

# ASSEMBLY, No. 5573

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 8, 2023

**Sponsored by:**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblywoman SHAMA A. HAIDER**

**District 37 (Bergen)**

**Co-Sponsored by:**

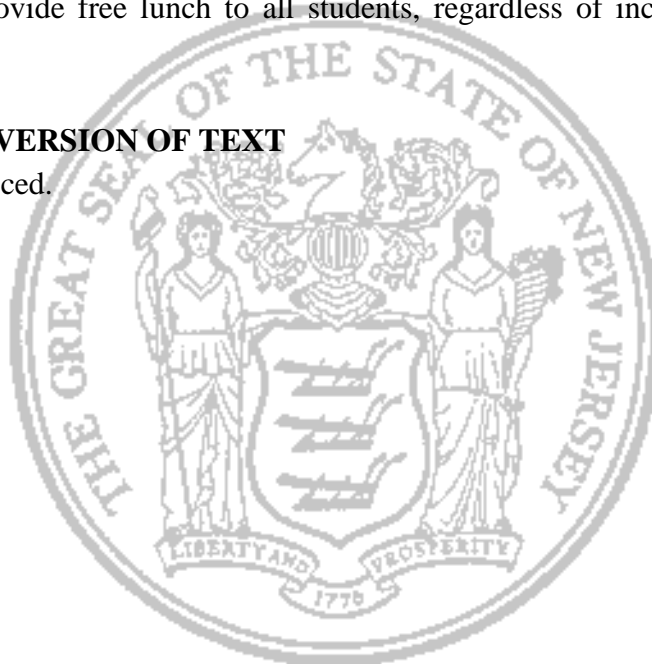
**Assemblywoman McKnight**

**SYNOPSIS**

Requires schools with lunch programs to provide free lunch to gradually increasing numbers of income-eligible students and, after five-year phase-in period, to provide free lunch to all students, regardless of income or federal eligibility.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/27/2023)**

1 AN ACT concerning school meals programs and student access to  
2 free school lunches, supplementing Title 18A of the New Jersey  
3 Statutes, and amending various parts of the statutory law.

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

7  
8 1. Section 1 of P.L.2022, c.104 (C.18A:33-3.2) is amended to  
9 read as follows:

10 1. As used in this chapter:

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

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

33 "Eligible student" means a student who is **[either]** categorically  
34 eligible **[or]**, income-eligible, or statutorily eligible for one or more  
35 **[free or reduced price]** subsidized school meals.

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

43 "Federal School Breakfast Program" means the federal  
44 reimbursement program, established under the "Child Nutrition Act  
45 of 1966," 42 U.S.C. s.1771 et seq., pursuant to which the United

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 States Department of Agriculture is authorized to provide grants-in-  
2 aid and other assistance to the States, as may be necessary to help  
3 finance the establishment, maintenance, operation, and expansion of  
4 school breakfast programs and facilitate the provision of free and  
5 reduced price breakfasts to eligible students.

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

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

24 "Income-eligible" means that a student either satisfies federal  
25 income eligibility requirements, adopted by the United States  
26 Department of Agriculture pursuant to 7 C.F.R. Part 245, or  
27 satisfies State-level income eligibility requirements, set forth in  
28 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) or  
29 subsection a. of section 12 of P.L.2022, c.104 (C.18A:33-14a), as is  
30 necessary for the student to qualify for and receive **free or reduced**  
31 **price** subsidized lunch under the National School Lunch Program  
32 or **free or reduced price** subsidized breakfast under the federal  
33 School Breakfast Program, on the basis of income.

34 "Low-income family" means a family with an annual household  
35 income amounting to not more than 185 percent of the federal  
36 poverty level.

37 "Middle-income family" means a family with an annual  
38 household income amounting to not less than 186 percent, and not  
39 more than **199** 399 percent, of the federal poverty level.

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

1 "School breakfast program" means a program that is established  
2 and operated by a public or nonpublic school, in accordance with  
3 the requirements of the federal School Breakfast Program and, in  
4 the case of a public school, in accordance with a plan adopted  
5 pursuant to section 2 of P.L.2003, c.4 (C.18A:33-10) or section 6 of  
6 P.L.2022, c.104 (C.18A:33-10.1), and pursuant to which the school  
7 offers daily breakfasts to all enrolled students.

8 "School lunch program" means a program that is established and  
9 operated by a school district, in accordance with the requirements  
10 of the National School Lunch Program and the provisions of section  
11 1 of P.L.1974, c.53 (C.18A:33-4), and pursuant to which the district  
12 offers daily lunches to all students enrolled in the district.

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

24 "Statutorily eligible" means that a student is statutorily  
25 authorized, pursuant to the provisions of subparagraph (f) of  
26 paragraph (4) of subsection a. of section 1 of P.L.1974, c.53  
27 (C.18A:33-4), to receive free school lunch under a district's school  
28 lunch program, regardless of whether the student is categorically  
29 eligible or income-eligible for subsidized school meals.

30 "Student" means a child 18 years of age or younger who is  
31 enrolled at a school in the State.

32 **["Subsidized student" means a categorically eligible student or**  
33 **income-eligible student who, as provided by subsection a. of section**  
34 **1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section 12 of**  
35 **P.L.2022, c.104 (C.18A:33-14a), is not required to pay for meals**  
36 **that are served to the student under the National School Lunch**  
37 **Program or the federal School Breakfast Program. ]**

38 "Subsidized school breakfast" or "subsidized breakfast" means a  
39 school breakfast that is offered to a categorically eligible or  
40 income-eligible student, free of charge, and the costs of which are  
41 reimbursed by the State or federal government, as provided by  
42 subsections a. and b. of section 12 of P.L.2022, c.104  
43 (C.18A:33-14a).

