

[First Reprint]

ASSEMBLY, No. 5573

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 8, 2023

Sponsored by:

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District 19 (Middlesex)

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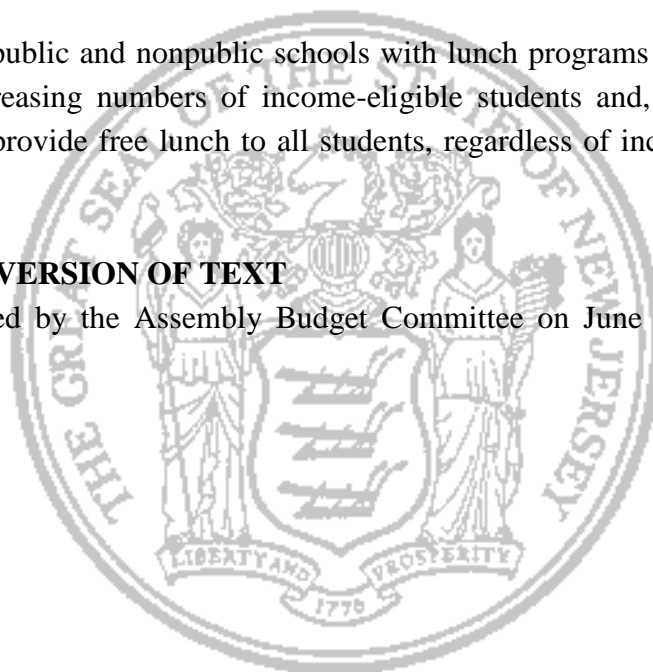
Assemblywoman McKnight, Assemblyman Wimberly, Assemblywoman Reynolds-Jackson and Assemblyman Stanley

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 27, 2023, with amendments.



(Sponsorship Updated As Of: 12/21/2023)

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 under
14 the Supplemental Nutrition Assistance Program (SNAP), the
15 Temporary Assistance for Needy Families Program (TANF), the Food
16 Distribution Program on Indian Reservations (FDPIR), or, to the
17 extent that the United States Department of Agriculture authorizes the
18 matching of Medicaid data to identify children who are eligible for
19 free school meals, is a participant in the Medicaid program, and which
20 student, by virtue of such status, is automatically eligible to be
21 certified to receive free school meals under the National School Lunch
22 Program or the federal School Breakfast Program, without first
23 submitting an application or being subject to the federal income
24 verification requirements established 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 in
30 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, or statutorily eligible for one or more
34 **[free or reduced price]** subsidized school meals.

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABU committee amendments adopted June 27, 2023.

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

5 "Federally eligible for free or reduced price meals" or "federally
6 eligible" means that a student is categorically eligible for free lunch
7 under the National School Lunch Program or for free breakfast under
8 the federal School Breakfast Program, or that the student satisfies
9 federal 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" or "federally
15 ineligible" means that a student is not categorically eligible for, and
16 fails to satisfy federal income eligibility requirements, adopted by the
17 United States Department of Agriculture pursuant to 7 C.F.R. Part 245,
18 as is necessary for the student to federally qualify for and receive free
19 or 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 satisfies
25 State-level income eligibility requirements, set forth in subsection a. of
26 section 1 of P.L.1974, c.53 (C.18A:33-4) or subsection a. of section 12
27 of P.L.2022, c.104 (C.18A:33-14a), as is necessary for the student to
28 qualify for and receive **[free or reduced price]** subsidized lunch under
29 the National School Lunch Program or **[free or reduced price]**
30 subsidized breakfast under the federal School Breakfast Program, on
31 the basis of income.

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

35 "Middle-income family" means a family with an annual household
36 income amounting to not less than 186 percent, and not more than
37 **[199]** 399 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, operation,
44 and expansion of school lunch programs and facilitate the provision of
45 free and reduced price lunches to eligible students.

46 ¹"Participating school" means a public or nonpublic school that
47 provides daily lunch to enrolled students, through a school lunch
48 program operated pursuant to the National School Lunch Program, or

1 that provides daily breakfast to enrolled students, through a school
2 breakfast program or breakfast after the bell program operated
3 pursuant to the federal School Breakfast Program, or both.

4 “Participating school district or nonpublic school” means a public
5 school district or a nonpublic school that is required, or elects, to
6 participate in the National School Lunch Program, the federal School
7 Breakfast Program, or both, as the case may be.¹

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

15 "School lunch program" means a program that is established and
16 operated by a school district¹, or by a nonpublic school¹, in accordance
17 with the requirements of the National School Lunch Program and the
18 provisions of section 1 of P.L.1974, c.53 (C.18A:33-4), and pursuant
19 to which the district ¹or nonpublic school¹ offers daily lunches to all
20 students enrolled ¹**【in the district】** therein¹.

