

[Second 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)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Assemblywomen Quijano, Haider, Carter, Assemblyman Atkins,  
Assemblywomen Mosquera, McKnight, Assemblymen Spearman,  
Freiman, Senators Gill, Singleton, Zwicker, Cruz-Perez, Cunningham, Pou  
and Turner**

**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 Senate Budget and Appropriations Committee on June 27, 2022, with amendments.

(Sponsorship Updated As Of: 6/29/2022)

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-

**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.

<sup>2</sup>Senate SBA committee amendments adopted June 27, 2022.

1 aid and other assistance to the States, as may be necessary to help  
2 finance the establishment, maintenance, operation, and expansion of  
3 school breakfast programs and facilitate the provision of free and  
4 reduced price breakfasts to eligible students.

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

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

22 “Income-eligible” means that a student either satisfies federal  
23 income eligibility requirements, adopted by the United States  
24 Department of Agriculture pursuant to 7 C.F.R. Part 245, or  
25 satisfies State-level income eligibility requirements, set forth in  
26 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) or  
27 subsection a. of section <sup>1</sup>~~11~~ <sup>12</sup> of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill), as is necessary for the student to  
29 qualify for and receive free or reduced price lunch under the  
30 National School Lunch Program or free or reduced price breakfast  
31 under the federal School Breakfast Program.

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

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

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

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

1 the case of a public school, in accordance with a plan adopted  
2 pursuant to section 2 of P.L.2003, c.4 (C.18A:33-10) or section  
3 **1[5] 6<sup>1</sup>** of P.L. , c. (C. ) (pending before the Legislature as  
4 this bill), and pursuant to which the school offers daily breakfasts to  
5 all enrolled students.

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

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

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

24 “Subsidized student” means a categorically eligible student or  
25 income-eligible student who, as provided by subsection a. of section  
26 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section **1[11]**  
27 **12<sup>1</sup>** of P.L. , c. (C. ) (pending before the Legislature as this  
28 bill), is not required to pay for meals that are served to the student  
29 under the National School Lunch Program or the federal School  
30 Breakfast Program.

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

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

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

1 school meals, and who is, consequently, required to pay for any  
2 such meals that are served to the student under the National School  
3 Lunch Program or the federal School Breakfast Program.

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

7 1. a. (1) Each school district shall make school lunch  
8 available to all **children** students enrolled in the district, except at  
9 those schools <sup>1</sup>at which less than five percent of students are  
10 federally eligible for free or reduced price meals, **that are exempt**  
11 from the requirements of this section, as provided by section 2 of  
12 P.L.1974, c.53 (C.18A:33-5),<sup>1</sup> within **[1]** one year **[from]** after the  
13 effective date of **[this act]** P.L.1974, c.53 (C.18A:33-4 et seq.).  
14 **[Such lunches]**

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

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

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

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

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

46 (1) the methods that are being used by each school or school  
47 district to facilitate the prompt identification and subsidized meal

1 certification of students who are categorically eligible or income-  
 2 eligible for free or reduced price lunch under the National School  
 3 Lunch Program; and

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

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

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

18

19 <sup>13.</sup> Section 2 of P.L.1974, c.53 (C.18A:33-5) is amended to read  
 20 as follows:

21 2. Any school **[in]** at which less than **[5%]** five percent of  
 22 **[pupils]** enrolled **[meet the eligibility requirements]** students are  
 23 federally eligible for a free or reduced price lunch shall be exempt  
 24 from the provisions of **[this act]** P.L.1974, c.53 (C.18A:33-  
 25 1 et seq.).<sup>1</sup>

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

27

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

30 1. The Legislature finds and declares that:

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

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

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

46 d. Research shows that school breakfast increases attendance  
 47 and decreases tardiness, improves academic performance both in

1 class and on standardized tests, improves attentiveness, and reduces  
 2 emotional and behavioral problems among students from all  
 3 backgrounds[; and].