44 "Subsidized school lunch" or "subsidized lunch" means a school  
45 lunch that is offered to a categorically eligible, income-eligible, or  
46 statutorily eligible student, free of charge, and the costs of which  
47 are reimbursed by the State or federal government, as provided by  
48 subsections a. and b. of section 1 of P.L.1974, c.53 (C.18A:33-4).

1       “Subsidized school meals” or “subsidized meals” includes both  
2 subsidized school breakfasts and subsidized school lunches.

3       “Subsidized school meals application” means an application that  
4 identifies a student’s annual household income and is completed by  
5 the student’s parent or guardian, pursuant to section 16 of P.L.2022,  
6 c.104 (C.18A:33-21b1), subsection c. of section 1 of P.L.2015, c.15  
7 (C.18A:33-21), or applicable federal law, and which may be used  
8 by a school or district both for the purposes of determining whether  
9 a student is income-eligible for subsidized school meals and for the  
10 other limited purposes specified in subsection c. of section 16 of  
11 P.L.2022, c.104 (C.18A:33-21b1).

12       “Subsidized school meals certification process” or “subsidized  
13 meals certification” means the process pursuant to which a school  
14 or school district obtains and reviews a student’s subsidized school  
15 meals application, or engages in the review of other relevant  
16 documentation and materials pertaining to the student, as necessary  
17 to determine whether the student is categorically eligible, income-  
18 eligible, or statutorily eligible to receive subsidized school meals  
19 under the National School Lunch Program or federal School  
20 Breakfast Program, or both.

21       "Summer Food Service Program" means the federal  
22 reimbursement program, established under 42 U.S.C. s.1761 and  
23 7 C.F.R. Part 225, pursuant to which the United States Department  
24 of Agriculture is authorized to provide grants-in-aid and other  
25 assistance to the States, as may be necessary to help schools, local  
26 government agencies, nonprofit organizations, colleges and  
27 universities, and summer camps finance the administrative and  
28 operational costs of providing meals to children, in low-income  
29 areas, during the summer months and other planned periods of  
30 school closure.

31       "Summer meals program" means the Summer Food Service  
32 Program, the Seamless Summer Option authorized by  
33 42 U.S.C. s.1761, or any other similar State or federal program that  
34 is designed to ensure that children have access to nutritious meals  
35 during the summer months and other planned periods of school  
36 closure.

37       **【**"Unsubsidized student" means a student who is neither  
38 categorically eligible nor income-eligible for free or reduced price  
39 school meals, and who is, consequently, required to pay for any  
40 such meals that are served to the student under the National School  
41 Lunch Program or the federal School Breakfast Program.**】**

42       “Unreimbursed costs” means the costs of a school lunch or  
43 school breakfast, which costs are not eligible for reimbursement  
44 from the federal government.

45       “Unsubsidized school breakfast” or “unsubsidized breakfast”  
46 means a school breakfast that is offered, upon the payment of a fee,  
47 to a student who is neither categorically eligible nor income-eligible  
48 for subsidized breakfast, regardless of whether such student remains

1 income-eligible or statutorily eligible for subsidized school lunch  
2 under the provisions of paragraph (4) of subsection a. of section 1  
3 of P.L.1974, c.53 (C.18A:33-4), and the cost of which breakfast is  
4 not reimbursable by the State or federal government.

5 “Unsubsidized school lunch” or “unsubsidized lunch” means a  
6 school lunch that is offered, upon the payment of a fee, to a student  
7 who is not categorically eligible, income-eligible, or statutorily  
8 eligible for subsidized lunch, and the cost of which is not  
9 reimbursable by the State or federal government.

10 “Upper-income family” means a family with an annual  
11 household income amounting to not less than 400 percent of the  
12 federal poverty level.

13 (cf: P.L.2022, c.104, s.1)

14  
15 2. Section 1 of P.L.1974, c.53 (C.18A:33-4) is amended to read  
16 as follows:

17 1. a. (1) Each school district shall make school lunch available  
18 to all students enrolled in the district, except at those schools that  
19 are exempt from the requirements of this section, as provided by  
20 section 2 of P.L.1974, c.53 (C.18A:33-5), within one year after the  
21 effective date of P.L.1974, c.53 (C.18A:33-4 et seq.).

22 (2) School lunches **【made available】** offered to students,  
23 pursuant to this section, shall meet minimum nutritional  
24 standards**【,】** established by the Department of Education.

25 (3) **【Free or reduced price lunches, as appropriate, shall be】**  
26 School lunches offered 【, under a school lunch program,】 to  
27 students, pursuant to this section, shall be made available, free of  
28 charge, to each student enrolled in the district who is determined to  
29 be federally eligible for free or reduced price meals. As provided  
30 by section 1 of P.L.2019, c.445 (C.18A:33-21.1), **【any student】** the  
31 unreimbursed costs of free lunches being made available, pursuant  
32 to this paragraph, to students who 【is】 are eligible for 【a】 reduced  
33 price lunch, 【pursuant to federal income eligibility standards and  
34 criteria, shall not be required to pay for such lunch】 shall be borne  
35 by the State. 【Free】