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

31 “Statutorily eligible” means that a student is statutorily authorized,
32 pursuant to the provisions of subparagraph (f) of paragraph (4) of
33 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4), to receive
34 free school lunch under a ¹**【district’s】¹** school lunch program
35 ¹operated by a participating school district or nonpublic school¹,
36 regardless of whether the student is categorically eligible or income-
37 eligible for subsidized school meals.

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

40 **【**"Subsidized student" means a categorically eligible student or
41 income-eligible student who, as provided by subsection a. of section 1
42 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section 12 of
43 P.L.2022, c.104 (C.18A:33-14a), is not required to pay for meals that
44 are served to the student under the National School Lunch Program or
45 the federal School Breakfast Program.**】**

46 “Subsidized school breakfast” or “subsidized breakfast” means a
47 school breakfast that is offered to a categorically eligible or income-
48 eligible student, free of charge, and the costs of which are reimbursed

1 by the State or federal government, as provided by subsections a. and
2 b. of section 12 of P.L.2022, c.104 (C.18A:33-14a).

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

8 “Subsidized school meals” or “subsidized meals” includes both
9 subsidized school breakfasts and subsidized school lunches.

10 “Subsidized school meals application” means an application that
11 identifies a student’s annual household income and is completed by the
12 student’s parent or guardian, pursuant to section 16 of P.L.2022, c.104
13 (C.18A:33-21b1), subsection c. of section 1 of P.L.2015, c.15
14 (C.18A:33-21), or applicable federal law, and which may be used by a
15 school ¹[or] ¹district ¹, or by a public school or nonpublic school,¹
16 both for the purposes of determining whether a student is income-
17 eligible for subsidized school meals and for the other limited purposes
18 specified in subsection c. of section 16 of P.L.2022, c.104 (C.18A:33-
19 21b1).

20 “Subsidized school meals certification process” or “subsidized
21 meals certification” means the process pursuant to which a school or
22 school district obtains and reviews a student’s subsidized school meals
23 application, or engages in the review of other relevant documentation
24 and materials pertaining to the student, as necessary to determine
25 whether the student is categorically eligible, income-eligible, or
26 statutorily eligible to receive subsidized school meals under the
27 National School Lunch Program or federal School Breakfast Program,
28 or both.

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

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

43 **["Unsubsidized student" means a student who is neither**
44 **categorically eligible nor income-eligible for free or reduced price**
45 **school meals, and who is, consequently, required to pay for any such**
46 **meals that are served to the student under the National School Lunch**
47 **Program or the federal School Breakfast Program.]**

1 “Unreimbursed costs” means the costs of a school lunch or school
2 breakfast, which costs are not eligible for reimbursement from the
3 federal government.

4 “Unsubsidized school breakfast” or “unsubsidized breakfast”
5 means a school breakfast that is offered, upon the payment of a fee, to
6 a student who is neither categorically eligible nor income-eligible for
7 subsidized breakfast, regardless of whether such student remains
8 income-eligible or statutorily eligible for subsidized school lunch
9 under the provisions of paragraph (4) of subsection a. of section 1 of
10 P.L.1974, c.53 (C.18A:33-4), and the cost of which breakfast is not
11 reimbursable by the State or federal government.

12 “Unsubsidized school lunch” or “unsubsidized lunch” means a
13 school lunch that is offered, upon the payment of a fee, to a student
14 who is not categorically eligible, income-eligible, or statutorily eligible
15 for subsidized lunch, and the cost of which is not reimbursable by the
16 State or federal government.

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

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

21
22 2. Section 1 of P.L.1974, c.53 (C.18A:33-4) is amended to read as
23 follows:

24 1. a. (1) Each school district shall make school lunch available to
25 all students enrolled in the district, except at those schools that are
26 exempt from the requirements of this section, as provided by section 2
27 of P.L.1974, c.53 (C.18A:33-5), within one year after the effective
28 date of P.L.1974, c.53 (C.18A:33-4 et seq.). ¹Each nonpublic school
29 participating in the National School Lunch Program shall make school
30 lunch available to all students enrolled at the nonpublic school within
31 one year after the effective date of P.L. , c. (C.) (pending
32 before the Legislature as this bill).¹

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

36 (3) **【Free or reduced price lunches, as appropriate, shall be】**
37 School lunches offered 【, under a school lunch program,】 to students,
38 pursuant to this section, shall be made available, free of charge, to
39 each student enrolled in the ¹participating school¹ district ¹or
40 nonpublic school,¹ who is determined to be federally eligible for free
41 or reduced price meals. As provided by section 1 of P.L.2019, c.445
42 (C.18A:33-21.1), **【any student】** the unreimbursed costs of free lunches
43 being made available, pursuant to this paragraph, to students who **【is】**
44 are eligible for **【a】** reduced price lunch, **【pursuant to federal income**
45 eligibility standards and criteria, shall not be required to pay for such
46 lunch】 shall be borne by the State. **【Free】**

