

ASSEMBLY, No. 5684

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 28, 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)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

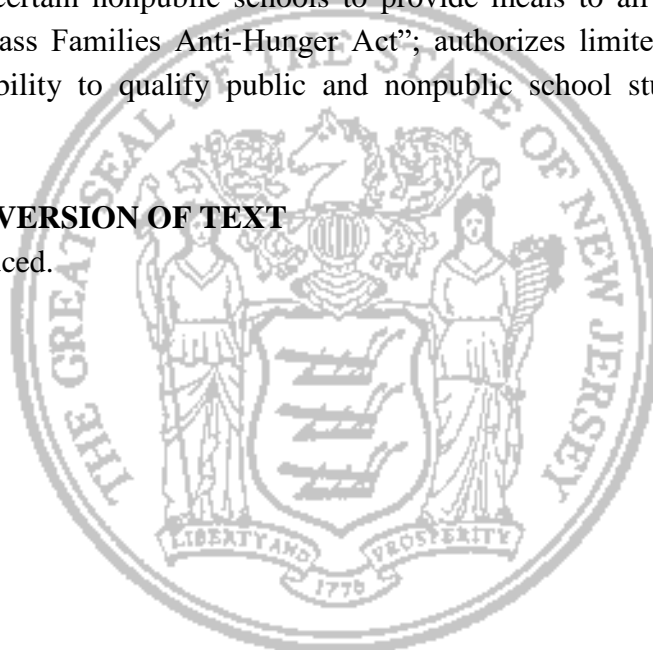
Assemblywomen Lopez, Pintor Marin and Mosquera

SYNOPSIS

Requires certain nonpublic schools to provide meals to all students under “Working Class Families Anti-Hunger Act”; authorizes limited expansion of income eligibility to qualify public and nonpublic school students for free lunch.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2023)

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

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

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

11 1. As used in this chapter:

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

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

34 "Eligible student" means a student who is **【either】** categorically
35 eligible or income-eligible for one or more **【free or reduced price】**
36 subsidized school meals.

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

44 "Federal School Breakfast Program" means the federal
45 reimbursement program, established under the "Child Nutrition Act

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 of 1966," 42 U.S.C. s.1771 et seq., pursuant to which the United
2 States Department of Agriculture is authorized to provide grants-in-
3 aid and other assistance to the States, as may be necessary to help
4 finance the establishment, maintenance, operation, and expansion of
5 school breakfast programs and facilitate the provision of free and
6 reduced price breakfasts to eligible students.

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

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

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

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

38 "Middle-income family" means a family with an annual
39 household income amounting to not less than 186 percent, and not
40 more than **[199]** 249 percent, of the federal poverty level.

41 "National School Lunch Program" means the federal
42 reimbursement program established under the "Richard B. Russell
43 National School Lunch Act," 42 U.S.C. s.1751 et seq., pursuant to
44 which the United States Department of Agriculture is authorized to
45 provide grants-in-aid and other assistance to the States, as may be
46 necessary to help finance the establishment, maintenance,

1 operation, and expansion of school lunch programs and facilitate
2 the provision of free and reduced price lunches to eligible students.

3 “Participating school” means a public or nonpublic school that
4 provides daily lunch to enrolled students, through a school lunch
5 program operated pursuant to the National School Lunch Program,
6 or that provides daily breakfast to enrolled students, through a
7 school breakfast program or breakfast after the bell program
8 operated pursuant to the federal School Breakfast Program, or both.

9 “Participating school district or nonpublic school” means a
10 public school district or a nonpublic school that is required, or
11 elects, to participate in the National School Lunch Program, the
12 federal School Breakfast Program, or both, as the case may be.

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

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

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

38 "Student" means a child 18 years of age or younger who is
39 enrolled 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
42 1 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
44 that are served to the student under the National School Lunch
45 Program or the federal School Breakfast Program. **】**

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

1 government, as provided by subsections a. and b. of section 12 of
2 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 an eligible student, free of charge, and the
5 costs of which are reimbursed by the State or federal government,
6 as provided by subsections a. and b. of section 1 of P.L.1974, c.53
7 (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
12 the student’s parent or guardian, pursuant to section 16 of P.L.2022,
13 c.104 (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
15 by a school district, or by a public school or nonpublic school, both
16 for the purposes of determining whether a student is income-eligible
17 for subsidized school meals and for the other limited purposes
18 specified in subsection c. of section 16 of P.L.2022, c.104
19 (C.18A:33-21b1).