4 e. [Therefore] Based on the foregoing findings, it is clearly in  
 5 the public interest for the State to require [that] school districts  
 6 [with large populations of students eligible for federally subsidized  
 7 meals] to offer school breakfasts through the federal School  
 8 Breakfast Program, and to publicize the [program] availability of  
 9 such breakfasts in their communities.  
 10 (cf: P.L.2003, c.4, s.1)

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

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

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

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

45 b. (1) A school district shall submit a plan, by November 1,  
 46 2003, for all grades of each school that has one or more of the  
 47 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, <sup>2</sup>**[2022]** 2023<sup>2</sup>.

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 <sup>2</sup>**[2023]** 2024<sup>2</sup>.

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,  
46 <sup>2</sup>**[2023]** 2024<sup>2</sup> for schools for which plans are required to be  
47 submitted pursuant to paragraph (1) of subsection b. of this section,

1 and by September 1, <sup>2</sup>[2024] 2025<sup>2</sup> for schools for which plans are  
2 required to be submitted pursuant to paragraph (2) of subsection b.  
3 of this section.

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

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

15 (3) The department shall provide the model plan to a school  
16 district that is subject to this subsection by March 1, <sup>2</sup>[2023] 2024<sup>2</sup>  
17 for schools for which plans are required to be submitted pursuant to  
18 paragraph (1) of subsection b. of this section, and by March 1,  
19 <sup>2</sup>[2024] 2025<sup>2</sup> for schools for which plans are required to be  
20 submitted pursuant to paragraph (2) of subsection b. of this section,  
21 and the school district shall establish the school breakfast program  
22 in each of its schools, based on the model plan, by September 1,  
23 <sup>2</sup>[2023] 2024<sup>2</sup> for schools for which plans are required to be  
24 submitted pursuant to paragraph (1) of subsection b. of this section,  
25 and by September 1, <sup>2</sup>[2024] 2025<sup>2</sup> for schools for which plans are  
26 required to be submitted pursuant to paragraph (2) of subsection b.  
27 of this section.

28 <sup>2</sup>f. (1) A school, or a school district acting on behalf of a  
29 school in the district, may, in a form and manner prescribed by the  
30 Department of Agriculture, apply to the department for a waiver of  
31 the breakfast program requirements established pursuant to  
32 paragraph (1) of subsection a. of this section.

33 (2) The department shall grant a waiver of the breakfast  
34 program requirements established pursuant to paragraph (1) of  
35 subsection a. of this section, and shall continue a waiver pursuant to  
36 paragraph (4) of this subsection, if the school, or the school district  
37 acting on behalf of the school, demonstrates to the department's  
38 satisfaction that the provision of a breakfast program at the school  
39 will result in financial hardship for either the school or the school  
40 district. Conditions under which a waiver may be granted shall  
41 include, but need not be limited to, the following:

42 (a) there is a lack of facilities or equipment necessary to offer a  
43 school breakfast program at the school, and the acquisition of such  
44 facilities or equipment would cause financial hardship to the school  
45 or school district; or

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

1       (3) Not more frequently than biennially, the department may  
 2 request that updated financial and demographic information be  
 3 submitted to the department by a school, or by a school district  
 4 acting on behalf of a school, which has obtained a waiver of school  
 5 breakfast program requirements pursuant to this subsection. A  
 6 school or school district, upon such request, shall submit the  
 7 updated financial and demographic information in a form and  
 8 manner and within a timeframe prescribed by the department.

9       (4) The department shall rescind a waiver previously granted  
 10 under this subsection if it determines, based upon its review of  
 11 updated financial and demographic information submitted pursuant  
 12 to paragraph (3) of this subsection, that there has been a change in  
 13 circumstances that has eliminated the financial hardship warranting  
 14 continuation of the waiver pursuant to paragraph (2) of this  
 15 subsection. Nothing in this paragraph shall be deemed to prohibit a  
 16 school or school district from submitting a new waiver application,  
 17 pursuant to paragraph (1) of this subsection, in one or more years  
 18 following the rescission of a waiver pursuant to this paragraph.