36 (4) Notwithstanding any law, rule, or regulation to the contrary,  
37 school lunches offered to students, pursuant to this section, shall  
38 also be **【offered】** made available, free of charge, to 【each student】  
39 students enrolled in the district who are federally ineligible for free  
40 or reduced price meals, in accordance with the following schedule:  
41 (a) during the 2023-2024 school year, to each enrolled student who  
42 is federally ineligible for free or reduced price meals, but who has  
43 an annual household income that is not less than 186 percent, and  
44 not more than 199 percent, of the federal poverty level, as  
45 determined pursuant to section 16 of P.L.2022, c.104  
46 (C.18A:33-21b1); (b) during the 2024-2025 school year, to each  
47 enrolled student who is federally ineligible for free or reduced price

1 meals, but who has an annual household income that is not less than  
2 186 percent, and not more than 249 percent, of the federal poverty  
3 level, as determined pursuant to section 16 of P.L.2022, c.104  
4 (C.18A:33-21b1); (c) during the 2025-2026 school year, to each  
5 enrolled student who is federally ineligible for free or reduced price  
6 meals, but who has an annual household income that is not less than  
7 186 percent, and not more than 299 percent, of the federal poverty  
8 level, as determined pursuant to section 16 of P.L.2022, c.104  
9 (C.18A:33-21b1); (d) during the 2026-2027 school year, to each  
10 enrolled student who is federally ineligible for free or reduced price  
11 meals, but who has an annual household income that is not less than  
12 186 percent, and not more than 349 percent, of the federal poverty  
13 level, as determined pursuant to section 16 of P.L.2022, c.104  
14 (C.18A:33-21b1); (e) during the 2027-2028 school year, to each  
15 enrolled student who is federally ineligible for free or reduced price  
16 meals, but who has an annual household income that is not less than  
17 186 percent, and not more than 399 percent, of the federal poverty  
18 level, as determined pursuant to section 16 of P.L.2022, c.104  
19 (C.18A:33-21b1); and (f) during the 2028-2029 school year, and  
20 during each school year thereafter, to each enrolled student who is  
21 federally ineligible for free or reduced price meals, regardless of the  
22 student's annual household income. As provided by subsection b.  
23 of this section, the unreimbursed costs of free lunches being offered  
24 to students who are federally ineligible for free or reduced price  
25 lunch shall be borne by the State.

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

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

36 (1) the methods that are being used by each school or school  
37 district to facilitate the prompt identification and subsidized **meal**  
38 meals certification of students who are, respectively, categorically  
39 eligible **or**, income-eligible, or statutorily eligible for free or  
40 reduced price lunch under the National School Lunch Program;  
41 **and**

42 (2) the total number and percentage of **income-eligible**  
43 students **from low-income families and from middle-income**  
44 **families, respectively, that are** receiving **free or reduced price**  
45 subsidized school lunches **under the National School Lunch**  
46 **Program and the provisions of this section** in the preceding school  
47 year who have been determined to be, respectively, federally

1 eligible for free school lunch, federally eligible for reduced price  
2 lunch, income-eligible for free school lunch on the basis of State-  
3 level income requirements, or statutorily eligible for free school  
4 lunch; and

5 (3) the number and percentage of all students, identified  
6 pursuant to paragraph (2) of this subsection, who are, respectively,  
7 from low-income families, middle-income families, and upper-  
8 income families.

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.2022, c.104, s.2)

18

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

21 3. In implementing a school lunch program, pursuant to  
22 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program,  
23 pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.) or section 6 of  
24 P.L.2022, c.104 (C.18A:33-10.1), or a breakfast after the bell  
25 program, pursuant to section 1 of P.L.2014, c.66 (C.18A:33-11.1)  
26 or section 2 of P.L.2018, c.25 (C.18A:33-11.3), each school and  
27 school district shall:

28 a. publicize, to parents and students, the availability of the  
29 respective school meals program, as well as the various ways in  
30 which a student may qualify to receive **【free or reduced price】**  
31 **subsidized school meals** under the program, as provided by  
32 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and  
33 subsection a. of section 12 of P.L.2022, c.104 (C.18A:33-14a);

34 b. make every effort to ensure that **【subsidized】** students  
35 **receiving subsidized school meals** are not **【recognized as program**  
36 **participants】 identified**, by the student body, faculty, or staff, in a  
37 manner that is **【different】 distinct** from the manner in which  
38 **【unsubsidized】 students receiving unsubsidized school meals** are  
39 **【recognized】 identified** as program participants. Such efforts shall  
40 include, but need not be limited to, the establishment of a neutral  
41 meal plan or voucher system that does not make a distinction  
42 between **【subsidized and unsubsidized】 these two groups of**  
43 students; and

44 c. **【make every effort】 to the greatest extent practicable:**

45 (1) facilitate **and expedite** the prompt and accurate identification  
46 of categorically eligible students who may be certified to  
47 **【participate in the program, on a】 receive subsidized 【basis,】**



1 school meals without first submitting an application therefor, and,  
2 whenever an application is required to establish income eligibility  
3 for subsidized meals, encourage students and their families to  
4 submit a subsidized school meals application for that purpose;

5 (2) facilitate and expedite~~],~~ to the greatest extent practicable,~~]~~  
6 the subsidized school meals application and income-eligibility  
7 determination processes that are used, by the school or school  
8 district, to certify a student for ~~]~~ free or reduced price subsidized  
9 school meals on the basis of income, and assist parents and  
10 guardians in completing the subsidized school meals application;  
11 and

12 (3) encourage students who are ~~]~~ neither not categorically  
13 eligible ~~]~~ nor, income-eligible, or statutorily eligible for ~~]~~ free or  
14 reduced price subsidized school ~~]~~ meals lunch or subsidized  
15 school breakfast to nonetheless participate in the school lunch  
16 program or school breakfast program, or both, as appropriate, on a  
17 paid and unsubsidized basis~~],~~ in the program~~]~~.