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

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

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

45 ["Unsubsidized student" means a student who is neither
46 categorically eligible nor income-eligible for free or reduced price
47 school meals, and who is, consequently, required to pay for any

1 such meals that are served to the student under the National School
2 Lunch Program or the federal School Breakfast Program. **】**

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

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

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

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

20

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

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

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

35 (3) **【Free or reduced price lunches, as appropriate, shall be】**
36 School lunches offered, 【under a school lunch program,】 pursuant
37 to this section, shall be made available, free of charge, to 【each
38 student】 all students enrolled in the district 【who is】 or in the
39 nonpublic school, as the case may be, who are determined to be
40 federally eligible for free or reduced price meals. As provided by
41 section 1 of P.L.2019, c.445 (C.18A:33-21.1), 【any student】 the
42 unreimbursed costs of free lunches being made available, pursuant
43 to this paragraph, to students who 【is】 are eligible for 【a】 reduced
44 price lunch, 【pursuant to federal income eligibility standards and
45 criteria, shall not be required to pay for such lunch】 shall be borne
46 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
3 also be [offered] made available, free of charge, to [each student]
4 those students enrolled in the participating school district or
5 nonpublic school, who are federally ineligible for free or reduced
6 price meals, in accordance with the following schedule: (a) during
7 the 2023-2024 school year, to each enrolled student who is federally
8 ineligible for free or reduced price meals, but who has an annual
9 household income that is not less than 186 percent, and not more
10 than 199 percent, of the federal poverty level, as determined
11 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1); and (b)
12 during the 2024-2025 school year, to each enrolled student who is
13 federally ineligible for free or reduced price meals, but who has an
14 annual household income that is not less than 186 percent, and not
15 more than 249 percent, of the federal poverty level, as determined
16 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1).

17 b. The State shall provide funding to each participating school
18 district [.] and nonpublic school, as may be necessary to reimburse
19 the [costs associated with the district's provision] cost of free
20 lunches being served thereby to federally ineligible students,
21 pursuant to paragraph (4) of subsection a. of this section[, to
22 students who are federally ineligible for free or reduced price
23 meals].

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

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

36 (2) the total number and percentage of [income-eligible]
37 students [from low-income families and from middle-income
38 families, respectively, that are] receiving [free or reduced price]
39 subsidized school lunches [under the National School Lunch
40 Program and the provisions of this section] in the preceding school
41 year who have been determined to be, respectively, federally
42 eligible for free school lunch, federally eligible for reduced price
43 lunch, income-eligible for free school lunch on the basis of State-
44 level income eligibility requirements, or neither categorically
45 eligible nor income-eligible for free or reduced price school lunch;
46 and

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

4 d. The Department of Agriculture, in consultation with the
5 Department of Education, shall adopt rules and regulations,
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.), to implement the provisions of this section,
8 including, but not limited to, rules and regulations;

9 (1) establishing a schedule for, and identifying the manner in
10 which, State-level reimbursements are to be made pursuant to
11 subsection b. of this section ; and

12 (2) establishing a standardized means by which the department
13 will annually review the State reimbursement amounts being
14 allocated under this chapter in order to determine whether, and the
15 extent to which, participating school districts and nonpublic schools
16 have received adequate reimbursement, from the State, sufficient to
17 account for each participating school's actual costs of free lunch
18 delivery to eligible students, including, but not limited to, food,
19 labor, and other related costs.

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

21

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

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

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

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

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

1 (1) facilitate and expedite the prompt and accurate identification
2 of categorically eligible students who may be certified to
3 **【participate in the program, on a】** receive subsidized **【basis,】**
4 school meals without first submitting an application therefor, and,
5 whenever an application is required to establish income eligibility
6 for subsidized meals, encourage students and their families to
7 submit a subsidized school meals application for that purpose;

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

15 (3) encourage students who are neither categorically eligible nor
16 income-eligible for **【free or reduced price】** subsidized school
17 **【meals】** lunch or subsidized school breakfast to nonetheless
18 participate in the school lunch program or school breakfast
19 program, or both, as appropriate, on a paid and unsubsidized basis**【,**
20 in the program】.