19       (5) The department shall establish standards and procedures for  
 20 the filing of waiver applications and the awarding and rescission of  
 21 waivers pursuant to this subsection.<sup>2</sup>

22  
 23       <sup>1</sup>**[6.] 7.**<sup>1</sup> Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended  
 24 to read as follows:

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

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

40       b. make every effort to ensure that **[income-eligible]**  
 41 subsidized students are not recognized as program participants,  
 42 by the student body, faculty, or staff, in a manner that is **[distinct]**  
 43 different from **[student participants who are not income-eligible]**  
 44 the manner in which unsubsidized students are recognized as  
 45 program participants. Such efforts shall include, but need not be  
 46 limited to, the establishment of a neutral meal plan or voucher  
 47 system **[under which]** that does not make a distinction between

1 subsidized and unsubsidized students **【receiving subsidized**  
 2 **breakfasts are not distinguished from students receiving non-**  
 3 **subsidized breakfasts】**; and

4 c. make every effort to:

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

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

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

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

23  
 24 <sup>1</sup>**【7.】** 8.<sup>1</sup> Section 1 of P.L.2014, c.66 (C.18A:33-11.1) is  
 25 amended to read as follows:

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

35 b. The Department of Agriculture, in consultation with the  
 36 Department of Education shall:

37 (1) make every effort to assist, guide, and support school  
 38 districts, public schools, **【or】** and nonpublic schools in planning,  
 39 establishing, implementing, or modifying **【the "】** a breakfast after  
 40 the bell<sup>【"】</sup> program to increase the **【participation rate of all**  
 41 **students in the】** number of students, especially the number of  
 42 students from low-income families and middle-income families,  
 43 who are participating in each school breakfast program<sup>【,</sup> especially  
 44 students from low income families; and<sup>】</sup>.

45 (2) **【prepare and issue an annual report to the Governor and,**  
 46 **pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the**  
 47 **Legislature on the number and percentages of students from low**

1 income families participating in the school breakfast program, and  
2 the format used for providing breakfast, for each school district,  
3 public school, or nonpublic school.】 (Deleted by amendment,  
4 P.L. , c. (pending before the Legislature as this bill)  
5 (cf: P.L.2014, c.66, s.1)

6  
7 <sup>1</sup>【8.】9.<sup>1</sup> Section 1 of P.L.2018, c.25 (C.18A:33-11.2) is  
8 amended to read as follows:

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

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

26 The Legislature further finds and declares that New Jersey law  
27 【currently】, at section 2 of P.L.2003, c.4 (C.18A:33-10), requires a  
28 public school 【operated by a local or regional school district with】  
29 to provide school breakfast to its students if 20 percent or more of  
30 the students enrolled in the school<sup>1</sup>【,】<sup>1</sup> on October 1 of the  
31 preceding school year 【who】<sup>1</sup>【,】<sup>1</sup> were federally eligible for free or  
32 reduced price meals 【under the federal School Lunch Program or  
33 the federal School Breakfast Program to be provided school  
34 breakfast】; that section <sup>1</sup>【5】 <sup>2</sup>【(6)<sup>1</sup>】 <sup>6</sup> of P.L. , c. (C. )  
35 (pending before the Legislature as this bill) expands existing law so  
36 as to require <sup>1</sup>【all】 a<sup>1</sup> public <sup>1</sup>【schools in the State】 school<sup>1</sup> to  
37 provide school breakfast to students<sup>1</sup>【, regardless of the percentage  
38 of】 if 10 percent or more of the<sup>1</sup> students <sup>1</sup>【at】 enrolled in<sup>1</sup> the  
39 school <sup>1</sup>【who are】 on October 1 of the preceding school year were<sup>1</sup>  
40 federally eligible for free or reduced priced meals; that, 【however】  
41 despite these breakfast program requirements, current law does not  
42 specify how breakfast is to be served to students; and that, by  
43 requiring high-poverty schools to serve 【"】breakfast to students  
44 through a breakfast after the bell program,【"】 New Jersey schools  
45 will reach a much larger percentage of children in need, thereby  
46 helping to further their academic success.

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

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

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

20

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

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

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

38 (b) No later than the first full school year following the  
 39 submission of the plan, the school district shall establish a  
 40 **[""]**breakfast after the bell**[""]** program in each of its schools  
 41 **["which"]** that are subject to the requirements of this section **["based**  
 42 **upon"]** , in accordance with the plan submitted **["by the school**  
 43 **district to the Department of Agriculture"]** pursuant to this  
 44 paragraph.