18 (cf: P.L.2022, c.104, s.7)

19

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

22 4. The Department of Agriculture, in consultation with the  
23 Department of Education, shall develop guidelines~~],~~ as may be  
24 necessary~~]~~ to facilitate the implementation and operation of  
25 breakfast after the bell programs by schools in the State, in  
26 accordance with the provisions of section 1 of P.L.2014, c.66  
27 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25 (C.18A:33-11.2  
28 and C.18A:33-11.3), and section 12 of P.L.2022, c.104  
29 (C.18A:33-14a), including, but not limited to, guidelines, consistent  
30 with the provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),  
31 concerning a school's receipt of payment, from ~~]~~ unsubsidized  
32 students, for unsubsidized school breakfasts that are served to such  
33 students under a breakfast after the bell program.

34 (cf: P.L.2022, c.104, s.11)

35

36 5. Section 12 of P.L.2022, c.104 (C.18A:33-14a) is amended to  
37 read as follows:

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

42 (2) ~~]~~ Free or reduced price breakfasts, as appropriate, shall be~~]~~  
43 Breakfasts offered~~],~~ under a school breakfast program or a  
44 breakfast after the bell program~~],~~ shall be made available, free of  
45 charge, to all students enrolled ~~]~~ students in the district who are  
46 determined to be federally eligible for free or reduced price meals.

1 As provided by section 1 of P.L.2019, c.445 (C.18A:33-21.1), [any  
2 student who is eligible for a reduced price breakfast, pursuant to  
3 federal income eligibility criteria, shall not be required to pay for  
4 such breakfast. Free breakfasts shall also be] the unreimbursed  
5 costs of free breakfasts being made available, pursuant to this  
6 paragraph, to students who are federally eligible for reduced price  
7 breakfast shall be borne by the State.

8 (3) Notwithstanding any law, rule, or regulation to the contrary,  
9 breakfasts offered under a school breakfast program or a breakfast  
10 after the bell program shall also be made available, free of charge,  
11 to each enrolled student who is determined to be federally ineligible  
12 for free or reduced price meals, but who has an annual household  
13 income [that is] amounting to not less than 186 percent, and not  
14 more than 199 percent, of the federal poverty level, as determined  
15 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1). As  
16 provided by subsection b. of this section, the unreimbursed costs of  
17 free breakfasts being offered to federally ineligible students,  
18 pursuant to this paragraph, shall be borne by the State.

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

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

30 (1) the methods that are being used, by each such school or  
31 school district, to facilitate the prompt identification and subsidized  
32 [meal] meals certification of students who are categorically eligible  
33 or income-eligible for free or reduced price breakfast under the  
34 federal School Breakfast Program;

35 (2) the number and percentage of [income-eligible] students  
36 receiving subsidized school breakfasts in each such school and  
37 district who have been determined to be, respectively, federally  
38 eligible for free school breakfast, federally eligible for reduced  
39 price school breakfast, income-eligible for free school breakfast on  
40 the basis of State-level income eligibility requirements, or neither  
41 categorically eligible nor income-eligible for free or reduced price  
42 school breakfast; and the number and percentage of all such  
43 students who are, respectively, from low-income families and from  
44 middle-income families], respectively, in each such school and  
45 district, who are receiving free or reduced price breakfast under the  
46 federal School Breakfast Program and the provisions of this  
47 section]; and

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

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

14 (cf: P.L.2022, c.104, s.12)

15  
16 6. Section 1 of P.L.2018, c.26 (C.18A:33-14.1) is amended to  
17 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 to this paragraph, shall be adopted within 180 days after the  
25 effective date of P.L.2022, c.104 (C.18A:33-3.2 et al.), in  
26 consultation with the Department of Education, the School  
27 Nutrition Association of New Jersey, and all relevant stakeholders,  
28 and shall provide for school districts to: (a) promote the  
29 **【increased】** prompt and accurate subsidized meals certification of  
30 all eligible students **【from low-income families and middle-income**  
31 **families for free and reduced price school meals】** enrolled in the  
32 district, in accordance with the provisions of P.L.2022, c.104  
33 (C.18A:33-3.2 et al.); and (b) identify best practices to maximize  
34 the receipt and use of federal resources by the district's schools.

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

42 (3) A school that serves lunch or breakfast to students and is  
43 eligible for special federal reimbursement under the Community  
44 Eligibility Provision, as provided by 7 C.F.R. Part 245, shall, to the  
45 greatest extent practicable, participate in, and maximize the receipt  
46 of federal resources available under, that special assistance  
47 alternative. Every school district in which there is at least one  
48 school that qualifies for the Community Eligibility Provision, but is

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

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

14 c. (Deleted by amendment, P.L.2022, c.104)  
15 (cf: P.L.2022, c.104, s.13)

16  
17 7. (New section) a. A school district that participates in the  
18 National School Lunch Program or the federal School Breakfast  
19 Program shall annually review the costs being expended by the  
20 district, and by each school therein, in association with the  
21 implementation and expansion of the district's school lunch and  
22 breakfast programs, and shall take appropriate steps to minimize or  
23 offset those program costs, to the extent that such costs can be  
24 minimized or offset without compromising the district's ability to  
25 comply with minimum nutritional standards and other program  
26 requirements established pursuant to State or federal law.

