the school  
13 district shall modify the breakfast after the bell program operating  
14 in each of its schools that are subject to the requirements of this  
15 section, as may be necessary to implement the provisions of the  
16 revised plan.

17 (3) The Department of Agriculture, in consultation with the  
18 Department of Education, shall review each revised plan submitted  
19 pursuant to this subsection and make recommendations, if  
20 necessary, regarding how a school's breakfast after the bell program  
21 can operate most effectively, in accordance with the federal School  
22 Breakfast Program requirements and the provisions of section <sup>1</sup>[11]  
23 12<sup>1</sup> of P.L. , c. (C. ) (pending before the Legislature as this  
24 bill). The Department of Agriculture shall notify each school  
25 district that submits a plan pursuant to this subsection of the  
26 completion of the department's review, and of any recommended  
27 changes to the plan, within 90 days after receipt thereof.

28 c. Upon application, a school district may be granted a waiver  
29 by the Department of Agriculture of the requirements of this section  
30 for any school in which more than 70 percent of eligible students  
31 received a meal under the school breakfast program during the  
32 preceding school year. A school district that requests a waiver shall  
33 provide [such] relevant information, as may be required by the  
34 Department of Agriculture [specifies], to justify the request.

35 d. [The] No later than three months after the effective date of  
36 P.L.2018, c.25 (C.18A:33-11.2 et seq.), the Department of  
37 Agriculture shall provide each school district with a [listing] list of  
38 [available] resources that are available for the purposes of this  
39 section [to each school district no later than three months following  
40 the effective date of this act].

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

42

43 <sup>1</sup>[10.] 11.<sup>1</sup> Section 4 of P.L.2018, c.25 (C.18A:33-11.5) is  
44 amended to read as follows:

45 4. The Department of Agriculture, in consultation with the  
46 Department of Education, shall develop [any] guidelines, as may  
47 be necessary [for] to facilitate the implementation and operation of

1 [a paid "breakfast after the bell" program] programs by schools  
2 in the State, in accordance with the provisions of section 1 of  
3 P.L.2014, c.66 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25  
4 (C.18A:33-11.2 and C.18A:33-11.3), and section <sup>1</sup>[11] 12<sup>1</sup> of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill),  
6 including, but not limited to, guidelines, consistent with the  
7 provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),  
8 concerning a school's receipt of payment, from unsubsidized  
9 students, for breakfasts served to such students under a breakfast  
10 after the bell program.

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

12

13 <sup>1</sup>[11.] 12.<sup>1</sup> (New section) a. (1) School breakfasts made  
14 available to students under a school breakfast program or a  
15 breakfast after the bell program shall meet minimum nutritional  
16 standards, established by the Department of Education.

17 (2) Free or reduced price breakfasts, as appropriate, shall be  
18 offered, under a school breakfast program or a breakfast after the  
19 bell program, to all enrolled students who are determined to be  
20 federally eligible for free or reduced price meals. As provided by  
21 section 1 of P.L.2019, c.445 (C.18A:33-21.1), any student who is  
22 eligible for a reduced price breakfast, pursuant to federal income  
23 eligibility criteria, shall not be required to pay for such breakfast.  
24 Free breakfasts shall also be offered to each enrolled student who is  
25 federally ineligible for free or reduced price meals, but who has an  
26 annual household income that is not less than 186 percent, and not  
27 more than 199 percent, of the federal poverty level, as determined  
28 pursuant to section <sup>1</sup>[15] 16<sup>1</sup> of P.L. , c. (C. ) (pending  
29 before the Legislature as this bill).

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

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

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

46 (2) the number and percentage of income-eligible students from  
47 low-income families and from middle-income families,  
48 respectively, in each such school and district, who are receiving free

1 or reduced price breakfast under the federal School Breakfast  
2 Program and the provisions of this section; and

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

8 d. 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 a schedule for, and  
13 identifying the manner in which, State-level reimbursements are to  
14 be made pursuant to subsection b. of this section.

15

16 <sup>1</sup>~~12.~~ 13.<sup>1</sup> Section 1 of P.L.2018, c.26 (C.18A:33-14.1) is  
17 amended to read as follows:

18 1. a. (1) A school district that participates in the National  
19 School Lunch Program or the federal School Breakfast Program  
20 shall take steps to maximize the use of federal resources and to  
21 minimize the debt that is incurred by families for school meals, in  
22 accordance with a protocol established by the Department of  
23 Agriculture. The protocol established by the department, pursuant  
24 this paragraph, shall be adopted within 180 days after the effective  
25 date of P.L. , c. (C. ) (pending before the Legislature as this  
26 bill), in consultation with the Department of Education, the School  
27 Nutrition Association of New Jersey, and all relevant stakeholders,  
28 and shall: (a) promote the increased certification of students from  
29 low-income families and middle-income families for free and  
30 reduced price school meals, in accordance with the provisions of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill);  
32 and (b) identify best practices to maximize the receipt and use of  
33 federal resources by the district's schools.

