

§1
C.18A:33-3.2
§6
C.18A:33-10.1
§12
C.18A:33-14a
§16
C.18A:33-21b1
§21
Repealer
§22
Note

P.L. 2022, CHAPTER 104, *approved September 9, 2022*
Assembly, No. 2368 (*Second Reprint*)

1 AN ACT concerning the provision of free school meals to students
2 from working class, middle-income families, supplementing
3 Title 18A of the New Jersey Statutes, and amending and
4 repealing various parts of the statutory law.

5

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

8

9 1. (New section) As used in this chapter:

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

25 “Community Eligibility Provision” means a type of special
26 assistance alternative, identified at 7 C.F.R. Part 245, pursuant to
27 which the United States Department of Agriculture provides
28 reimbursement for free school meals that are provided by eligible,
29 high-poverty local educational agencies and schools that participate

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 AAP committee amendments adopted May 19, 2022.

²Senate SBA committee amendments adopted June 27, 2022.

1 in both the National School Lunch Program and the federal School
2 Breakfast Program.

3 “Eligible student” means a student who is either categorically
4 eligible or income-eligible for one or more free or reduced price
5 school meals.

6 “Emergency meals distribution program” means the program,
7 established under section 1 of P.L.2020, c.6 (C.18A:33-27.2),
8 pursuant to which a school district is required to provide school
9 meals to students, through designated distribution sites, during any
10 period in which the schools in the district are subject to a public
11 health-related closure due to the COVID-19 pandemic.

12 “Federal School Breakfast Program” means the federal
13 reimbursement program, established under the “Child Nutrition Act
14 of 1966,” 42 U.S.C. s.1771 et seq., pursuant to which the United
15 States Department of Agriculture is authorized to provide grants-in-
16 aid and other assistance to the States, as may be necessary to help
17 finance the establishment, maintenance, operation, and expansion of
18 school breakfast programs and facilitate the provision of free and
19 reduced price breakfasts to eligible students.

20 “Federally eligible for free or reduced price meals” means that a
21 student is categorically eligible for free lunch under the National
22 School Lunch Program or for free breakfast under the federal
23 School Breakfast Program, or that the student satisfies federal
24 income eligibility requirements, adopted by the United States
25 Department of Agriculture pursuant to 7 C.F.R. Part 245, as is
26 necessary to federally qualify for and receive free or reduced price
27 lunch under the National School Lunch Program or free or reduced
28 price breakfast under the federal School Breakfast Program.

29 “Federally ineligible for free or reduced price meals” means that
30 a student is not categorically eligible for, and fails to satisfy federal
31 income eligibility requirements, adopted by the United States
32 Department of Agriculture pursuant to 7 C.F.R. Part 245, as is
33 necessary for the student to federally qualify for and receive free or
34 reduced price lunch under the National School Lunch Program or
35 free or reduced price breakfast under the federal School Breakfast
36 Program.

37 “Income-eligible” means that a student either satisfies federal
38 income eligibility requirements, adopted by the United States
39 Department of Agriculture pursuant to 7 C.F.R. Part 245, or
40 satisfies State-level income eligibility requirements, set forth in
41 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) or
42 subsection a. of section ¹~~11~~ ¹² of P.L. , c. (C.) (pending
43 before the Legislature as this bill), as is necessary for the student to
44 qualify for and receive free or reduced price lunch under the
45 National School Lunch Program or free or reduced price breakfast
46 under the federal School Breakfast Program.

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

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

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

15 “School breakfast program” means a program that is established
16 and operated by a public or nonpublic school, in accordance with
17 the requirements of the federal School Breakfast Program and, in
18 the case of a public school, in accordance with a plan adopted
19 pursuant to section 2 of P.L.2003, c.4 (C.18A:33-10) or section
20 **1[5] 6**¹ of P.L. , c. (C.) (pending before the Legislature as
21 this bill), and pursuant to which the school offers daily breakfasts to
22 all enrolled students.

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

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

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

41 “Subsidized student” means a categorically eligible student or
42 income-eligible student who, as provided by subsection a. of section
43 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of section **1[11]**
44 **12**¹ of P.L. , c. (C.) (pending before the Legislature as this
45 bill), is not required to pay for meals that are served to the student
46 under the National School Lunch Program or the federal School
47 Breakfast Program.