1 (4) Notwithstanding any law, rule, or regulation to the contrary,
2 school lunches offered to students, pursuant to this section, shall also
3 be [offered] made available, free of charge, to [each student] ¹those¹
4 students enrolled in the ¹participating school¹ district ¹or nonpublic
5 school,¹ who are federally ineligible for free or reduced price meals, in
6 accordance with the following schedule: (a) during the 2023-2024
7 school year, to each enrolled student who is federally ineligible for
8 free or reduced price meals, but who has an annual household income
9 that is not less than 186 percent, and not more than 199 percent, of the
10 federal poverty level, as determined pursuant to section 16 of
11 P.L.2022, c.104 (C.18A:33-21b1); (b) during the 2024-2025 school
12 year, to each enrolled student who is federally ineligible for free or
13 reduced price meals, but who has an annual household income that is
14 not less than 186 percent, and not more than 249 percent, of the federal
15 poverty level, as determined pursuant to section 16 of P.L.2022, c.104
16 (C.18A:33-21b1); (c) during the 2025-2026 school year, to each
17 enrolled student who is federally ineligible for free or reduced price
18 meals, but who has an annual household income that is not less than
19 186 percent, and not more than 299 percent, of the federal poverty
20 level, as determined pursuant to section 16 of P.L.2022, c.104
21 (C.18A:33-21b1); (d) during the 2026-2027 school year, to each
22 enrolled student who is federally ineligible for free or reduced price
23 meals, but who has an annual household income that is not less than
24 186 percent, and not more than 349 percent, of the federal poverty
25 level, as determined pursuant to section 16 of P.L.2022, c.104
26 (C.18A:33-21b1); (e) during the 2027-2028 school year, to each
27 enrolled student who is federally ineligible for free or reduced price
28 meals, but who has an annual household income that is not less than
29 186 percent, and not more than 399 percent, of the federal poverty
30 level, as determined pursuant to section 16 of P.L.2022, c.104
31 (C.18A:33-21b1); and (f) during the 2028-2029 school year, and
32 during each school year thereafter, to each enrolled student who is
33 federally ineligible for free or reduced price meals, regardless of the
34 student's annual household income. As provided by subsection b. of
35 this section, the unreimbursed costs of free lunches being offered to
36 students who are federally ineligible for free or reduced price lunch
37 shall be borne by the State.

38 b. The State shall provide funding to each ¹participating¹ school
39 district ¹[,] and nonpublic school,¹ as may be necessary to reimburse
40 the ¹[costs associated with the district's provision] cost¹ of free
41 lunches ¹being served thereby to federally ineligible students¹,
42 pursuant to subsection a. of this section¹ [,], to students who are
43 federally ineligible for free or reduced price meals¹.

44 c. The Department of Agriculture, in consultation with the
45 Department of Education, shall annually prepare and submit, to the
46 Governor and, pursuant to section 2 of P.L.1991, c.164

1 (C.52:14-19.1), to the Legislature, a written report that identifies, for
2 each ¹~~["school and"]~~ participating¹ school district ¹~~and nonpublic~~
3 school¹ in the State:

4 (1) the methods that are being used ¹~~["by each school or school~~
5 ~~district"]~~ thereby¹ to facilitate the prompt identification and subsidized
6 ~~["meal"]~~ meals certification of students who are, respectively,
7 categorically eligible ~~["or"],~~ income-eligible, or statutorily eligible for
8 free or reduced price lunch under the National School Lunch Program;
9 ~~["and"]~~

10 (2) the total number and percentage of ~~["income-eligible"]~~ students
11 ~~["from low-income families and from middle-income families,~~
12 ~~respectively, that are"]~~ receiving ~~["free or reduced price"]~~ subsidized
13 school lunches ~~["under the National School Lunch Program and the~~
14 ~~provisions of this section"]~~ in the preceding school year who have been
15 determined to be, respectively, federally eligible for free school lunch,
16 federally eligible for reduced price lunch, income-eligible for free
17 school lunch on the basis of State-level income requirements, or
18 statutorily eligible for free school lunch; and

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

22 d. The Department of Agriculture, in consultation with the
23 Department of Education, shall adopt rules and regulations, pursuant
24 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), to implement the provisions of this section, including, but not
26 limited to, rules and regulations¹:

27 (1)¹ establishing a schedule for, and identifying the manner in
28 which, State-level reimbursements are to be made pursuant to
29 subsection b. of this section¹; and

30 (2) establishing a standardized means by which the department
31 will annually review the State reimbursement amounts being allocated
32 under this section in order to determine whether, and the extent to
33 which, participating school districts and nonpublic schools have
34 received adequate reimbursement, from the State, sufficient to account
35 for each participating school's actual costs of lunch delivery,
36 including, but not limited to, food, labor, and other related costs¹.