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

22
23 4. Section 4 of P.L.2018, c.25 (C.18A:33-11.5) is amended to
24 read as follows:

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

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

38
39 5. Section 12 of P.L.2022, c.104 (C.18A:33-14a) is amended to
40 read as follows:

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

45 (2) **【Free or reduced price breakfasts, as appropriate, shall be】**
46 Breakfasts that are offered, by a participating school district or
47 nonpublic school, under a school breakfast program or a breakfast

1 after the bell program, shall be made available, free of charge, to all
 2 students enrolled **【students who】** in the district or in the nonpublic
 3 school, as the case may be, who are determined to be federally
 4 eligible for free or reduced price meals. As provided by section 1
 5 of P.L.2019, c.445 (C.18A:33-21.1), **【any student who is eligible**
 6 **for a reduced price breakfast, pursuant to federal income eligibility**
 7 **criteria, shall not be required to pay for such breakfast. Free**
 8 **breakfasts shall also be】** the unreimbursed costs of free breakfasts
 9 being made available, pursuant to this paragraph, to students who
 10 are federally eligible for reduced price breakfast, shall be borne by
 11 the State.

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

23 b. The State shall provide funding to each school that operates
 24 a School Breakfast Program or a breakfast after the bell program, as
 25 may be necessary to reimburse the costs associated with the school's
 26 provision of free breakfasts, pursuant to paragraph (4) of subsection
 27 a. of this section, to students who are federally ineligible for free or
 28 reduced price meals.

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

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

40 (2) the total number and percentage of **【income-eligible】**
 41 students receiving subsidized school breakfasts, in the preceding
 42 year, who have been determined to be, respectively, federally
 43 eligible for free school breakfast, federally eligible for reduced
 44 price school breakfast, income-eligible for free school breakfast on
 45 the basis of State-level income eligibility requirements, or neither
 46 categorically eligible nor income-eligible for free or reduced price
 47 school breakfast; and the number and percentage of all such

1 students who are, respectively, from low-income families and from
2 middle-income families**],** respectively , in each such school and
3 district, who are receiving free or reduced price breakfast under the
4 federal School Breakfast Program and the provisions of this
5 section**];** and

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

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

16 (1) establishing a schedule for, and identifying the manner in
17 which, State-level reimbursements are to be made pursuant to
18 subsection b. of this section; and

19 (2) establishing a standardized means by which the department
20 will annually review the State reimbursement amounts being
21 allocated under this section in order to determine whether, and the
22 extent to which, participating school districts and nonpublic schools
23 have received adequate reimbursement, from the State, sufficient to
24 account for each participating school's actual costs of free breakfast
25 delivery to eligible students, including, but not limited to, food,
26 labor, and other related costs.

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

28

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

31 1. a. (1) **[A]** Each school district or nonpublic school that
32 participates in the National School Lunch Program or the federal
33 School Breakfast Program shall take steps to maximize the use of
34 federal resources and to minimize the debt that is incurred by
35 families for school meals, in accordance with a protocol established
36 by the Department of Agriculture. The protocol established by the
37 department, pursuant to this paragraph, shall be adopted within 180
38 days after the effective date of P.L.2022, c.104 (C.18A:33-3.2 et
39 al.), in consultation with the Department of Education, the School
40 Nutrition Association of New Jersey, and all relevant stakeholders,
41 shall be reviewed and updated on at least an annual basis thereafter,
42 and shall provide for participating school districts and nonpublic
43 schools to: (a) promote the **[increased]** prompt and accurate
44 subsidized meals certification of all eligible students **[from low-**
45 **income families and middle-income families for free and reduced**
46 **price school meals]** enrolled therein, in accordance with the
47 provisions of P.L.2022, c.104 (C.18A:33-3.2 et al.); and (b) identify

1 best practices to maximize the receipt and use of federal resources
2 by the district's schools.

3 (2) The Department of Agriculture and Department of
4 Education, in cooperation with each other, shall consult with, and
5 provide direct assistance to, participating school districts and
6 nonpublic schools to help them improve, simplify, and expedite the
7 **【free and reduced price meal】** subsidized school meals certification
8 process and otherwise reduce the administrative burden on schools
9 and school districts that results from such process.