1 “Summer Food Service Program” means the federal
2 reimbursement program, established under 42 U.S.C. s.1761 and 7
3 C.F.R. Part 225, pursuant to which the United States Department of
4 Agriculture is authorized to provide grants-in-aid and other
5 assistance to the States, as may be necessary to help schools, local
6 government agencies, nonprofit organizations, colleges and
7 universities, and summer camps finance the administrative and
8 operational costs of providing meals to children, in low-income
9 areas, during the summer months and other planned periods of
10 school closure.

11 “Summer meals program” means the Summer Food Service
12 Program, the Seamless Summer Option authorized by
13 42 U.S.C. s.1761, or any other similar State or federal program that
14 is designed to ensure that children have access to nutritious meals
15 during the summer months and other planned periods of school
16 closure.

17 “Unsubsidized student” means a student who is neither
18 categorically eligible nor income-eligible for free or reduced price
19 school meals, and who is, consequently, required to pay for any
20 such meals that are served to the student under the National School
21 Lunch Program or the federal School Breakfast Program.

22

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

25 1. a. (1) Each school district shall make school lunch
26 available to all **children** students enrolled in the district, except at
27 those schools ¹at which less than five percent of students are
28 federally eligible for free or reduced price meals, **that are exempt**
29 from the requirements of this section, as provided by section 2 of
30 P.L.1974, c.53 (C.18A:33-5),¹ within **[1] one year [from] after the**
31 effective date of [this act] P.L.1974, c.53 (C.18A:33-4 et seq.).
32 **[Such lunches]**

33 (2) ¹[Each school district shall make school lunch available at
34 every school that was exempt from the provisions of paragraph (1)
35 of this subsection, within one year after the effective date of
36 P.L. , c. (C.) (pending before the Legislature as this bill).

37 (3)¹ School lunches made available pursuant to this section
38 shall meet minimum nutritional standards, established by the
39 Department of Education.

40 ¹**[(4)] (3)¹** Free [and] or reduced price lunches, as appropriate,
41 shall be offered, under a school lunch program, to [all children
42 qualifying under Statewide eligibility criteria] each student enrolled
43 in the district who is determined to be federally eligible for free or
44 reduced price meals. As provided by section 1 of P.L.2019, c.445
45 (C.18A:33-21.1), any student who is eligible for a reduced price
46 lunch, pursuant to federal income eligibility standards and criteria,
47 shall not be required to pay for such lunch. Free lunches shall also

1 be offered to each student enrolled in the district who is federally
2 ineligible for free or reduced price meals, but who has an annual
3 household income that is not less than 186 percent, and not more
4 than 199 percent, of the federal poverty level, as determined
5 pursuant to section ~~15~~ 16¹ of P.L. , c. (C.) (pending
6 before the Legislature as this bill).

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

12 c. The Department of Agriculture, in consultation with the
13 Department of Education, shall annually prepare and submit, to the
14 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
15 19.1), to the Legislature, a written report that identifies, for each
16 school and school district in the State:

17 (1) the methods that are being used by each school or school
18 district to facilitate the prompt identification and subsidized meal
19 certification of students who are categorically eligible or income-
20 eligible for free or reduced price lunch under the National School
21 Lunch Program; and

22 (2) the number and percentage of income-eligible students from
23 low-income families and from middle-income families,
24 respectively, that are receiving free or reduced price lunches under
25 the National School Lunch Program and the provisions of this
26 section.

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

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

37 ^{13.} Section 2 of P.L.1974, c.53 (C.18A:33-5) is amended to read
38 as follows:

39 2. Any school ~~in~~ at which less than ~~5%~~ five percent of
40 ~~pupils~~ enrolled ~~meet the eligibility requirements~~ students are
41 federally eligible for a free or reduced price lunch shall be exempt
42 from the provisions of ~~this act~~ P.L.1974, c.53 (C.18A:33-
43 1 et seq.).¹

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

46 ~~3.~~ ^{4.} Section 1 of P.L.2003, c.4 (C.18A:33-9) is amended
47 to read as follows:

48 1. The Legislature finds and declares that:

1 a. The federal School Breakfast Program is a federally assisted
2 meal program **【operating】** that is implemented in public and
3 nonprofit private schools and residential child care institutions
4 nationwide, and **【supplying to】** is designed to ensure that each
5 participating child receives breakfast containing at least one-fourth
6 of the nutrients needed daily**【;】**.

7 b. The federal School Breakfast Program was established **【by**
8 the federal government**】** in 1966 with the purpose of providing a
9 nutritious, well-balanced breakfast to promote sound eating habits,
10 and fostering good health and academic achievement for school-age
11 children**【;】**.

12 c. New Jersey ranks fiftieth in the nation for participation in
13 the federal School Breakfast Program by schools offering school
14 lunch, and the State has seen only modest increases in participation
15 in recent years**【;】**.