27 b. The Department of Agriculture, in consultation with the  
28 Department of Education, shall:

29 (1) monitor, and engage in the inspection and oversight of, each  
30 school lunch program and school breakfast program operating  
31 pursuant to this chapter, as necessary to ensure that school meals  
32 being served to students in the State continue to satisfy minimum  
33 nutritional standards, on an ongoing basis, as required by paragraph  
34 (2) of subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and  
35 paragraph (1) of subsection a. of section 12 of P.L.2022, c.104  
36 (C.18A:33-14a);

37 (2) develop and publicize best practices, protocols, and model  
38 plans to help school districts effectively minimize and offset  
39 program costs, as required by this section, without compromising  
40 the nutritional value of meals being served to students; and

41 (3) work cooperatively with each school district in the State to:  
42 (a) review the costs being expended by the district, and by each  
43 school therein, in association with the implementation and  
44 expansion of the district's school meals programs; (b) identify  
45 various means and methods by which program costs can be reduced,  
46 curtailed, eliminated, or offset without sacrificing the district's  
47 ability to operate its school meals programs in compliance with  
48 minimum nutritional standards and other applicable State and

1 federal requirements; (c) provide recommendations to help the  
2 district timely and proactively address financial problems that have  
3 reduced, or that have the potential to reduce, the district's ability to  
4 properly or fully administer its school meals programs, in  
5 compliance with minimum nutritional standards, expanded  
6 eligibility requirements, and all other applicable State and federal  
7 requirements; and (d) undertake, or recommend the undertaking of,  
8 other appropriate actions as may be necessary to prevent the  
9 district's school meals programs from becoming overly bloated with  
10 unnecessary expenses or otherwise becoming financially  
11 burdensome to the administering schools or district.

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

17

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

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

30 (2) A school district shall report, at least biannually to the  
31 Department of Agriculture, the number and percentage of students  
32 who **【are】** have been denied school breakfast or school lunch on the  
33 basis of an unsubsidized meals bill arrearage, pursuant to this  
34 section.

35 (3) Nothing in this section shall be construed to: (a) require a  
36 school district to deny or restrict the ability of **【an unsubsidized】** a  
37 student to access unsubsidized school breakfast or unsubsidized  
38 school lunch **【when】**, respectively, whenever the student's  
39 unsubsidized school breakfast or unsubsidized school lunch bill is  
40 in arrears; or (b) authorize a school or district to deny or restrict the  
41 ability of a student who is eligible for subsidized school lunch, but  
42 who is not eligible for subsidized school breakfast, to continue to  
43 access subsidized school lunch whenever the student's unsubsidized  
44 school breakfast bill is in arrears.

45 b. A school or school district shall not:

46 (1) publicly identify or stigmatize **【an unsubsidized】** a student  
47 who cannot pay for **【a】** an unsubsidized school breakfast or **【a】** an

1 unsubsidized school lunch, or whose unsubsidized school breakfast  
2 or **school** lunch bill is in arrears, for example, by requiring the  
3 student to sit at a separate table, **by requiring that the student** to  
4 wear a wristband, hand stamp, or identifying mark, or **by serving**  
5 the student **to accept** an alternative meal;

6 (2) require **an unsubsidized** a student~~[,]~~ who cannot pay for  
7 **a** an unsubsidized school breakfast or **a** an unsubsidized school  
8 lunch, or whose unsubsidized school breakfast or **school** lunch  
9 bill is in arrears, to do chores or other work to pay for the  
10 unsubsidized school breakfast or unsubsidized school lunch;

11 (3) require **an unsubsidized** a student to discard **a** an  
12 unsubsidized school breakfast or an unsubsidized school lunch,  
13 after it has been served, either because **of** the **student's inability**  
14 student is unable to pay for **a school** the unsubsidized breakfast  
15 or **a school** unsubsidized lunch or because **money is owed for**  
16 previously provided meals the student's unsubsidized school  
17 breakfast or lunch bill is in arrears;

18 (4) prohibit **an unsubsidized** a student, or a sibling **of such a**  
19 student thereof, from attending or participating in non-fee-based  
20 extracurricular activities, field trips, or school events, from  
21 receiving grades, official transcripts, or report cards, or from  
22 graduating or attending graduation events, solely because of the  
23 student's unresolved **meal** breakfast or lunch debt; or

24 (5) require **the** a student's parent or guardian **of an**  
25 unsubsidized student to pay fees or costs in excess of the actual  
26 amounts owed for **meals** unsubsidized school breakfasts or  
27 unsubsidized school lunches, or both, which have been previously  
28 served to the student.

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

32 (1) (Deleted by amendment, P.L.2022, c.104)

33 (2) determine whether the student is **categorically** eligible **for**  
34 income-eligible for **free or reduced price** subsidized school  
35 meals, by conducting a review of all available records related to the  
36 student, and by making at least two attempts, not including the  
37 initial attempt made pursuant to section **3** 16 of **P.L.2020, c.29**  
38 **(C.18A:33-21b)** P.L.2022, c.104 (C.18A:33-21b1), to contact the  
39 student's parent or guardian and have the parent or guardian **fill**  
40 out complete a subsidized school meals application; and

41 (3) require a principal, or a person designated by the principal, to  
42 contact the student's parent or guardian **of the unsubsidized**  
43 student **to:** (a) offer assistance with respect to the completion of  
44 the subsidized school meals application~~[,] to~~; (b) determine **if**  
45 whether there are other issues in the household that have caused the

1 **【child】** student to have insufficient funds to purchase **【a】** an  
2 unsubsidized school breakfast or unsubsidized school lunch, as the  
3 case may be; and **【to】** (c) offer any other appropriate assistance.