34 (2) The Department of Agriculture and Department of  
35 Education, in cooperation with each other, shall consult with, and  
36 provide direct assistance to, school districts to help them improve,  
37 simplify, and expedite the free and reduced price meal certification  
38 process and otherwise reduce the administrative burden on schools  
39 and school districts that results from such process.

40 (3) A school that serves lunch or breakfast to students and is  
41 eligible for special federal reimbursement under the Community  
42 Eligibility Provision, as provided by 7 C.F.R. Part 245, shall, to the  
43 greatest extent practicable, participate in, and maximize the receipt  
44 of federal resources available under, that special assistance  
45 alternative. Every school district in which there is at least one  
46 school that qualifies for the Community Eligibility Provision, but is  
47 not implementing it, shall report the reasons therefor, in writing, to  
48 the Department of Agriculture and the Department of Education, in



1 the manner prescribed by those departments. The report shall  
2 include, but need not be limited to, a description of the specific  
3 impediments at the school district to implementing the program, the  
4 specific actions that could be taken to remove those impediments,  
5 and the specific steps required to successfully implement the  
6 program in the following school year.

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

12 c. **[As used in this section, "Community Eligibility Provision"**  
13 means a federal reimbursement alternative for eligible, high-poverty  
14 local educational agencies and schools participating in both the  
15 National School Lunch Program and School Breakfast Program  
16 which is funded by the United States Department of Agriculture and  
17 administered by the New Jersey Department of Agriculture in  
18 accordance with the requirements set forth in federal regulations at  
19 7 CFR Part 245.] (Deleted by amendment, P.L. , c. (pending  
20 before the Legislature as this bill)  
21 (cf: P.L.2018, c.26, s.1)  
22

23 <sup>1</sup>**[13.] 14.**<sup>1</sup> Section 1 of P.L.2015, c.15 (C.18A:33-21) is  
24 amended to read as follows:

25 1. a. (1) In the event that a school district determines that **[a]**  
26 an unsubsidized student's school breakfast or school lunch bill is in  
27 arrears, the district shall contact the student's parent or guardian to  
28 provide notice of the arrearage, and shall provide the parent or  
29 guardian with a period of 10 school days to pay the amount due. If  
30 the student's parent or guardian has not made full payment by the  
31 end of **[the 10 school days]** the designated 10-day period, then the  
32 district shall again contact the student's parent or guardian to  
33 provide notice of any action to be taken by the school district in  
34 response to **[a student's school breakfast or school lunch bill being**  
35 **in arrears]** the arrearage.

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

39 (3) Nothing in this section shall be construed to require a school  
40 district to deny or restrict the ability of an unsubsidized student to  
41 access **[to]** school breakfast or school lunch **[to a student whose]**  
42 when the student's school breakfast or school lunch bill is in  
43 arrears.

44 b. A school or school district shall not:

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

- 1 requiring **[that]** the student to sit at a separate table **[or]**, by  
2 requiring that the student to wear a wristband, hand stamp, or  
3 identifying mark, or by serving the student an alternative meal;
- 4 (2) require **[a]** an unsubsidized student, who cannot pay for a  
5 school breakfast or a school lunch, or whose school breakfast or  
6 school lunch bill is in arrears, to do chores or other work to pay for  
7 the school breakfast or school lunch; **[or]**
- 8 (3) require **[a]** an unsubsidized student to discard a school  
9 breakfast or school lunch after it has been served because of the  
10 student's inability to pay for a school breakfast or a school lunch or  
11 because money is owed for previously provided meals;
- 12 (4) prohibit an unsubsidized student, or a sibling of such a  
13 student, from attending or participating in non-fee-based  
14 extracurricular activities, field trips, or school events, from  
15 receiving grades, official transcripts, or report cards, or from  
16 graduating or attending graduation events, solely because of the  
17 student's unresolved meal debt; or
- 18 (5) require the parent or guardian of an unsubsidized student to  
19 pay fees or costs in excess of the actual amounts owed for meals  
20 previously served to the student.
- 21 c. If **[a]** an unsubsidized student owes money for the  
22 equivalent of five or more school meals, a school district shall:
- 23 (1) **[determine if the student is eligible for a free or reduced**  
24 **price school meal;]** (Deleted by amendment, P.L. , c. (pending  
25 before the Legislature as this bill)
- 26 (2) **[make]** determine whether the student is categorically  
27 eligible or income-eligible for free or reduced price meals, by  
28 conducting a review of all available records related to the student,  
29 and by making at least two attempts, not including the initial  
30 **[application or instructions provided to the parent or guardian]**  
31 attempt made pursuant to section 3 of P.L.2020, c.29 (C.18A:33-  
32 21b), to contact the student's parent or guardian and have the parent  
33 or guardian fill out **[an]** a school meals application **[for the school**  
34 **lunch program and school breakfast program];** and
- 35 (3) require a principal, or a person designated by the principal,  
36 to contact the parent or guardian of the unsubsidized student  
37 to offer assistance with respect to the completion of the school meals  
38 application **[for the school lunch and school breakfast program]**, to  
39 determine if there are other issues **[within]** in the household that  
40 have caused the child to have insufficient funds to purchase a  
41 school breakfast or school lunch, and to offer any other appropriate  
42 assistance.
- 43 d. A school district shall direct communications about a  
44 student's school breakfast or school lunch bill being in arrears to the  
45 parent or guardian and not to the student. Nothing in this subsection  
46 shall prohibit a school district from sending a student home with a  
47 letter addressed to a parent or guardian.