16 d. Research shows that school breakfast increases attendance
17 and decreases tardiness, improves academic performance both in
18 class and on standardized tests, improves attentiveness, and reduces
19 emotional and behavioral problems among students from all
20 backgrounds**【; and】**.

21 e. **【Therefore】** Based on the foregoing findings, it is clearly in
22 the public interest for the State to require **【that】** school districts
23 **【with large populations of students eligible for federally subsidized**
24 **meals】** to offer school breakfasts through the federal School
25 Breakfast Program, and to publicize the **【program】** availability of
26 such breakfasts in their communities.

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

28

29 ¹**【4.】** 5.¹ Section 2 of P.L.2003, c.4 (C.18A:33-10) is amended
30 to read as follows:

31 2. a. (1) A public school operated by a local or regional
32 school district of the State in which 20**【%】** percent or more of the
33 students enrolled in the school on October 1 of the preceding school
34 year were federally eligible for free or reduced price meals under
35 the **【federal】** National School Lunch Program or the federal School
36 Breakfast Program, shall establish a **【School Breakfast Program】**
37 school breakfast program in the school.

38 **【The】** (2) A school district shall submit a school breakfast
39 program plan **【for the establishment of school breakfast programs】**
40 for each school in the district that is subject to the requirements of
41 paragraph (1) of this **【section that is】** subsection. The plan for each
42 school shall be adopted in compliance with, and pursuant to **【the】**,
43 federal School Breakfast Program **【administered by the State**
44 Department of Agriculture. The plan for each school
45 requirements, and shall be submitted to the Department of

- 1 Agriculture by the date required by subsection b. of this section, in
2 a form and manner prescribed by the Secretary of Agriculture.
- 3 (3) Following the enactment of P.L. , c. (C.) (pending
4 before the Legislature as this bill), a school district shall submit a
5 new school breakfast program plan, in accordance with the
6 provisions of section ¹[5] ²[(6)¹] ⁶ of P.L. , c. (C.)
7 (pending before the Legislature as this bill), for each school in the
8 district that is subject to the requirements of paragraph (1) of this
9 subsection. A new plan adopted pursuant to this paragraph and
10 section ¹[5] ²[(6)¹] ⁶ of P.L. , c. (C.) (pending before the
11 Legislature as this bill) shall supersede any plan previously adopted
12 for the school, pursuant to this section, and the adoption of a new
13 plan under this paragraph and section ¹[5] ²[(6)¹] ⁶ of
14 P.L. , c. (C.) (pending before the Legislature as this bill)
15 shall cause the plan previously adopted under paragraph (2) of this
16 subsection to become void and inoperable.
- 17 b. (1) A school district shall submit a plan, by November 1,
18 2003, for all grades of each school that has one or more of the
19 grades pre-K through sixth grade and for which a plan is required
20 by paragraph (2) of subsection a. of this section **[on or before**
21 **November 1, 2003].**
- 22 (2) A school district shall submit a plan, by November 1, 2004,
23 for all grades of each school **[that is not] , other than the schools**
24 described in paragraph (1) of this subsection **[and],** for which a
25 plan is required by paragraph (2) of subsection a. of this section **[on**
26 **or before November 1, 2004].**
- 27 c. The Department of Agriculture, in consultation with the
28 Department of Education, shall review each school breakfast plan
29 submitted pursuant to this section and make recommendations, if
30 necessary, **[on] regarding** how the school breakfast program can
31 operate within the limits of the federal and State reimbursement
32 rates for the federal School Breakfast Program.
- 33 d. The Department of Agriculture shall notify each school
34 district that submits a school breakfast plan, pursuant to this
35 section, of the completion of the department's review and any
36 recommended changes to the plan, within three months **[of the]**
37 after receipt of the plan, but no later than the February 1 following
38 the date required for submission of the plan pursuant to subsection
39 b. of this section.
- 40 e. A school district **[subject to the requirements of this**
41 **section]** shall establish a school breakfast program in each of its
42 schools, based on the plan submitted **[by the school district to the**
43 **Department of Agriculture]** pursuant to paragraph (2) of subsection
44 a. of this section, by September 1, 2004 for schools for which plans
45 are required to be submitted **[by] pursuant to** paragraph (1) of
46 subsection b. of this section, and by September 1, 2005 for schools

1 for which plans are required to be submitted **[by]** pursuant to
2 paragraph (2) of subsection b. of this section.