45 (2) (a) No later than six months after the effective date of  
 46 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 47 each school district shall submit, to the Department of Agriculture,

1 a revised breakfast after the bell plan for each school in the district  
 2 that is subject to the requirements of this section. The revised plan  
 3 shall comply with federal School Breakfast Program requirements  
 4 and the provisions of section <sup>1</sup>~~11~~ 12<sup>1</sup> of P.L. , c. (C. )  
 5 (pending before the Legislature as this bill).

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

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

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

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

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

37

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

40 4. The Department of Agriculture, in consultation with the  
 41 Department of Education, shall develop ~~any~~ guidelines, as may  
 42 be necessary ~~for~~ to facilitate the implementation and operation of  
 43 ~~a paid "breakfast after the bell"~~ program] programs by schools  
 44 in the State, in accordance with the provisions of section 1 of  
 45 P.L.2014, c.66 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25  
 46 (C.18A:33-11.2 and C.18A:33-11.3), and section <sup>1</sup>~~11~~ 12<sup>1</sup> of  
 47 P.L. , c. (C. ) (pending before the Legislature as this bill),

1 including, but not limited to, guidelines, consistent with the  
2 provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),  
3 concerning a school's receipt of payment, from unsubsidized  
4 students, for breakfasts served to such students under a breakfast  
5 after the bell program.

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

7  
8 <sup>1</sup>**[11.]** 12.<sup>1</sup> (New section) a. (1) School breakfasts made  
9 available to students under a school breakfast program or a  
10 breakfast after the bell program shall meet minimum nutritional  
11 standards, established by the Department of Education.

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

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

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

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

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

46 (3) the methods that are being used, by each such school and  
47 district, to provide breakfast to students under the federal School  
48 Breakfast Program, including an indication as to whether breakfast



1 is being provided to students through a breakfast after the bell  
2 program.

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

10

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

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

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

35 (3) A school that serves lunch or breakfast to students and is  
36 eligible for special federal reimbursement under the Community  
37 Eligibility Provision, as provided by 7 C.F.R. Part 245, shall, to the  
38 greatest extent practicable, participate in, and maximize the receipt  
39 of federal resources available under, that special assistance  
40 alternative. Every school district in which there is at least one  
41 school that qualifies for the Community Eligibility Provision, but is  
42 not implementing it, shall report the reasons therefor, in writing, to  
43 the Department of Agriculture and the Department of Education, in  
44 the manner prescribed by those departments. The report shall  
45 include, but need not be limited to, a description of the specific  
46 impediments at the school district to implementing the program, the  
47 specific actions that could be taken to remove those impediments,

1 and the specific steps required to successfully implement the  
2 program in the following school year.

3 b. The Department of Agriculture, in consultation with the  
4 Department of Education, shall adopt, pursuant to the  
5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
6 1 et seq.), such rules and regulations as may be necessary to  
7 effectuate the purposes of this **[act]** section.

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

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

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

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

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

40 b. A school or school district shall not:

41 (1) publicly identify or stigmatize **[a]** an unsubsidized student  
42 who cannot pay for a school breakfast or a school lunch or whose  
43 school breakfast or school lunch bill is in arrears, for example, by  
44 requiring **[that]** the student to sit at a separate table **[or], by**  
45 requiring that the student to wear a wristband, hand stamp, or  
46 identifying mark, or by serving the student an alternative meal;

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

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

9 (4) prohibit an unsubsidized student, or a sibling of such a  
10 student, from attending or participating in non-fee-based  
11 extracurricular activities, field trips, or school events, from  
12 receiving grades, official transcripts, or report cards, or from  
13 graduating or attending graduation events, solely because of the  
14 student's unresolved meal debt; or