37 (cf: P.L.2022, c.104, s.2)

38

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

41 3. In implementing a school lunch program, pursuant to
42 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program,
43 pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.) or section 6 of
44 P.L.2022, c.104 (C.18A:33-10.1), or a breakfast after the bell
45 program, pursuant to section 1 of P.L.2014, c.66 (C.18A:33-11.1)

1 or section 2 of P.L.2018, c.25 (C.18A:33-11.3), each school and
2 school district shall:

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

9 b. make every effort to ensure that **subsidized** students
10 receiving subsidized school meals are not **recognized as program**
11 **participants** identified, by the student body, faculty, or staff, in a
12 manner that is **different** distinct from the manner in which
13 **unsubsidized** students receiving unsubsidized school meals are
14 **recognized** identified as program participants. Such efforts shall
15 include, but need not be limited to, the establishment of a neutral
16 meal plan or voucher system that does not make a distinction
17 between **subsidized and unsubsidized** these two groups of
18 students; and

19 c. **make every effort** to the greatest extent practicable:

20 (1) facilitate and expedite the prompt and accurate identification
21 of categorically eligible students who may be certified to
22 **participate in the program, on a** receive subsidized **basis,**
23 school meals without first submitting an application therefor, and,
24 whenever an application is required to establish income eligibility
25 for subsidized meals, encourage students and their families to
26 submit a subsidized school meals application for that purpose;

27 (2) facilitate and expedite**,** to the greatest extent practicable,
28 the subsidized school meals application and income-eligibility
29 determination processes that are used, by the school or school
30 district, to certify a student for **free or reduced price** subsidized
31 school meals on the basis of income, and assist parents and
32 guardians in completing the subsidized school meals application;
33 and

34 (3) encourage students who are **neither** not categorically
35 eligible **nor,** income-eligible, or statutorily eligible for **free or**
36 **reduced price** subsidized school **meals** lunch or subsidized
37 school breakfast to nonetheless participate in the school lunch
38 program or school breakfast program, or both, as appropriate, on a
39 paid and unsubsidized basis**,** in the program**.**

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

41

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

44 4. The Department of Agriculture, in consultation with the
45 Department of Education, shall develop guidelines**,** as may be
46 necessary to facilitate the implementation and operation of
47 breakfast after the bell programs by schools in the State, in

1 accordance with the provisions of section 1 of P.L.2014, c.66
2 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25 (C.18A:33-11.2
3 and C.18A:33-11.3), and section 12 of P.L.2022, c.104
4 (C.18A:33-14a), including, but not limited to, guidelines, consistent
5 with the provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),
6 concerning a school's receipt of payment, from **【unsubsidized】**
7 students, for unsubsidized school breakfasts that are served to such
8 students under a breakfast after the bell program.
9 (cf: P.L.2022, c.104, s.11)
10

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

13 12. a. (1) School breakfasts made available to students under a
14 school breakfast program or a breakfast after the bell program shall
15 meet minimum nutritional standards, established by the Department of
16 Education.

17 (2) **【Free or reduced price breakfasts, as appropriate, shall be】**
18 Breakfasts ¹that are¹ offered~~【,】~~ ¹by a participating school district or
19 nonpublic school,¹ under a school breakfast program or a breakfast
20 after the bell program~~【,】~~ shall be made available, free of charge, to all
21 students enrolled **【students】** ¹~~【in the district】~~ therein¹ who are
22 determined to be federally eligible for free or reduced price meals. As
23 provided by section 1 of P.L.2019, c.445 (C.18A:33-21.1), **【any**
24 **student who is eligible for a reduced price breakfast, pursuant to**
25 **federal income eligibility criteria, shall not be required to pay for such**
26 **breakfast. Free breakfasts shall also be】** the unreimbursed costs of
27 free breakfasts being made available, pursuant to this paragraph, to
28 students who are federally eligible for reduced price breakfast shall be
29 borne by the State.

30 (3) Notwithstanding any law, rule, or regulation to the contrary,
31 breakfasts offered under a school breakfast program or a breakfast
32 after the bell program shall also be made available, free of charge, to
33 each enrolled student who is determined to be federally ineligible for
34 free or reduced price meals, but who has an annual household income
35 **【that is】** amounting to not less than 186 percent, and not more than
36 199 percent, of the federal poverty level, as determined pursuant to
37 section 16 of P.L.2022, c.104 (C.18A:33-21b1). As provided by
38 subsection b. of this section, the unreimbursed costs of free breakfasts
39 being offered to federally ineligible students, pursuant to this
40 paragraph, shall be borne by the State.