3 f. (1) If a school district does not submit a school breakfast
4 plan to the Department of Agriculture, pursuant to paragraph (2) of
5 subsection a. of this section, by the date required by subsection b. of
6 this section, it shall establish a school breakfast program, in each of
7 its schools in which a program is required pursuant to paragraph (1)
8 of subsection a. of this section, based on a model plan provided by
9 the department.

10 (2) The model plan developed by the department, for the
11 purposes of this section, shall include recommendations on how
12 **[the]** a school breakfast program can operate within the limits of
13 the federal and State reimbursement rates for the federal School
14 Breakfast Program.

15 (3) The Department of Agriculture shall provide the model plan
16 to the school district no later than March 1, 2004 for schools for
17 which plans are required to be submitted **[by]** pursuant to
18 paragraph (1) of subsection b. of this section, and by March 1, 2005
19 for schools for which plans are required to be submitted **[by]**
20 pursuant to paragraph (2) of subsection b. of this section, and the
21 school district shall establish the school breakfast program in each
22 of its schools, based on the model plan, by September 1, 2004 for
23 schools for which plans are required to be submitted **[by]** pursuant
24 to paragraph (1) of subsection b. of this section, and by September
25 1, 2005 for schools for which plans are required to be submitted
26 **[by]** pursuant to paragraph (2) of subsection b. of this section.

27 (cf: P.L.2003, c.4, s.2)

28

29 ¹**[5.] 6.**¹ (New section) a. (1) Notwithstanding the provisions
30 of section 2 of P.L.2003, c.4 (C.18A:33-10) to the contrary,
31 following the enactment of P.L. , c. (C.) (pending before
32 the Legislature as this bill), each public school in the State ¹**[shall**
33 **establish a school breakfast program, regardless of the percentage**
34 **of students, at the school or in the district, who are]** in which 10
35 percent or more of the students enrolled in the school on October 1
36 of the preceding school year were¹ federally eligible for free or
37 reduced price meals under the National School Lunch Program or
38 the federal School Breakfast Program ¹shall establish a breakfast
39 program in the school¹.

40 (2) A school district shall submit, to the Department of
41 Agriculture, a school breakfast program plan for each school in the
42 district ¹that is subject to the requirements of paragraph (1) of this
43 subsection¹. The plan shall be submitted in a form and manner
44 prescribed by the Secretary of Agriculture and in accordance with
45 the timeframes specified by subsection b. of this section.

1 b. (1) A plan for all grades in each school having one or more
2 of the grades pre-K through sixth grade, shall be submitted by
3 November 1, ²[2022] 2023².

4 (2) A plan for all grades in each school not described in
5 paragraph (1) of this subsection shall be submitted by November 1,
6 ²[2023] 2024².

7 c. The Department of Agriculture, in consultation with the
8 Department of Education, shall review each school breakfast
9 program plan submitted pursuant to this section and make
10 recommendations, if necessary, regarding how the school breakfast
11 program can operate most effectively, in accordance with federal
12 School Breakfast Program requirements and the provisions of
13 section ¹[11] 12¹ of P.L. , c. (C.) (pending before the
14 Legislature as this bill). The Department of Agriculture shall notify
15 each school district of the completion of the department's review
16 and any recommended changes to the plan, within 90 days after
17 receipt thereof.

18 d. A school district shall establish a school breakfast program
19 in each of its schools, based on the plan submitted pursuant to
20 paragraph (2) of subsection a. of this section, by September 1,
21 ²[2023] 2024² for schools for which plans are required to be
22 submitted pursuant to paragraph (1) of subsection b. of this section,
23 and by September 1, ²[2024] 2025² for schools for which plans are
24 required to be submitted pursuant to paragraph (2) of subsection b.
25 of this section.

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

31 (2) The model plan developed by the department, for the
32 purposes of this subsection, shall include recommendations on how
33 a school breakfast program can operate in accordance with federal
34 School Breakfast Program requirements and the provisions of
35 section ¹[11] 12¹ of P.L. , c. (C.) (pending before the
36 Legislature as this bill).

37 (3) The department shall provide the model plan to a school
38 district that is subject to this subsection by March 1, ²[2023] 2024²
39 for schools for which plans are required to be submitted pursuant to
40 paragraph (1) of subsection b. of this section, and by March 1,
41 ²[2024] 2025² for schools for which plans are required to be
42 submitted pursuant to paragraph (2) of subsection b. of this section,
43 and the school district shall establish the school breakfast program
44 in each of its schools, based on the model plan, by September 1,
45 ²[2023] 2024² for schools for which plans are required to be
46 submitted pursuant to paragraph (1) of subsection b. of this section,
47 and by September 1, ²[2024] 2025² for schools for which plans are

1 required to be submitted pursuant to paragraph (2) of subsection b.
2 of this section.