4 d. A school district shall direct communications about a  
5 student's unsubsidized school **【breakfast or school lunch bill being**  
6 **in arrears】** meals arrearage to the parent or guardian and not to the  
7 student. Nothing in this subsection shall prohibit a school district  
8 from sending a student home with a letter addressed to a parent or  
9 guardian.

10 e. Notwithstanding the provisions of this section and the  
11 provisions of any other law, rule, or regulation to the contrary, **【an**  
12 **unsubsidized】** a student shall not be denied access to a school meal,  
13 regardless of the student's ability to pay or the status of the student's  
14 meal arrearages, during any period of time in which the school is  
15 making a determination, pursuant to subsection c. of this section, as  
16 to whether the student is eligible for, and can be certified to receive,  
17 **【free or reduced price】** subsidized school meals.

18 (cf: P.L.2022, c.104, s.14)

19

20 9. Section 16 of P.L.2022, c.104 (C.18A:33-21b1) is amended  
21 to read as follows:

22 16. a. At the beginning of each school year, or upon initial  
23 enrollment, in the case of a student who enrolls during the school  
24 year, a school district shall provide each student's parent or  
25 guardian with:

26 (1) information on the National School Lunch Program and the  
27 federal School Breakfast Program, including, but not limited to **【.】**;  
28 (a) information on the **【availability】** ability of all categorically  
29 eligible, income-eligible, and statutorily eligible students to receive  
30 free **【or reduced price meals for eligible students,】** school lunch  
31 under the National School Lunch Program, on a phased-in basis, as  
32 provided by subsection a. of section 1 of P.L.1974, c.53  
33 (C.18A:33-4), and the ability of all categorically eligible and  
34 income-eligible students to receive free school breakfast under the  
35 federal School Breakfast Program, as provided by subsection a. of  
36 section 12 of P.L.2022, c.104 (C.18A:33-14a); (b) information on  
37 the subsidized school meals application and **【determination】**  
38 certification processes that are used to **【certify eligible students】**  
39 determine whether a student is categorically eligible or income-  
40 eligible for subsidized school meals **【.】**; (c) information highlighting  
41 the need for parents and guardians to complete a subsidized school  
42 meals application for each student, and encouraging parents and  
43 guardians to complete the application, both to ensure that the  
44 student will have access to all subsidized school meals for which  
45 the student is eligible and to ensure that the school and the district  
46 have the necessary information to facilitate relevant eligibility  
47 determinations, receive appropriate reimbursement, and engage in

1 all other activities authorized under subsection c. of this section;  
2 and (d) information on the rights that are available to students and  
3 their families under this section and section 1 of P.L.2015, c.15  
4 (C.18A:33-21); and

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

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

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

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

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

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

23 (1) determine whether a student identified in the application is  
24 income-eligible for free or reduced price school meals and, if so,  
25 whether the student satisfies federal or State-level income eligibility  
26 requirements for subsidized school lunches, subsidized school  
27 breakfasts, or both;

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

33 (3) ensure that the school receives appropriate reimbursement,  
34 from the State and federal governments, for subsidized school meals  
35 **【provided】** served to eligible students, free of charge, through a  
36 school lunch program, a school breakfast program, a breakfast after  
37 the bell program, a summer meals program, or an emergency meals  
38 distribution program; and

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

42 (cf: P.L.2022, c.104, s.16)

43

44 10. Section 1 of P.L.2019, c.307 (C.18A:33-27.1) is amended to  
45 read as follows:

46 1. a. Each school food authority that provides a food service to  
47 students at a public school in the State shall, in the two languages



1 that are most commonly spoken in the homes of students in the  
2 public school served by the school food authority:

3 (1) develop and implement a public education campaign to  
4 educate the parents and guardians of students at schools served by  
5 the school food authority about the various school meals programs  
6 that are available for students in New Jersey, and about the  
7 availability of **【free and reduced price】** subsidized school meals,  
8 under such programs, for students who **【satisfy federal or State-**  
9 **level eligibility criteria】** are categorically eligible, income-eligible,  
10 or statutorily eligible therefor; and

11 (2) develop promotional materials for the State's school meals  
12 programs, and provide copies of the promotional materials to each  
13 school that is served by the school food authority in the State, for  
14 distribution, by school staff, to the parents and guardians of  
15 students who are enrolled at the school. The school food authority  
16 shall utilize existing resources, which have been made available by  
17 the United States Department of Agriculture and the New Jersey  
18 Department of Agriculture, in developing promotional materials for  
19 the purposes of this paragraph. The promotional materials  
20 **【developed pursuant to this paragraph】** shall include, but need not  
21 be limited to, pamphlets, presentation materials, webinars, and  
22 sample letters that schools may send to parents and guardians.