10 (3) A school that serves lunch or breakfast to students and is
11 eligible for special federal reimbursement under the Community
12 Eligibility Provision, as provided by 7 C.F.R. Part 245, shall, to the
13 greatest extent practicable, participate in, and maximize the receipt
14 of federal resources available under, that special assistance
15 alternative. Every school district in which there is at least one
16 school that qualifies for the Community Eligibility Provision, but is
17 not implementing it, shall report the reasons therefor, in writing, to
18 the Department of Agriculture and the Department of Education, in
19 the manner prescribed by those departments. The report shall
20 include, but need not be limited to, a description of the specific
21 impediments at the school district to implementing the program, the
22 specific actions that could be taken to remove those impediments,
23 and the specific steps required to successfully implement the
24 program in the following school year.

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

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

32

33 7. (New section) a. A school district or nonpublic school that
34 participates in the National School Lunch Program or the federal
35 School Breakfast Program shall annually review the costs being
36 expended thereby, in association with the implementation and
37 expansion of school lunch and breakfast programs at schools in the
38 district or at the nonpublic school, as the case may be, and shall
39 take appropriate steps to minimize or offset those program costs, to
40 the extent that such costs can be minimized or offset without
41 compromising the ability of the participating school district or
42 nonpublic school to comply with minimum nutritional standards
43 and other program requirements established pursuant to State or
44 federal law.

45 b. The Department of Agriculture, in consultation with the
46 Department of Education, shall:

47 (1) monitor, and engage in the inspection and oversight of, each
48 school lunch program and school breakfast program operating

1 pursuant to this chapter, as necessary to ensure that school meals
2 being served to students in the State continue to satisfy minimum
3 nutritional standards, on an ongoing basis, as required by paragraph
4 (2) of subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and
5 paragraph (1) of subsection a. of section 12 of P.L.2022, c.104
6 (C.18A:33-14a);

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

11 (3) work cooperatively with each participating school district
12 and nonpublic school in the State to: (a) review the costs being
13 expended by the district, and by each participating school, in
14 association with the implementation and expansion of one or more
15 school meals programs therein; (b) identify various means and
16 methods by which program costs can be reduced, curtailed,
17 eliminated, or offset without sacrificing the ability of the
18 participating school district or nonpublic school to operate its
19 school meals programs in compliance with minimum nutritional
20 standards and other applicable State and federal requirements; (c)
21 provide recommendations to help participating school districts and
22 nonpublic schools timely and proactively address financial
23 problems that have reduced, or that have the potential to reduce,
24 their ability to properly or fully administer their school meals
25 programs in compliance with minimum nutritional standards,
26 expanded eligibility requirements, and all other applicable State and
27 federal requirements; and (d) undertake, or recommend the
28 undertaking of, other appropriate actions as may be necessary to
29 prevent the State's school meals programs from becoming overly
30 bloated with unnecessary expenses or otherwise becoming
31 financially burdensome to participating school districts and
32 nonpublic schools.

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

38
39 8. (New section) a. Not more than 180 days after the effective
40 date of P.L. , c. (C.) (pending before the Legislature as this
41 bill), the Office of the Food Security Advocate, established
42 pursuant to P.L.2021, c.242 (C.52:27J-1 et seq.), shall establish a
43 Working Group on School Food Security to identify and develop
44 best practices, policies, and plans, and to take other appropriate
45 action, to promote and facilitate the effective functioning of the
46 State's school meals programs and the expanded provision,
47 thereunder, of free school meals to students in the State.

1 b. Within one year after its formation pursuant to subsection a.
2 of this section, and on a regular basis thereafter as deemed by the
3 food security advocate to be appropriate, the Working Group on
4 School Food Security shall:

5 (1) conduct a study on school food security issues, in
6 accordance with the provisions of subsection c. of this section, and
7 recommend further State-level action to facilitate the provision of
8 free school meals to enhanced numbers or categories of students in
9 the State; and

10 (2) develop and publish a plan to facilitate and promote the
11 adoption, by the United States Congress and President, of federal
12 legislation authorizing the nationwide provision of free school
13 meals to all students in the country, and providing federal
14 reimbursement for all such meals served by schools and school
15 districts in the states.