3 ²f. (1) A school, or a school district acting on behalf of a
4 school in the district, may, in a form and manner prescribed by the
5 Department of Agriculture, apply to the department for a waiver of
6 the breakfast program requirements established pursuant to
7 paragraph (1) of subsection a. of this section.

8 (2) The department shall grant a waiver of the breakfast
9 program requirements established pursuant to paragraph (1) of
10 subsection a. of this section, and shall continue a waiver pursuant to
11 paragraph (4) of this subsection, if the school, or the school district
12 acting on behalf of the school, demonstrates to the department's
13 satisfaction that the provision of a breakfast program at the school
14 will result in financial hardship for either the school or the school
15 district. Conditions under which a waiver may be granted shall
16 include, but need not be limited to, the following:

17 (a) there is a lack of facilities or equipment necessary to offer a
18 school breakfast program at the school, and the acquisition of such
19 facilities or equipment would cause financial hardship to the school
20 or school district; or

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

24 (3) Not more frequently than biennially, the department may
25 request that updated financial and demographic information be
26 submitted to the department by a school, or by a school district
27 acting on behalf of a school, which has obtained a waiver of school
28 breakfast program requirements pursuant to this subsection. A
29 school or school district, upon such request, shall submit the
30 updated financial and demographic information in a form and
31 manner and within a timeframe prescribed by the department.

32 (4) The department shall rescind a waiver previously granted
33 under this subsection if it determines, based upon its review of
34 updated financial and demographic information submitted pursuant
35 to paragraph (3) of this subsection, that there has been a change in
36 circumstances that has eliminated the financial hardship warranting
37 continuation of the waiver pursuant to paragraph (2) of this
38 subsection. Nothing in this paragraph shall be deemed to prohibit a
39 school or school district from submitting a new waiver application,
40 pursuant to paragraph (1) of this subsection, in one or more years
41 following the rescission of a waiver pursuant to this paragraph.

42 (5) The department shall establish standards and procedures for
43 the filing of waiver applications and the awarding and rescission of
44 waivers pursuant to this subsection.²

45
46 ¹**[6.] 7.**¹ Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended
47 to read as follows:

1 3. In implementing a school lunch program, pursuant to
2 P.L.1974, c.53 (C.18A:33-4 et seq.), a school breakfast program
3 **【under this act】**, pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.)¹ or
4 section 6 of P.L. , c. (C.) (pending before the Legislature
5 as this bill)¹, or a breakfast after the bell program, pursuant to
6 section 1 of P.L.2014, c.66 (C.18A:33-11.1) or section 2 of
7 P.L.2018, c.25 (C.18A:33-11.3), each school and school district
8 shall:

9 a. publicize, to parents and students, the availability of the
10 **【school breakfast】** respective school meals program 【to parents and
11 students】, as well as the various ways in which a student may
12 qualify to receive free or reduced price meals under the program, as
13 provided by subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-
14 4) and subsection a. of section¹【11】¹² of P.L. , c. (C.)
15 (pending before the Legislature as this bill);

16 b. make every effort to ensure that 【income-eligible】
17 subsidized students are not recognized as program participants, by
18 the student body, faculty, or staff, in a manner that is 【distinct】
19 different from 【student participants who are not income-eligible】
20 the manner in which unsubsidized students are recognized as
21 program participants. Such efforts shall include, but need not be
22 limited to, the establishment of a neutral meal plan or voucher
23 system 【under which】 that does not make a distinction between
24 subsidized and unsubsidized students 【receiving subsidized
25 breakfasts are not distinguished from students receiving non-
26 subsidized breakfasts】; and

27 c. make every effort to:

28 (1) facilitate the prompt and accurate identification of
29 categorically eligible students who may be certified to participate in
30 the program, on a subsidized basis, without first submitting an
31 application therefor, and, whenever an application is required to
32 establish eligibility for subsidized meals, encourage students and
33 their families to submit a subsidized school meals application for
34 that purpose;

35 (2) facilitate and expedite, to the greatest extent practicable, the
36 subsidized school meals application and income-eligibility
37 determination processes that are used, by the school or school
38 district, to certify a student for free or reduced price school meals
39 on the basis of income, and assist parents and guardians in
40 completing the school meals application; and

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

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

1 ¹~~7.~~ 8.¹ Section 1 of P.L.2014, c.66 (C.18A:33-11.1) is
2 amended to read as follows:

3 1. a. A public school operated by a school district ~~of the State~~
4 ~~participating~~ that participates in the federal ~~school breakfast~~
5 ~~program~~ School Breakfast Program, or a nonpublic school
6 participating in the federal ~~school breakfast program~~ School
7 Breakfast Program, is encouraged to increase the number of
8 students participating in the program by establishing a ~~breakfast~~
9 after the bell ~~program~~ ~~through the incorporation of~~ that
10 incorporates school breakfast ~~in~~ into the first-period classroom or
11 ~~during~~ the first few minutes of the school day.