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

46 c. The Department of Agriculture, in consultation with the
47 Department of Education, shall annually prepare and issue, to the
48 Governor and, pursuant to section 2 of P.L.1991, c.164

1 (C.52:14-19.1), to the Legislature, a written report that identifies, for
 2 each ¹**school and** participating¹ school district ¹and nonpublic
 3 school¹ in the State:

4 (1) the methods that are being used, by each such school or school
 5 district, to facilitate the prompt identification and subsidized **meal**
 6 meals certification of students who are categorically eligible or
 7 income-eligible for free or reduced price breakfast under the federal
 8 School Breakfast Program;

9 (2) the number and percentage of **income-eligible** students
 10 receiving subsidized school breakfasts in each such school and district
 11 who have been determined to be, respectively, federally eligible for
 12 free school breakfast, federally eligible for reduced price school
 13 breakfast, income-eligible for free school breakfast on the basis of
 14 State-level income eligibility requirements, or neither categorically
 15 eligible nor income-eligible for free or reduced price school breakfast;
 16 and the number and percentage of all such students who are,
 17 respectively, from low-income families and from middle-income
 18 families**,** respectively , in each such school and district, who are
 19 receiving free or reduced price breakfast under the federal School
 20 Breakfast Program and the provisions of this section**];** and

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

25 d. The Department of Agriculture, in consultation with the
 26 Department of Education, shall adopt rules and regulations pursuant to
 27 the "Administrative Procedure Act," P.L.1968, c.410
 28 (C.52:14B-1 et seq.), to implement the provisions of this section,
 29 including, but not limited to, rules and regulations¹:

30 (1)¹ establishing a schedule for, and identifying the manner in
 31 which, State-level reimbursements are to be made pursuant to
 32 subsection b. of this section¹; and

33 (2) establishing a standardized means by which the department
 34 will annually review the State reimbursement amounts being allocated
 35 under this section in order to determine whether, and the extent to
 36 which, participating school districts and nonpublic schools have
 37 received adequate reimbursement, from the State, sufficient to account
 38 for each participating school's actual costs of breakfast delivery,
 39 including, but not limited to, food, labor, and other related costs¹.

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

41

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

44 1. a. (1) ¹**A** Each¹ school district ¹or nonpublic school¹ that
 45 participates in the National School Lunch Program or the federal
 46 School Breakfast Program shall take steps to maximize the use of
 47 federal resources and to minimize the debt that is incurred by families

1 for school meals, in accordance with a protocol established by the
2 Department of Agriculture. The protocol established by the
3 department, pursuant to this paragraph, shall be adopted within 180
4 days after the effective date of P.L.2022, c.104 (C.18A:33-3.2 et al.),
5 in consultation with the Department of Education, the School Nutrition
6 Association of New Jersey, and all relevant stakeholders, shall be
7 reviewed and updated on at least an annual basis thereafter, and shall
8 provide for participating school districts and nonpublic schools to:
9 (a) promote the **increased** prompt and accurate subsidized meals
10 certification of all eligible students **from low-income families and**
11 **middle-income families for free and reduced price school meals**
12 enrolled in the district therein, in accordance with the provisions
13 of P.L.2022, c.104 (C.18A:33-3.2 et al.); and (b) identify best practices
14 to maximize the receipt and use of federal resources by the district's
15 schools.

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

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

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

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

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

45

46 7. (New section) a. A school district or nonpublic school that
47 participates in the National School Lunch Program or the federal

1 School Breakfast Program shall annually review the costs being
2 expended ~~1~~ ~~by the district, and by each school therein~~ thereby,¹ in
3 association with the implementation and expansion of ~~1~~ ~~the~~
4 ~~district's~~¹ school lunch and breakfast programs at schools in the
5 district or at the nonpublic school, as the case may be¹, and shall take
6 appropriate steps to minimize or offset those program costs, to the
7 extent that such costs can be minimized or offset without
8 compromising the ~~1~~ ~~district's~~¹ ability of the participating school
9 district or nonpublic school¹ to comply with minimum nutritional
10 standards and other program requirements established pursuant to
11 State or federal law.

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

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

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

26 (3) work cooperatively with each participating¹ school district
27 and nonpublic school¹ in the State to: (a) review the costs being
28 expended by ~~1~~ ~~the district, and by~~¹ each participating¹ school
29 ~~1~~ ~~therein~~, and by the administering district¹, in association with the
30 implementation and expansion of ~~1~~ ~~the district's~~ one or more¹ school
31 meals programs therein¹; (b) identify various means and methods by
32 which program costs can be reduced, curtailed, eliminated, or offset
33 without sacrificing the ~~1~~ ~~district's~~¹ ability of a participating school
34 district or nonpublic school¹ to operate its school meals programs in
35 compliance with minimum nutritional standards and other applicable
36 State and federal requirements; (c) provide recommendations to help
37 ~~1~~ ~~the district~~ participating school districts and nonpublic schools¹
38 timely and proactively address financial problems that have reduced,
39 or that have the potential to reduce, ~~1~~ ~~the district's~~ their¹ ability to
40 properly or fully administer ~~1~~ ~~its~~ their¹ school meals programs¹,~~1~~¹
41 in compliance with minimum nutritional standards, expanded
42 eligibility requirements, and all other applicable State and federal
43 requirements; and (d) undertake, or recommend the undertaking of,
44 other appropriate actions as may be necessary to prevent the
45 ~~1~~ ~~district's~~ State's¹ school meals programs from becoming overly
46 bloated with unnecessary expenses or otherwise becoming financially

1 burdensome to ¹**the administering schools or district** participating
2 school districts and nonpublic schools¹.