16 c. When conducting a school food security study, pursuant to
17 subsection b. of this section, the working group shall be required to
18 determine and identify:

19 (1) the expected annual costs to be expended, by each
20 participating school district and nonpublic school in the State, in
21 providing free school meals to eligible students in accordance with
22 the provisions of this chapter, including the amount by which such
23 costs are expected to increase year-over-year;

24 (2) best practices to ensure the effective provision of school
25 meals to students in the State, including, but not limited to, best
26 practices to facilitate the non-stigmatizing provision of free school
27 meals to all eligible students in the State, best practices to reduce
28 food waste in schools, best practices to improve and facilitate the
29 subsidized school meals application and certification processes that
30 are used to certify students for free meals; and best practices for
31 incentivizing the completion of subsidized school meals
32 applications by parents and guardians of students in the State;

33 (3) policies and practices that have been employed by other
34 states and jurisdictions to facilitate and enhance student access to
35 free school meals in those other jurisdictions, and the extent to
36 which such policies and practices have been successful in achieving
37 their stated goals; and

38 (4) whether, and the extent to which, it would be feasible,
39 beneficial, and fiscally responsible for the Legislature to take action
40 to further expand student eligibility for free school meals under this
41 chapter, following the effective date of P.L. , c. (C.)
42 (pending before the Legislature as this bill), and whether, and the
43 extent to which, such expansion of the State's free school meals
44 programs would best be effectuated on an immediate basis, by
45 extending eligibility to all students in the State, or on a phased-in
46 basis, by extending eligibility to gradually increasing numbers and
47 types of students in the State.

1 d. Not more than 60 days after the working group completes a
2 school food security study, pursuant to subsection b. of this section,
3 the working group shall submit, to the Secretary of Agriculture, the
4 Commissioner of Education, the Governor, and, pursuant to section
5 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, a written
6 report of its findings and recommendations from the study,
7 including, at a minimum, its recommendations regarding the
8 appropriate executive, legislative, and other actions, if any, that
9 should be undertaken in the State to ensure the ongoing successful
10 operation of the State's school meals programs, to facilitate the
11 cost-effective provision of free school meals to students who are
12 categorically eligible or income-eligible therefore, as provided by
13 this chapter, and to further expand the categories of students who
14 are eligible for such free school meals under State law.

15

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

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

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

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

46 b. A **【school or】** participating school district or nonpublic
47 school shall not:

1 (1) publicly identify or stigmatize **[an unsubsidized]** a student
2 who cannot pay for **[a]** an unsubsidized school breakfast or **[a]** an
3 unsubsidized school lunch, or whose unsubsidized school breakfast
4 or **[school]** lunch bill is in arrears, for example, by requiring the
5 student to sit at a separate table, **[by requiring that the student]** to
6 wear a wristband, hand stamp, or identifying mark, or **[by serving**
7 **the student]** to accept an alternative meal;

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

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

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

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

31 c. If **[an unsubsidized]** a student owes money for the
32 equivalent of five or more unsubsidized school meals, **[a]** the
33 participating school district or nonpublic school shall:

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

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

43 (3) require a principal, or a person designated by the principal, to
44 contact the student's parent or guardian **[of the unsubsidized**
45 **student]** to: (a) offer assistance with respect to the completion of

1 the subsidized school meals application~~], to~~; (b) determine ~~if~~
 2 ~~whether~~ there are other issues in the household that have caused the
 3 ~~child~~ student to have insufficient funds to purchase ~~a~~ an
 4 unsubsidized school breakfast or unsubsidized school lunch, as the
 5 case may be; and ~~to~~ (c) offer any other appropriate assistance.

6 d. A participating school district or nonpublic school shall
 7 direct communications about a student's unsubsidized school
 8 ~~breakfast or school lunch bill being in arrears~~ meals arrearage to
 9 the parent or guardian and not to the student. Nothing in this
 10 subsection shall prohibit a participating school district or nonpublic
 11 school from sending a student home with a letter addressed to a
 12 parent or guardian.