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

14 (1) make every effort to assist, guide, and support school
15 districts, public schools, ~~or~~ and nonpublic schools in planning,
16 establishing, implementing, or modifying ~~the~~ a breakfast after
17 the bell ~~program~~ to increase the ~~participation rate of all~~
18 ~~students in the~~ number of students, especially the number of
19 students from low-income families and middle-income families,
20 who are participating in each school breakfast program~~, especially~~
21 ~~students from low income families; and~~.

22 (2) ~~prepare and issue an annual report to the Governor and,~~
23 ~~pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the~~
24 ~~Legislature on the number and percentages of students from low~~
25 ~~income families participating in the school breakfast program, and~~
26 ~~the format used for providing breakfast, for each school district,~~
27 ~~public school, or nonpublic school.~~ ~~(Deleted by amendment,~~
28 ~~P.L. , c. (pending before the Legislature as this bill)~~
29 (cf: P.L.2014, c.66, s.1)

30

31 ¹~~8.~~ 9.¹ Section 1 of P.L.2018, c.25 (C.18A:33-11.2) is
32 amended to read as follows:

33 1. The Legislature finds and declares that numerous studies
34 document that childhood hunger impedes learning and can cause
35 lifelong health problems; and that, in New Jersey, tens of thousands
36 of children suffer from hunger each year, with nearly 540,000
37 students living in low-income families that are federally eligible ~~to~~
38 ~~receive~~ for free or ~~low-cost~~ reduced price school meals.

39 The Legislature further finds and declares that New Jersey
40 schools have made great strides in serving breakfast to more
41 ~~children~~ students at the start of the school day, achieving a 73
42 percent increase since 2010; and that, despite this progress, only 44
43 percent of low-income ~~children~~ students in New Jersey received
44 breakfast through the federal School Breakfast Program, according
45 to the most recent data published by Advocates for Children of New
46 Jersey, ~~and that this means~~ meaning that approximately 304,000

1 **[eligible children]** low-income students who **[are]** were already
 2 enrolled in the program **[in]**, as of April 2017, were not served this
 3 all-important morning meal.

4 The Legislature further finds and declares that New Jersey law
 5 **[currently]**, at section 2 of P.L.2003, c.4 (C.18A:33-10), requires a
 6 public school **[operated by a local or regional school district with]**
 7 to provide school breakfast to its students if 20 percent or more of
 8 the students enrolled in the school¹**[.]**¹ on October 1 of the
 9 preceding school year **[who]**¹**[.]**¹ were federally eligible for free or
 10 reduced price meals **[under the federal School Lunch Program or**
 11 **the federal School Breakfast Program to be provided school**
 12 **breakfast]**; that section ¹**[5]** ²**[(6)]** ⁶**2** of P.L. , c. (C.)
 13 (pending before the Legislature as this bill) expands existing law so
 14 as to require ¹**[all]** ¹**a** public ¹**[schools in the State]** school¹ to
 15 provide school breakfast to students¹**[, regardless of the percentage**
 16 **of]** if 10 percent or more of the¹ students ¹**[at]** enrolled in¹ the
 17 school ¹**[who are]** on October 1 of the preceding school year were¹
 18 federally eligible for free or reduced priced meals; that, **[however]**
 19 despite these breakfast program requirements, current law does not
 20 specify how breakfast is to be served to students; and that, by
 21 requiring high-poverty schools to serve **["]**breakfast to students
 22 through a breakfast after the bell program,**["]** New Jersey schools
 23 will reach a much larger percentage of children in need, thereby
 24 helping to further their academic success.

25 The Legislature further finds and declares that the federal
 26 government reimburses schools for each meal served, and that this
 27 expansion can, therefore, be easily accomplished; that, since 2010,
 28 the amount of federal school breakfast reimbursements has more
 29 than doubled from about \$45 million to an anticipated \$105 million
 30 in fiscal year 2018; and that Advocates for Children of New Jersey
 31 estimates that school districts could collect an additional \$89
 32 million in federal funds for school breakfast each year if breakfast
 33 is served during the first few minutes of the school day.