1 e. Notwithstanding the provisions of this section and the  
2 provisions of any other law, rule, or regulation to the contrary, an  
3 unsubsidized student shall not be denied access to a school meal,  
4 regardless of the student's ability to pay or the status of the  
5 student's meal arrearages, during any period of time in which the  
6 school is making a determination, pursuant to subsection c. of this  
7 section, as to whether the student is eligible for, and can be certified  
8 to receive, free or reduced price meals.

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

10  
11 <sup>1</sup>~~14.~~ <sup>1</sup>15. Section 1 of P.L.2020, c.29 (C.18A:33-21a) is  
12 amended to read as follows:

13 1. Section 1 of P.L.2015, c.15 (C.18A:33-21) and ~~sections 3~~  
14 ~~and 4 of P.L.2020, c.29 (C.18A:33-21b and C.18A:33-21c)~~ <sup>1</sup>section  
15 <sup>1</sup>~~15~~ <sup>1</sup>16<sup>1</sup> of P.L. , c. (C. ) (pending before the Legislature  
16 as this bill), shall be known and may be cited as the "Hunger-Free  
17 Students' Bill of Rights Act."

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

19  
20 <sup>1</sup>~~15.~~ <sup>1</sup>16. (New section) a. At the beginning of each school  
21 year, or upon initial enrollment, in the case of a student who enrolls  
22 during the school year, a school district shall provide each student's  
23 parent or guardian with:

24 (1) information on the National School Lunch Program and the  
25 federal School Breakfast Program, including, but not limited to,  
26 information on the availability of free or reduced price meals for  
27 eligible students, information on the application and determination  
28 processes that are used to certify eligible students for subsidized  
29 school meals, and information on the rights that are available to  
30 students and their families under this section and section 1 of  
31 P.L.2015, c.15 (C.18A:33-21); and

32 (2) a school meals application form, as well as instructions for  
33 completing the application, and, as necessary, assistance in  
34 completing the application.

35 b. The school meals information and application provided to  
36 parents and guardians, pursuant to subsection a. of this section,  
37 shall:

38 (1) be communicated in a language that the parent or guardian  
39 understands;

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

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

46 c. A school meals application that is completed by a parent or  
47 guardian shall be confidential, and shall not be used or shared by

1 the student's school or school district, except as may be necessary  
2 to:

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

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

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

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

19

20 <sup>1</sup>**[16.] 17.**<sup>1</sup> Section 1 of P.L.2019, c.445 (C.18A:33-21.1) is  
21 amended to read as follows:

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

30 b. The State shall pay the difference between the federal  
31 allocation for reduced price breakfasts and reduced price lunches  
32 and the total cost of the reduced price breakfasts and reduced price  
33 lunches that are served to public school students who are federally  
34 eligible **[public school students]** for reduced price meals.

35 c. 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 the schedule for,  
40 and identifying the manner in which, State-level reimbursements  
41 **[shall]** are to be made **[to school districts, and any other provisions**  
42 **necessary for the implementation of this act]** pursuant to subsection  
43 b. of this section.