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

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

23
 24 10. Section 16 of P.L.2022, c.104 (C.18A:33-21b1) is amended
 25 to read as follows:

26 16. a. At the beginning of each school year, or upon initial
 27 enrollment~~],~~ in the case of a student who enrolls during the school
 28 year, a participating school district or nonpublic school shall
 29 provide each student's parent or guardian with:

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

1 the student is eligible and to ensure that the school and the district
2 have the necessary information to facilitate relevant eligibility
3 determinations, receive appropriate reimbursement, and engage in
4 all other activities authorized under subsection c. of this section;
5 and (d) information on the rights that are available to students and
6 their families under this section and section 1 of P.L.2015, c.15
7 (C.18A:33-21); and

8 (2) a subsidized school meals application **[form]**, as well as
9 instructions for completing the application, and, as necessary,
10 assistance in completing the application.

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

14 (1) be communicated in a language that the parent or guardian
15 understands;

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

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

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

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

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

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

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

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

46

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

1 1. a. Notwithstanding any other law, or rule or regulation
 2 adopted pursuant thereto, to the contrary, a **public school** student
 3 who is enrolled in a participating school district or nonpublic school
 4 and is eligible for a reduced price breakfast under the federal
 5 School Breakfast Program or a reduced price lunch under the
 6 National School Lunch Program, shall not be required to pay for
 7 any such reduced price breakfast or reduced price lunch.

8 b. The State shall pay the difference between the federal
 9 allocation for reduced price breakfasts and reduced price lunches
 10 and the total cost of the reduced price breakfasts and reduced price
 11 lunches that are served, by participating school districts and
 12 nonpublic schools, to **public school** enrolled students who are
 13 federally eligible for reduced price meals.

14 c. The Department of Agriculture, in consultation with the
 15 Department of Education, shall adopt rules and regulations pursuant
 16 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
 17 1 et seq.), to implement the provisions of this section, including, but
 18 not limited to, rules and regulations establishing the schedule for,
 19 and identifying the manner in which, State-level reimbursements
 20 are to be made pursuant to subsection b. of this section.

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

22

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

25 1. a. Each school food authority that provides a food service to
 26 students **at a public** enrolled in a participating school district or
 27 nonpublic school in the State shall, in the two languages that are
 28 most commonly spoken in the homes of students in **the public**
 29 each participating school served by the school food authority:

30 (1) develop and implement **a public education** an educational
 31 campaign to educate inform the parents and guardians of such
 32 students at schools served by the school food authority about the
 33 various school meals programs that are available for students in
 34 New Jersey, and about the availability of **free and reduced price**
 35 subsidized school meals, under such programs, for students who
 36 **satisfy federal or State-level eligibility criteria** are categorically
 37 eligible or income-eligible therefor; and

38 (2) develop promotional materials for the State's school meals
 39 programs, and provide copies of the promotional materials to each
 40 school that is served by the school food authority in the State, for
 41 distribution, by school staff, to the parents and guardians of
 42 students **who are** enrolled at the school. The school food
 43 authority shall utilize existing resources, which have been made
 44 available by the United States Department of Agriculture and the
 45 New Jersey Department of Agriculture, in developing promotional
 46 materials for the purposes of this paragraph. The promotional
 47 materials **developed pursuant to this paragraph** shall include, but

1 need not be limited to, pamphlets, presentation materials, webinars,
2 and sample letters that schools may send to parents and guardians.

3 b. The **【public education】** educational campaign and
4 promotional materials developed under subsection a. of this section
5 shall:

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

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

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

23 (4) emphasize and promote the ability of eligible students to
24 obtain **【free or reduced price】** subsidized meals under the State's
25 school meals programs, **【and】** inform parents and guardians about
26 the various ways in which a student may be determined to be
27 categorically eligible or income-eligible **【for free meals under these**
28 **programs, and】** therefor, and identify the federal and State-level
29 **【income-based】** criteria that must be satisfied in order for a student
30 to obtain **【free or reduced price】** subsidized school meals, under
31 these programs, on the basis of annual household income;

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

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

40 (7) inform parents and guardians about the nature and extent of
41 any proposed or implemented expansion of the existing school
42 meals programs in the State, including, but not limited to, the nature
43 and extent of any proposed or implemented expansion of the
44 categories of students who are eligible for **【free or reduced price】**
45 subsidized school meals under such programs.

46 c. (1) Within 60 days after the effective date of P.L.2022,
47 c.103, the Department of Agriculture, in consultation with the

1 Department of Education, shall adopt standards and guidelines to
 2 ensure the uniformity and accuracy of school meals-related
 3 information being presented by school food authorities as part of
 4 the educational campaigns conducted, and in the promotional
 5 materials distributed, pursuant to this section.