34 The Legislature, therefore, determines that: it **[to]** shall be the
 35 public policy of the State to help remove a major barrier to learning
 36 by providing children the nutrition they need to succeed in school**[,**
 37 **and determines that]**; it is the understanding and the intention of the
 38 Legislature to make breakfast an integral part of the school day**[.]**;
 39 and **[that "]** the implementation of breakfast after the bell**["]**
 40 programs is the most effective way to ensure that all students have
 41 the morning nutrition they need to concentrate, learn, and succeed
 42 in school.

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

45 ¹**[9.]** ^{10.}¹ Section 2 of P.L.2018, c.25 (C.18A:33-11.3) is
 46 amended to read as follows:

1 2. a. Every public school in which 70【%】 percent or more of
2 the students enrolled in the school on or before the last school day
3 before October 16 of the preceding school year were federally
4 eligible for free or reduced price meals under the National School
5 Lunch Program or the federal School Breakfast Program, shall
6 establish a 【school "】breakfast after the bell【"】 program.

7 b. (1) (a) No later than six months following the effective date
8 of 【this act】 P.L.2018, c.25 (C.18A:33-11.2 et seq.), each school
9 district shall submit, to the Department of Agriculture, a plan for
10 the establishment of a 【"】breakfast after the bell【"】 program for all
11 grades at each 【school in the district which is】 of the district's
12 schools that are subject to the requirements of this section. The
13 plan shall comply with the requirements of the federal School
14 Breakfast Program 【administered by the Department of
15 Agriculture】.

16 (b) No later than the first full school year following the
17 submission of the plan, the school district shall establish a
18 【"】breakfast after the bell【"】 program in each of its schools
19 【which】 that are subject to the requirements of this section 【based
20 upon】 , in accordance with the plan submitted 【by the school
21 district to the Department of Agriculture】 pursuant to this
22 paragraph.

23 (2) (a) No later than six months after the effective date of
24 P.L. , c. (C.) (pending before the Legislature as this bill),
25 each school district shall submit, to the Department of Agriculture,
26 a revised breakfast after the bell plan for each school in the district
27 that is subject to the requirements of this section. The revised plan
28 shall comply with federal School Breakfast Program requirements
29 and the provisions of section '【11】 12' of P.L. , c. (C.)
30 (pending before the Legislature as this bill).

31 (b) No later than the first full school year following the
32 submission of a revised plan pursuant to this paragraph, the school
33 district shall modify the breakfast after the bell program operating
34 in each of its schools that are subject to the requirements of this
35 section, as may be necessary to implement the provisions of the
36 revised plan.

37 (3) The Department of Agriculture, in consultation with the
38 Department of Education, shall review each revised plan submitted
39 pursuant to this subsection and make recommendations, if
40 necessary, regarding how a school's breakfast after the bell program
41 can operate most effectively, in accordance with the federal School
42 Breakfast Program requirements and the provisions of section '【11】
43 12' of P.L. , c. (C.) (pending before the Legislature as this
44 bill). The Department of Agriculture shall notify each school
45 district that submits a plan pursuant to this subsection of the
46 completion of the department's review, and of any recommended
47 changes to the plan, within 90 days after receipt thereof.

1 c. Upon application, a school district may be granted a waiver
2 by the Department of Agriculture of the requirements of this section
3 for any school in which more than 70 percent of eligible students
4 received a meal under the school breakfast program during the
5 preceding school year. A school district that requests a waiver shall
6 provide **[such]** relevant information, as may be required by the
7 Department of Agriculture **[specifies]**, to justify the request.

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

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

15
16 ¹**[10.] 11.** Section 4 of P.L.2018, c.25 (C.18A:33-11.5) is
17 amended to read as follows:

18 4. The Department of Agriculture, in consultation with the
19 Department of Education, shall develop **[any]** guidelines, as may
20 be necessary [for] to facilitate the implementation and operation of
21 **[a paid "breakfast after the bell" program] programs by schools**
22 in the State, in accordance with the provisions of section 1 of
23 P.L.2014, c.66 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25
24 (C.18A:33-11.2 and C.18A:33-11.3), and section ¹**[11] 12¹** of
25 P.L. , c. (C.) (pending before the Legislature as this bill),
26 including, but not limited to, guidelines, consistent with the
27 provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),
28 concerning a school's receipt of payment, from unsubsidized
29 students, for breakfasts served to such students under a breakfast
30 after the bell program.