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

45

46 <sup>1</sup>**[17.] 18.**<sup>1</sup> Section 1 of P.L.2018, c.28 (C.18A:33-24) is  
47 amended to read as follows:

1       1. a. Every school district in which 50 percent or more of the  
2 students enrolled in the school district on or before the last school  
3 day 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       (1) become a sponsor or site **[of]** under the federal Summer  
7 Food Service Program; or

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

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

18      c. **[As used in this act, "Summer Food Service Program"**  
19 means the federal program that reimburses sponsors for  
20 administrative and operational costs to provide meals for children  
21 18 years of age and younger during periods when they are out of  
22 school for 15 or more consecutive school days, which is funded by  
23 the United States Department of Agriculture and administered by  
24 the State Department of Agriculture in accordance with the  
25 requirements set forth in federal regulations at 7 CFR Part 225 and  
26 7 CFR Part 250.] (Deleted by amendment, P.L. , c. (pending  
27 before the Legislature as this bill)

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

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

33

34       <sup>1</sup>**[18.] 19.** Section 2 of P.L.2018, c.28 (C.18A:33-25) is  
35 amended to read as follows:

36      2. a. **[A]** Nothing in section 1 of P.L.2018, c.28 (C.18A:33-24)  
37 shall be deemed to prohibit a school district from becoming a  
38 sponsor or site under the Summer Food Service Program. Any  
39 school district that is not subject to the requirements of section 1 of  
40 P.L.2018, c.28 (C.18A:33-24), but that wishes to become a sponsor  
41 or site under the Summer Food Service Program, shall submit, to  
42 the Department of Agriculture, an application [pursuant to section 1  
43 of this act] to become a sponsor or documentation showing that the  
44 school district will become a site under an existing and approved  
45 sponsor.

46      b. **[A school district subject to the requirements of this act**  
47 shall become a sponsor of the federal Summer Food Service

1 Program or become a site under an existing approved sponsor, no  
2 later than two years following the date of enactment of this act.】  
3 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the  
4 Legislature as this bill)  
5 (cf: P.L.2018, c.28, s.2)

6  
7 <sup>1</sup>【19.】 20.<sup>1</sup> Section 1 of P.L.2020, c.6 (C.18A:33-27.2) is  
8 amended to read as follows:

9 1. a. In the event that a board of education is provided a  
10 written directive, by either the New Jersey Department of Health or  
11 the health officer of the jurisdiction, to institute a public health-  
12 related closure due to the COVID-19 epidemic, the district shall  
13 implement a program, during the period of the school closure, to  
14 provide school meals, at meal distribution sites designated pursuant  
15 to subsection b. of this section, to all students enrolled in the district  
16 who are either categorically eligible or income-eligible for 【the】  
17 free 【and】 or reduced price school 【lunch and school breakfast  
18 programs】 meals.

19 b. In the event of 【the】 an emergency closure, as described in  
20 subsection a. of this section, the school district shall identify one or  
21 more school meal distribution sites that are walkable and easily  
22 accessible to students in the district. The school district shall  
23 collaborate with county and municipal government officials in  
24 identifying appropriate sites. A school 【meal】 meals distribution  
25 site may include, but need not be limited to: faith-based locations;  
26 community centers, such as YMCAs; and locations in the school  
27 district where 【summer】 meals are made available through a  
28 summer meals program. In a school district that includes high  
29 density housing, the district shall make every effort to identify a  
30 school meal distribution site in that housing area.

31 c. 【The】 A school district shall identify students enrolled in  
32 the district who are categorically eligible or income-eligible for  
33 【the】 free 【and】 or reduced price 【school lunch and school  
34 breakfast programs】 meals, and for whom a school meal  
35 distribution site, identified pursuant to subsection b. of this section,  
36 is not within walking distance. In the case of these students, the  
37 school district shall distribute the school meals to the student's  
38 residence or to the student's bus stop along an established bus route,  
39 provided that the student or the student's parent or guardian is  
40 present at the bus stop for the distribution. Food distributed  
41 pursuant to this 【section】 subsection may include up to a total of  
42 three school days' worth of food per delivery.

43 d. 【School districts】 A school district may use school buses  
44 owned and operated by the district to distribute school meals  
45 pursuant to this section. In the case of a school district that does  
46 not own and operate its own buses, the district may contract for the  
47 distribution of school meals, and these contracts shall not be subject

1 to the public bidding requirements established pursuant to the  
2 "Public School Contracts Law," P.L.1977, c.114 (C.18A:18A-  
3 1 et seq.).

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

9 f. School lunches and breakfasts that are made available,  
10 through an emergency meals distribution program operating  
11 pursuant to this section, shall be provided to eligible students, free  
12 of charge, in accordance with the provisions of subsection a. of  
13 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of  
14 section ~~1【11】 12~~<sup>1</sup> of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill).

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

17

18 <sup>1</sup>~~【20.】~~ 21.<sup>1</sup> The following sections of law are repealed:

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

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

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

22

23 <sup>1</sup>~~【21.】~~ 22.<sup>1</sup> This act shall take effect immediately.