6 (2) Within 60 days of the effective date of P.L.2022, c.103, and
 7 on a periodic basis thereafter, as necessary, the Department of
 8 Education shall provide, to each school food authority that
 9 **【provides】** offers a food service to students at a **【public】**
 10 participating school in the State **【with】**, information concerning the
 11 two languages that are most commonly spoken in the homes of
 12 students **【in】** enrolled at each **【of the public schools that the school**
 13 **food authority serves】** such participating school served thereby.
 14 The Department of Education shall periodically, and at least every
 15 five years, verify the two languages that are most commonly spoken
 16 in the homes of students in each **【public】** such participating school
 17 **【served by each school food authority】**.

18 d. As used in this section:

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

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

22

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

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

38 b. In order to facilitate the emergency distribution of
 39 subsidized school meals in the event of an emergency public school
 40 closure, as described in subsection a. of this section, **【the】** each
 41 school district shall identify one or more school meal distribution
 42 sites that are walkable and easily accessible to students in the
 43 district. The school district shall collaborate with county and
 44 municipal government officials in identifying appropriate
 45 distribution sites**【.** A school meals distribution site may include**】**
 46 including, but **【need】** not **【be】** limited to: faith-based locations;

1 community centers, such as YMCAs; and locations in the school
2 district where meals are made available through a summer meals
3 program. In a school district that includes high density housing, the
4 district shall make every effort to identify **【a】** an emergency school
5 **【meal】** meals distribution site in that housing area.

6 c. A school district shall identify students enrolled in the
7 district who are categorically eligible or income-eligible for **【free or**
8 **reduced price meals】** subsidized school lunch, subsidized school
9 breakfast, or both, and for whom **【a】** an emergency school meal
10 distribution site, identified pursuant to subsection b. of this section,
11 is not within walking distance. In the case of these students, the
12 school district shall distribute the subsidized school meals to the
13 student's residence or to the student's bus stop along an established
14 bus route, provided that, in the latter case, the student or the
15 student's parent or guardian **【is】** shall be present at the bus stop
16 **【for】** to accept the distribution. **【Food distributed】** Distributions
17 made pursuant to this subsection may include up to a total of three
18 school days' worth of food per delivery.

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

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

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

41

42 14. This act shall take effect immediately.

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STATEMENT

This bill would require school districts and nonpublic schools participating in the National School Lunch Program to provide free lunch, during the 2024-2025 school year, to students who are federally eligible for free or reduced price school lunch, as well as to students who are federally ineligible for free or reduced price school meals, but who have an annual household income of not more than 249 percent of the federal poverty level (FPL). The bill would additionally amend existing law at section 12 of P.L.2022, c.104 (C.18A:33-14a) to clarify that both public and nonpublic schools offering school breakfasts to students in the State, pursuant to the federal School Breakfast Program, will be required to provide such breakfasts, free of charge, both to federally eligible students and to students who are federally ineligible for free or reduced price school meals, but who have an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the FPL.

Under existing federal law, a student is federally eligible to receive free or reduced price school lunch under the National School Lunch Program, or free or reduced price school breakfast under the federal School Breakfast Program, only if the student is determined to be categorically eligible for such benefits (i.e., is determined to be a homeless child, a migrant child, a runaway child, a foster child, or a Head Start Child, or is a participant in certain public benefits programs) or can demonstrate that the student lives in a low-income household (i.e., a household with an annual income that is not more than 185 percent of the federal poverty level). Through the recent enactment of the “Working Class Families’ Anti-Hunger Act,” P.L.2022, c.104 (C.18A:33-3.2 et al.), the State of New Jersey has also provided for the expanded provision of free school lunches and breakfasts to students in the State who reside in certain middle-income families (i.e., those families having an annual household income of up to 199 percent of the FPL). This bill would further amend and supplement the Working Class Families Anti-Hunger Act to expressly apply the provisions of that existing law to nonpublic schools that elect to participate in the National School Lunch Program, and to additionally expand the income eligibility standards applicable to students in the 2024-2025 school year.