23 b. The public education campaign and promotional materials  
24 developed under subsection a. of this section shall:

25 (1) satisfy the standards, and comply with the guidelines,  
26 established by the Department of Agriculture, in consultation with  
27 the Department of Education, pursuant to subsection c. of this  
28 section;

29 (2) highlight and promote the nature, purposes, value, and  
30 importance of the National School Lunch Program, the federal  
31 School Breakfast Program, the federal Summer Food Service  
32 Program, and other similar summer meals programs, as well as the  
33 State's breakfast after the bell programs, established 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), the State's emergency meals  
36 distribution **【program】** programs, established pursuant to section 1  
37 of P.L.2020, c.6 (C.18A:33-27.2), and any new school meals  
38 programs that are implemented in the State after the effective date  
39 of P.L.2022, c.103;

40 (3) emphasize the importance of providing a nutritious meal to  
41 all children for their general health and success in school;

42 (4) emphasize and promote the ability of eligible students to  
43 obtain **【free or reduced price】** subsidized meals under the State's  
44 school meals programs, **【and】** inform parents and guardians about  
45 the various ways in which a student may be determined to be  
46 categorically eligible, income-eligible, or statutorily eligible **【for**  
47 **free meals under these programs, and】** therefor, and identify the

1 federal and State-level **【income-based】** criteria that must be  
2 satisfied in order for a student to obtain **【free or reduced price】**  
3 subsidized school meals, under these programs, on the basis of  
4 annual household income;

5 (5) highlight and describe the application and determination  
6 processes that are used, by schools and school districts, to certify  
7 categorically eligible and income-eligible students for **【free or**  
8 **reduced price】** subsidized school meals;

9 (6) highlight and describe the rights that are applicable to  
10 students and families in association with a student's receipt of  
11 subsidized or unsubsidized **【receipt of】** school meals in the State;  
12 and

13 (7) inform parents and guardians about the nature and extent of  
14 any proposed or implemented expansion of the existing school  
15 meals programs in the State, including, but not limited to, the nature  
16 and extent of any proposed or implemented expansion of the  
17 categories of students who are eligible for **【free or reduced price】**  
18 subsidized school meals under such programs.

19 c. (1) Within 60 days after the effective date of P.L.2022,  
20 c.103, the Department of Agriculture, in consultation with the  
21 Department of Education, shall adopt standards and guidelines to  
22 ensure the uniformity and accuracy of school meals-related  
23 information being presented by school food authorities as part of  
24 the educational campaigns conducted, and in the promotional  
25 materials distributed, pursuant to this section.

26 (2) Within 60 days of the effective date of P.L.2022, c.103, the  
27 Department of Education shall provide each school food authority  
28 that provides a food service to students at a public school in the  
29 State with information concerning the two languages that are most  
30 commonly spoken in the homes of students in each of the public  
31 schools that the school food authority serves. The Department of  
32 Education shall periodically, and at least every five years, verify the  
33 two languages that are most commonly spoken in the homes of  
34 students in each public school served by each school food authority.

35 d. As used in this section:

36 "School food authority" shall mean the school, school district, or  
37 third-party food service vendor, as applicable.

38 (cf: P.L.2022, c.103, s.1)

39

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

42 1. a. **【In the event that】** Whenever a local board of education  
43 **【is provided】** receives a written directive, **【by】** from either the New  
44 Jersey Department of Health or the health officer of the jurisdiction,  
45 **【to institute】** instituting a public health-related school closure due  
46 to the COVID-19 epidemic, the district having jurisdiction over the  
47 closed school shall implement **【a】** and operate an emergency school

1 meals distribution program~~[,]~~ during the period of the school  
2 closure~~[,] to]~~. An emergency school meals distribution program  
3 implemented pursuant to this section shall provide for subsidized  
4 school meals to be made available, at meal distribution sites  
5 designated pursuant to subsection b. of this section, to all students  
6 enrolled in the district who are ~~either~~ categorically eligible ~~or]~~,  
7 income-eligible ~~for free or reduced price school meals]~~, or  
8 statutorily eligible therefor.

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

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

36 d. A school district may use school buses owned and operated  
37 by the district to distribute subsidized school meals pursuant to this  
38 section. In the case of a school district that does not own and  
39 operate its own buses, the district may enter into a contract ~~for]~~  
40 authorizing another party to engage in the emergency distribution of  
41 subsidized school meals, on the district's behalf, pursuant to this  
42 section, and ~~these contracts]~~ any such contract shall ~~not]~~ be  
43 ~~subject to]~~ exempt from the public bidding requirements  
44 established pursuant to the "Public School Contracts Law,"  
45 ~~P.L.1977, c.114 (C.) N.J.S.18A:18A-1 et seq.[]]~~.

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

6 f. School lunches and breakfasts that are made available **【,】**  
7 through an emergency meals distribution program operating  
8 pursuant to this section **【,】** shall be provided to eligible students,  
9 free of charge, in accordance with the provisions of subsection a. of  
10 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of  
11 section 12 of P.L.2022, c.104 (C.18A:33-14a).  
12 (cf: P.L.2022, c.104, s.20)

13  
14 12. This act shall take effect immediately.

15  
16  
17 STATEMENT

18  
19 This bill would require schools with lunch programs to provide  
20 free lunch to gradually increasing numbers of income-eligible  
21 students over a five-year phase-in period and, at the end of that  
22 five-year phase-in period, to provide free lunch to all enrolled  
23 students, regardless of each student's household income or federal  
24 eligibility for free or reduced price school meals.

25 Under existing federal law, a student is federally eligible to  
26 receive free or reduced price school lunch under the National  
27 School Lunch Program, or free or reduced price school breakfast  
28 under the federal School Breakfast Program, only if the student is  
29 determined to be categorically eligible for such benefits (i.e., is  
30 determined to be a homeless child, a migrant child, a runaway child,  
31 a foster child, or a Head Start Child, or is a participant in certain  
32 public benefits programs) or can demonstrate that the student lives  
33 in a low-income household (i.e., a household with an annual income  
34 that is not more than 185 percent of the federal poverty level).  
35 Through the recent enactment of the "Working Class Families'  
36 Anti-Hunger Act," P.L.2022, c.104 (C.18A:33-3.2 et al.), the State  
37 of New Jersey has also provided for the expanded provision of free  
38 school lunches and breakfasts to students in the State who reside in  
39 certain middle-income families (i.e., those families having an  
40 annual household income of up to 199 percent of the federal  
41 poverty level).