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

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

11 1. a. (1) In the event that a ¹participating¹ school district ¹or
12 nonpublic school¹ determines that ¹**an** ¹a **unsubsidized** student's
13 unsubsidized school breakfast or unsubsidized school lunch bill is in
14 arrears, the ¹participating school¹ district ¹or nonpublic school¹ shall
15 contact the student's parent or guardian to provide notice of the
16 arrearage, and shall provide the parent or guardian with a period of 10
17 school days to pay the amount due. If the student's parent or guardian
18 has not made full payment by the end of the designated 10-day period,
19 then the ¹participating school¹ district ¹or nonpublic school¹ shall
20 again contact the student's parent or guardian to provide notice of any
21 action to be taken ¹**by the school district**¹ in response to the
22 arrearage.

23 (2) A ¹participating¹ school district ¹or nonpublic school¹ shall
24 report, at least biannually to the Department of Agriculture, the
25 number and percentage of ¹enrolled¹ students who **are** have been
26 denied school breakfast or school lunch on the basis of an
27 unsubsidized meals bill arrearage, pursuant to this section.

28 (3) Nothing in this section shall be construed to: (a) require a
29 ¹participating¹ school district ¹or nonpublic school¹ to deny or restrict
30 the ability of **an unsubsidized** ¹a student to access unsubsidized
31 school breakfast or unsubsidized school lunch **when**, respectively,
32 whenever the student's unsubsidized school breakfast or unsubsidized
33 school lunch bill is in arrears; or (b) authorize a ¹participating school
34 district or nonpublic¹ school ¹**or district**¹ to deny or restrict the
35 ability of a student who is eligible for subsidized school lunch, but
36 who is not eligible for subsidized school breakfast, to continue to
37 access subsidized school lunch whenever the student's unsubsidized
38 school breakfast bill is in arrears.

39 b. A ¹**school or** participating¹ school district ¹or nonpublic
40 school¹ shall not:

41 (1) publicly identify or stigmatize **an unsubsidized** ¹a student who
42 cannot pay for **a** an unsubsidized school breakfast or **a** an
43 unsubsidized school lunch, or whose unsubsidized school breakfast or
44 **school** lunch bill is in arrears, for example, by requiring the student
45 to sit at a separate table, **by requiring that the student** to wear a

1 wristband, hand stamp, or identifying mark, or **by serving the**
2 **student to accept** an alternative meal;

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

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

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

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

26 c. If **an unsubsidized** a student owes money for the equivalent
27 of five or more unsubsidized school meals, ¹**a** the participating¹
28 school district ¹or nonpublic school¹ shall:

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

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

38 (3) require a principal, or a person designated by the principal, to
39 contact the student's parent or guardian **of the unsubsidized student**
40 to: (a) offer assistance with respect to the completion of the subsidized
41 school meals application~~[,] to~~; (b) determine **if** whether there are
42 other issues in the household that have caused the **child** student
43 have insufficient funds to purchase **a** an unsubsidized school
44 breakfast or unsubsidized school lunch, as the case may be; and **to**
45 (c) offer any other appropriate assistance.

1 d. A ¹participating¹ school district ¹or nonpublic school¹ shall
2 direct communications about a student's unsubsidized school
3 **【breakfast or school lunch bill being in arrears】** meals arrearage to the
4 parent or guardian and not to the student. Nothing in this subsection
5 shall prohibit a ¹participating¹ school district ¹or nonpublic school¹
6 from sending a student home with a letter addressed to a parent or
7 guardian.

8 e. Notwithstanding the provisions of this section and the
9 provisions of any other law, rule, or regulation to the contrary, **【an**
10 **unsubsidized】** a student shall not be denied access to a school meal,
11 regardless of the student's ability to pay or the status of the student's
12 meal arrearages, during any period of time in which the ¹student's
13 participating school district or nonpublic¹ school is making a
14 determination, pursuant to subsection c. of this section, as to whether
15 the student is eligible for, and can be certified to receive, **【free or**
16 **reduced price】** subsidized school meals.

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

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

21 16. a. At the beginning of each school year, or upon initial
22 enrollment¹**【,】**¹ in the case of a student who enrolls during the school
23 year, a ¹participating¹ school district ¹or nonpublic school¹ shall
24 provide each student's parent or guardian with:

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

1 families under this section and section 1 of P.L.2015, c.15 (C.18A:33-
2 21); and

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

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

8 (1) be communicated in a language that the parent or guardian
9 understands;

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

12 (3) be submitted to the parent or guardian either in writing or
13 electronically. In the latter case, the ¹participating¹ school district ¹or
14 nonpublic school¹ shall use the usual means by which it communicates
15 with parents and guardians electronically.