All students who become newly eligible for free school lunch, under the bill’s expanded, but term-limited, income eligibility provisions, would be eligible to continue receiving such free lunches through a summer meals program, and, if enrolled at a public school, would also be able to continue receiving free lunches through an emergency meals distribution program that is activated during a period of public school closure resulting from COVID-19.

1 Consistent with the reimbursement requirements established
2 under the Working Class Families Anti-Hunger Act, the bill would
3 require the State to provide funding to each school district and
4 nonpublic school that participates in the National School Lunch
5 Program, as may be necessary to reimburse the costs associated
6 with the provision of free lunches thereby, in school year 2024-
7 2025, to students who are federally ineligible for such meals, but
8 who satisfy the bill's expanded, State-level income eligibility
9 requirements for that year. The bill would further require the
10 Department of Agriculture, in consultation with the Department of
11 Education, to establish a standardized means by which to review the
12 State reimbursement amounts being allocated under the bill, and
13 under the existing Working Class Families Anti-Hunger Act, in
14 order to determine whether, and the extent to which, participating
15 school districts and nonpublic schools are receiving adequate
16 reimbursement, from the State, sufficient to account for each
17 participating school's actual costs of meal delivery, including, but
18 not limited to, food, labor, and other related costs.

19 The bill would require each report that is annually submitted, to
20 the Governor and Legislature, on the State's school lunch and
21 breakfast programs to identify, as appropriate, for each participating
22 school district and nonpublic school in the State: (1) the total
23 number and percentage of students receiving subsidized school
24 meals who have been determined to be, respectively, federally
25 eligible for free school lunch or breakfast, federally eligible for
26 reduced price school lunch or breakfast, income-eligible for free
27 school lunch or breakfast on the basis of State-level income
28 eligibility requirements, or neither categorically eligible nor
29 income-eligible for free or reduced price lunch or breakfast; and (2)
30 the number and percentage of such students who reside,
31 respectively, in low-income families and in middle-income families.

32 In addition to providing for the term-limited expansion of
33 income eligibility requirements necessary for students to qualify for
34 subsidized school lunches, the bill would also require school
35 districts and nonpublic schools participating in the National School
36 Lunch Program or the federal School Breakfast Program to take
37 steps to minimize or offset program costs, to the extent that such
38 costs can be minimized or offset without compromising the ability
39 of the district or nonpublic school to comply with minimum
40 nutritional standards and other program requirements. To facilitate
41 such legally compliant cost minimization activities, the bill would
42 require the Department of Agriculture, in consultation with the
43 Department of Education, to: (1) monitor, inspect, and oversee
44 school meals programs operating in the State to ensure that school
45 meals served thereunder continue to satisfy minimum nutritional
46 standards; (2) develop and publicize best practices, protocols, and
47 model plans to help participating school districts and nonpublic
48 schools effectively minimize and offset program costs without

1 compromising the nutritional value of meals being served; and (3)
2 work cooperatively with each participating school district and
3 nonpublic school to review the program costs being expended
4 thereby, identify various means and methods by which those
5 program costs can be reduced, curtailed, or eliminated without
6 sacrificing nutritional value or legal compliance, provide relevant
7 financial recommendations, and undertake or recommend other
8 appropriate actions to prevent the State's school meals programs
9 from becoming overly bloated with unnecessary expenses and from
10 otherwise becoming financially burdensome.

11 Finally, the bill would require the Office of the Food Security
12 Advocate to establish a Working Group on School Food Security to
13 identify and develop best practices, policies, and plans, and to take
14 other appropriate action, to promote and facilitate the effective
15 functioning of the State's school meals programs and the expanded
16 provision, thereunder, of free school meals to students in the State.
17 Within one year after its formation, and on a regular basis thereafter
18 as deemed by the food security advocate to be appropriate, the
19 Working Group on School Food Security would be tasked with: (1)
20 conducting a study on school food security issues, in accordance
21 with the bill's provisions, and recommending further State-level
22 action to facilitate the provision of free school meals to enhanced
23 numbers or categories of students in the State; and (2) develop and
24 publish a plan to facilitate and promote the adoption, by the United
25 States Congress and President, of federal legislation authorizing the
26 nationwide provision of free school meals to all students in the
27 country, and providing federal reimbursement for all such meals
28 served by schools and school districts in the states.