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

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

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

23 (2) **[make]** determine whether the student is categorically  
24 eligible or income-eligible for free or reduced price meals, by  
25 conducting a review of all available records related to the student,  
26 and by making at least two attempts, not including the initial  
27 **[application or instructions provided to the parent or guardian]**  
28 attempt made pursuant to section 3 of P.L.2020, c.29 (C.18A:33-  
29 21b), to contact the student's parent or guardian and have the parent  
30 or guardian fill out **[an]** a school meals application **[for the school**  
31 lunch program and school breakfast program]; and

32 (3) require a principal, or a person designated by the principal,  
33 to contact the parent or guardian of the unsubsidized student to  
34 offer assistance with respect to the completion of the school meals  
35 application **[for the school lunch and school breakfast program], to**  
36 determine if there are other issues **[within]** in the household that  
37 have caused the child to have insufficient funds to purchase a  
38 school breakfast or school lunch, and to offer any other appropriate  
39 assistance.

40 d. A school district shall direct communications about a  
41 student's school breakfast or school lunch bill being in arrears to the  
42 parent or guardian and not to the student. Nothing in this subsection  
43 shall prohibit a school district from sending a student home with a  
44 letter addressed to a parent or guardian.

45 e. Notwithstanding the provisions of this section and the  
46 provisions of any other law, rule, or regulation to the contrary, an  
47 unsubsidized student shall not be denied access to a school meal,

1 regardless of the student's ability to pay or the status of the  
2 student's meal arrearages, during any period of time in which the  
3 school is making a determination, pursuant to subsection c. of this  
4 section, as to whether the student is eligible for, and can be certified  
5 to receive, free or reduced price meals.

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

7  
8 <sup>1</sup>~~14.~~ <sup>1</sup>15. Section 1 of P.L.2020, c.29 (C.18A:33-21a) is  
9 amended to read as follows:

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

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

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

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

29 (2) a school meals application form, as well as instructions for  
30 completing the application, and, as necessary, assistance in  
31 completing the application.

32 b. The school meals information and application provided to  
33 parents and guardians, pursuant to subsection a. of this section,  
34 shall:

35 (1) be communicated in a language that the parent or guardian  
36 understands;

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

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

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

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

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

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

12 (4) facilitate school aid determinations under the "School  
13 Funding Reform Act of 2008," P.L.2007, c.260 (C.18A:7F-  
14 43 et seq.).

15

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

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

26 b. The State shall pay the difference between the federal  
27 allocation for reduced price breakfasts and reduced price lunches  
28 and the total cost of the reduced price breakfasts and reduced price  
29 lunches that are served to public school students who are federally  
30 eligible [public school students] for reduced price meals.

31 c. The Department of Agriculture, in consultation with the  
32 Department of Education, shall adopt rules and regulations pursuant  
33 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
34 1 et seq.), to implement the provisions of this section, including, but  
35 not limited to, rules and regulations establishing the schedule for,  
36 and identifying the manner in which, State-level reimbursements  
37 **[shall] are to** be made **[to school districts, and any other provisions**  
38 **necessary for the implementation of this act]** pursuant to subsection  
39 b. of this section.

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

41

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

44 1. a. Every school district in which 50 percent or more of the  
45 students enrolled in the school district on or before the last school  
46 day before October 16 of the preceding school year were federally

1 eligible for free or reduced price meals under the National School  
2 Lunch Program or the federal School Breakfast Program, shall:

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

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

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

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

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

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

30

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

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

43 b. **[A school district subject to the requirements of this act**  
44 **shall become a sponsor of the federal Summer Food Service**  
45 **Program or become a site under an existing approved sponsor, no**  
46 **later than two years following the date of enactment of this act.]**

1 (Deleted by amendment, P.L. , c. (pending before the  
2 Legislature as this bill)

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

4

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

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

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

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

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

1 "Public School Contracts Law," P.L.1977, c.114 (C.18A:18A-  
2 1 et seq.).

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

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

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

16

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

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

19 <sup>2</sup>Section 4 of P.L.2003, c.4 (C.18A:33-12);<sup>2</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 <sup>2</sup>**【immediately】** on  
24 September 1, 2023, except that the Commissioner of Agriculture  
25 and the Commissioner of Education shall be authorized to take  
26 anticipatory administrative action, in advance of the effective date,  
27 as may be necessary to implement the provisions of this act<sup>2</sup>.