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

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

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

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

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

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

39

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

42 1. a. Notwithstanding any other law, or rule or regulation adopted
43 pursuant thereto, to the contrary, a **【public school】** student who is
44 enrolled in a participating school district or nonpublic school and is
45 eligible for a reduced price breakfast under the federal School
46 Breakfast Program or a reduced price lunch under the National School
47 Lunch Program, shall not be required to pay for any such reduced
48 price breakfast or reduced price lunch.

1 b. The State shall pay the difference between the federal
 2 allocation for reduced price breakfasts and reduced price lunches and
 3 the total cost of the reduced price breakfasts and reduced price lunches
 4 that are served, by participating school districts and nonpublic schools,
 5 to **public school** enrolled students who are federally eligible for
 6 reduced price meals.

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

14 (cf: P.L.2022, c.104, s.17)

15
 16 ¹**10.** 11.¹ Section 1 of P.L.2019, c.307 (C.18A:33-27.1) is
 17 amended to read as follows:

18 1. a. Each school food authority that provides a food service to
 19 students ¹**at a public** enrolled in a participating school district or
 20 nonpublic¹ school in the State shall, in the two languages that are most
 21 commonly spoken in the homes of students in ¹**the public** each
 22 participating¹ school served by the school food authority:

23 (1) develop and implement ¹**a public education** an educational¹
 24 campaign to ¹**educate** inform¹ the parents and guardians of ¹**such**¹
 25 students ¹**at schools served by the school food authority**¹ about the
 26 various school meals programs that are available for students in New
 27 Jersey, and about the availability of **free and reduced price**
 28 subsidized school meals, under such programs, for students who
 29 **satisfy federal or State-level eligibility criteria** are categorically
 30 eligible, income-eligible, or statutorily eligible therefor; and

31 (2) develop promotional materials for the State's school meals
 32 programs, and provide copies of the promotional materials to each
 33 school that is served by the school food authority in the State, for
 34 distribution, by school staff, to the parents and guardians of students
 35 who are enrolled at the school. The school food authority shall utilize
 36 existing resources, which have been made available by the United
 37 States Department of Agriculture and the New Jersey Department of
 38 Agriculture, in developing promotional materials for the purposes of
 39 this paragraph. The promotional materials **developed pursuant to this**
 40 **paragraph** shall include, but need not be limited to, pamphlets,
 41 presentation materials, webinars, and sample letters that schools may
 42 send to parents and guardians.

43 b. The ¹**public education** educational¹ campaign and
 44 promotional materials developed under subsection a. of this section
 45 shall:

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

4 (2) highlight and promote the nature, purposes, value, and
5 importance of the National School Lunch Program, the federal School
6 Breakfast Program, the federal Summer Food Service Program, and
7 other similar summer meals programs, as well as the State's breakfast
8 after the bell programs, established pursuant to section 1 of P.L.2014,
9 c.66 (C.18A:33-11.1) or section 2 of P.L.2018, c.25 (C.18A:33-11.3),
10 the State's emergency meals distribution **[program]** programs,
11 established pursuant to section 1 of P.L.2020, c.6 (C.18A:33-27.2),
12 and any new school meals programs that are implemented in the State
13 after the effective date of P.L.2022, c.103;

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

16 (4) emphasize and promote the ability of eligible students to obtain
17 **[free or reduced price]** subsidized meals under the State's school
18 meals programs, **[and]** inform parents and guardians about the various
19 ways in which a student may be determined to be categorically
20 eligible, income-eligible, or statutorily eligible **[for free meals under**
21 **these programs, and]** therefor, and identify the federal and State-level
22 **[income-based]** criteria that must be satisfied in order for a student to
23 obtain **[free or reduced price]** subsidized school meals, under these
24 programs, on the basis of annual household income;

25 (5) highlight and describe the application and determination
26 processes that are used, by schools and school districts, to certify
27 categorically eligible and income-eligible students for **[free or reduced**
28 **price]** subsidized school meals;

29 (6) highlight and describe the rights that are applicable to students
30 and families in association with a student's receipt of subsidized or
31 unsubsidized **[receipt of]** school meals in the State; and

32 (7) inform parents and guardians about the nature and extent of
33 any proposed or implemented expansion of the existing school meals
34 programs in the State, including, but not limited to, the nature and
35 extent of any proposed or implemented expansion of the categories of
36 students who are eligible for **[free or reduced price]** subsidized school
37 meals under such programs.