42 This bill would further expand the existing State law on this  
43 issue by providing for the continued, but gradual, expansion of  
44 subsidized school lunch eligibility to students in higher income  
45 brackets, over the course of a five-year phase-in period, until all  
46 students are eligible for free school lunch, regardless of the  
47 students' income and federal eligibility therefor. Specifically,  
48 under the bill's provisions, school lunches offered under a district's

1 school lunch program are to be made available, free of charge, to  
2 enrolled students who are federally ineligible for free or reduced  
3 price meals, in accordance with the following schedule:

4 (1) during the 2023-2024 school year, and consistent with the  
5 provisions of the “Working Class Families Anti-Hunger Act,” to  
6 each enrolled student who is federally ineligible for free or reduced  
7 price meals, but who has an annual household income that is not  
8 less than 186 percent, and not more than 199 percent, of the federal  
9 poverty level (FPL);

10 (2) during the 2024-2025 school year, to each enrolled student  
11 who is federally ineligible for free or reduced price meals, but who  
12 has an annual household income that is not less than 186 percent,  
13 and not more than 249 percent, of the FPL;

14 (3) during the 2025-2026 school year, to each enrolled student  
15 who is federally ineligible for free or reduced price meals, but who  
16 has an annual household income that is not less than 186 percent,  
17 and not more than 299 percent, of the FPL;

18 (4) during the 2026-2027 school year, to each enrolled student  
19 who is federally ineligible for free or reduced price meals, but who  
20 has an annual household income that is not less than 186 percent,  
21 and not more than 349 percent, of the FPL;

22 (5) during the 2027-2028 school year, to each enrolled student  
23 who is federally ineligible for free or reduced price meals, but who  
24 has an annual household income that is not less than 186 percent,  
25 and not more than 399 percent, of the FPL; and

26 (6) during the 2028-2029 school year, and during each school  
27 year thereafter, to each enrolled student who is federally ineligible  
28 for free or reduced price meals, regardless of the student’s annual  
29 household income.

30 All students who become newly eligible for free school lunch,  
31 under the bill’s provisions, would also be eligible to continue  
32 receiving such free lunches through a summer meals program or  
33 through an emergency meals distribution program that is activated  
34 during a period of school closure resulting from COVID-19.

35 The bill would require the State to provide funding to each  
36 school district, as may be necessary to reimburse the costs  
37 associated with the district’s provision of free lunches to expanding  
38 groups of State-eligible students who are federally ineligible for  
39 such meals under the National School Lunch Program or federal  
40 School Breakfast Program. The bill’s reimbursement provisions, in  
41 this regard, are consistent with existing State law, which provides  
42 for the State to reimburse the costs of school meals served, free of  
43 charge, to students who are federally eligible only for reduced price  
44 meals, and to students who are federally ineligible for free or  
45 reduced price meals, but who are nonetheless eligible for subsidized  
46 meals on the basis of State-level income-eligibility requirements  
47 newly established under the “Working Class Families Anti-Hunger  
48 Act.”

1       The bill would require each report that is annually submitted, to  
2 the Governor and Legislature, on the State's school lunch and  
3 breakfast programs to identify, as appropriate, for each school and  
4 school district in the State: (1) the number and percentage of  
5 students receiving subsidized school meals who have been  
6 determined to be, respectively, federally eligible for free school  
7 lunch or breakfast, federally eligible for reduced price school lunch  
8 or breakfast, income-eligible for free school lunch or breakfast on  
9 the basis of State-level income eligibility requirements, or  
10 statutorily eligible for free school lunch, as provided by the bill,  
11 without regard to income; and (2) the number and percentage of  
12 such students who reside in low-income families with household  
13 incomes up to 185 percent of the federal poverty level, middle-  
14 income families with household incomes between 186 and 399  
15 percent of the federal poverty level, and upper-income families with  
16 household incomes at or above 400 percent of the federal poverty  
17 level.

18       In addition to expanding eligibility for subsidized school  
19 lunches, the bill would also require any school districts with school  
20 lunch or breakfast programs to take steps to minimize or offset  
21 program costs, to the extent that such costs can be minimized or  
22 offset without compromising the district's ability to comply with  
23 minimum nutritional standards and other program requirements. To  
24 facilitate such legally compliant cost minimization activities, the  
25 bill would require the Department of Agriculture, in consultation  
26 with the Department of Education, to: (1) monitor, inspect, and  
27 oversee school meals programs operating in the State to ensure that  
28 school meals served thereunder continue to satisfy minimum  
29 nutritional standards; (2) develop and publicize best practices,  
30 protocols, and model plans to help school districts effectively  
31 minimize and offset program costs without compromising the  
32 nutritional value of meals being served; and (3) work cooperatively  
33 with each school district to review the district's program costs,  
34 identify various means and methods by which those program costs  
35 can be reduced, curtailed, or eliminated without sacrificing  
36 nutritional value or legal compliance, provide relevant financial  
37 recommendations, and undertake or recommend other appropriate  
38 actions to prevent the district's school meals programs from  
39 becoming overly bloated with unnecessary expenses and from  
40 otherwise becoming financially burdensome.