38 c. (1) Within 60 days after the effective date of P.L.2022, c.103,
39 the Department of Agriculture, in consultation with the Department of
40 Education, shall adopt standards and guidelines to ensure the
41 uniformity and accuracy of school meals-related information being
42 presented by school food authorities as part of the educational
43 campaigns conducted, and in the promotional materials distributed,
44 pursuant to this section.

45 (2) Within 60 days of the effective date of P.L.2022, c.103, ¹and
46 on a periodic basis thereafter, as necessary,¹ the Department of
47 Education shall provide¹, to¹ each school food authority that

1 ~~1~~ **provides** offers¹ a food service to students at a ~~1~~ **public**
2 **participating**¹ school in the State ~~1~~ **with**,¹ information concerning the
3 two languages that are most commonly spoken in the homes of
4 students ~~1~~ **in** enrolled at¹ each ~~1~~ **of** the public schools that the school
5 food authority serves] such participating school served thereby¹. The
6 Department of Education shall periodically, and at least every five
7 years, verify the two languages that are most commonly spoken in the
8 homes of students in each ~~1~~ **public** such participating¹ school
9 ~~1~~ **served by each school food authority**¹.

10 d. As used in this section:

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

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

14

15 ~~1~~ **11.** 12.¹ Section 1 of P.L.2020, c.6 (C.18A:33-27.2) is
16 amended to read as follows:

17 1. a. ~~1~~ **In the event that** Whenever a local board of education
18 ~~1~~ **is provided** receives a written directive, ~~1~~ **by** from either the New
19 Jersey Department of Health or the health officer of the jurisdiction,
20 ~~1~~ **to institute** instituting a public health-related school closure due
21 to the COVID-19 epidemic, the district having jurisdiction over the
22 closed school shall implement ~~1~~ **a** and operate an emergency school
23 meals distribution program~~1~~,] during the period of the school
24 closure~~1~~, to]. An emergency school meals distribution program
25 implemented pursuant to this section shall provide for subsidized
26 school meals to be made available, at meal distribution sites
27 designated pursuant to subsection b. of this section, to all students
28 enrolled in the district who are ~~1~~ **either** categorically eligible ~~1~~ **or**,
29 income-eligible ~~1~~ **for free or reduced price school meals**, or
30 statutorily eligible therefor.

31 b. In order to facilitate the emergency distribution of
32 subsidized school meals in the event of an emergency school
33 closure, as described in subsection a. of this section, ~~1~~ **the** each
34 school district shall identify one or more school meal distribution
35 sites that are walkable and easily accessible to students in the
36 district. The school district shall collaborate with county and
37 municipal government officials in identifying appropriate
38 distribution sites]. A school meals distribution site may include]
39 including, but ~~1~~ **need** not ~~1~~ **be** limited to: faith-based locations;
40 community centers, such as YMCAs; and locations in the school
41 district where meals are made available through a summer meals
42 program. In a school district that includes high density housing, the
43 district shall make every effort to identify ~~1~~ **a** an emergency school
44 ~~1~~ **meal** meals distribution site in that housing area.

45 c. A school district shall identify students enrolled in the
46 district who are categorically eligible ~~1~~ **or**, income-eligible, or

1 statutorily eligible for **free or reduced price meals** subsidized
2 school lunch, subsidized school breakfast, or both, and for whom
3 **an emergency** school meal distribution site, identified pursuant
4 to subsection b. of this section, is not within walking distance. In
5 the case of these students, the school district shall distribute the
6 subsidized school meals to the student's residence or to the student's
7 bus stop along an established bus route, provided that, in the latter
8 case, the student or the student's parent or guardian is present at the
9 bus stop for the distribution. **Food distributed** Distributions made
10 pursuant to this subsection may include up to a total of three school
11 days' worth of food per delivery.

12 d. A school district may use school buses owned and operated
13 by the district to distribute subsidized school meals pursuant to this
14 section. In the case of a school district that does not own and
15 operate its own buses, the district may enter into a contract **for**
16 authorizing another party to engage in the emergency distribution of
17 subsidized school meals, on the district's behalf, pursuant to this
18 section, and **these contracts** any such contract shall **not** be
19 **subject to** exempt from the public bidding requirements
20 established pursuant to the "Public School Contracts Law,"
21 **P.L.1977, c.114 (C.) N.J.S.18A:18A-1 et seq.**

22 e. A school district shall collaborate, as feasible, with other
23 school districts and with local government units **to implement the**
24 when implementing an emergency meals distribution program, **as**
25 **required by** pursuant to this section, in order to promote
26 administrative and operational efficiencies and cost savings.

27 f. School lunches and breakfasts that are made available**,**
28 through an emergency meals distribution program operating
29 pursuant to this section**,** shall be provided to eligible students,
30 free of charge, in accordance with the provisions of subsection a. of
31 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of
32 section 12 of P.L.2022, c.104 (C.18A:33-14a).

33 (cf: P.L.2022, c.104, s.20)

34

35 ¹**[12.] 13.** ¹ This act shall take effect immediately.