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

32
33 ¹**[11.] 12.** (New section) a. (1) School breakfasts made
34 available to students under a school breakfast program or a
35 breakfast after the bell program shall meet minimum nutritional
36 standards, established by the Department of Education.

37 (2) Free or reduced price breakfasts, as appropriate, shall be
38 offered, under a school breakfast program or a breakfast after the
39 bell program, to all enrolled students 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 who is
42 eligible for a reduced price breakfast, pursuant to federal income
43 eligibility criteria, shall not be required to pay for such breakfast.
44 Free breakfasts shall also be offered to each enrolled student who is
45 federally ineligible for free or reduced price meals, but who has an
46 annual household income that is not less than 186 percent, and not
47 more than 199 percent, of the federal poverty level, as determined

1 pursuant to section ¹~~15~~ 16¹ of P.L. , c. (C.) (pending
2 before the Legislature as this bill).

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

9 c. The Department of Agriculture, in consultation with the
10 Department of Education, shall annually prepare and issue, to the
11 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
12 19.1, to the Legislature, a written report that identifies, for each
13 school and school district in the State:

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

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

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

29 d. The Department of Agriculture, in consultation with the
30 Department of Education, shall adopt rules and regulations pursuant
31 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
32 1 et seq.), to implement the provisions of this section, including, but
33 not limited to, rules and regulations establishing a schedule for, and
34 identifying the manner in which, State-level reimbursements are to
35 be made pursuant to subsection b. of this section.

36

37 ¹~~12.~~ 13.¹ Section 1 of P.L.2018, c.26 (C.18A:33-14.1) is
38 amended to read as follows:

39 1. a. (1) A school district that participates in the National
40 School Lunch Program or the federal School Breakfast Program
41 shall take steps to maximize the use of federal resources and to
42 minimize the debt that is incurred by families for school meals, in
43 accordance with a protocol established by the Department of
44 Agriculture. The protocol established by the department, pursuant
45 this paragraph, shall be adopted within 180 days after the effective
46 date of P.L. , c. (C.) (pending before the Legislature as this
47 bill), in consultation with the Department of Education, the School
48 Nutrition Association of New Jersey, and all relevant stakeholders,

1 and shall: (a) promote the increased certification of students from
2 low-income families and middle-income families for free and
3 reduced price school meals, in accordance with the provisions of
4 P.L. , c. (C.) (pending before the Legislature as this bill);
5 and (b) identify best practices to maximize the receipt and use of
6 federal resources by the district's schools.

7 (2) The Department of Agriculture and Department of
8 Education, in cooperation with each other, shall consult with, and
9 provide direct assistance to, school districts to help them improve,
10 simplify, and expedite the free and reduced price meal certification
11 process and otherwise reduce the administrative burden on schools
12 and school districts that results from such process.

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

28 b. The Department of Agriculture, in consultation with the
29 Department of Education, shall adopt, pursuant to the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
31 1 et seq.), such rules and regulations as may be necessary to
32 effectuate the purposes of this **[act]** section.

33 c. **[As used in this section, "Community Eligibility Provision"**
34 **means a federal reimbursement alternative for eligible, high-poverty**
35 **local educational agencies and schools participating in both the**
36 **National School Lunch Program and School Breakfast Program**
37 **which is funded by the United States Department of Agriculture and**
38 **administered by the New Jersey Department of Agriculture in**
39 **accordance with the requirements set forth in federal regulations at**
40 **7 CFR Part 245.]** (Deleted by amendment, P.L. , c. (pending
41 before the Legislature as this bill)

42 (cf: P.L.2018, c.26, s.1)

43

44 ¹**[13.] 14.**¹ Section 1 of P.L.2015, c.15 (C.18A:33-21) is
45 amended to read as follows:

46 1. a. (1) In the event that a school district determines that **[a]**
47 an unsubsidized student's school breakfast or school lunch bill is in
48 arrears, the district shall contact the student's parent or guardian to

1 provide notice of the arrearage, and shall provide the parent or
2 guardian with a period of 10 school days to pay the amount due. If
3 the student's parent or guardian has not made full payment by the
4 end of **the 10 school days** the designated 10-day period, then the
5 district shall again contact the student's parent or guardian to
6 provide notice of any action to be taken by the school district in
7 response to **a student's school breakfast or school lunch bill being**
8 **in arrears** the arrearage.

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

12 (3) Nothing in this section shall be construed to require a school
13 district to deny or restrict the ability of an unsubsidized student to
14 **access to** school breakfast or school lunch **to a student whose**
15 when the student's school breakfast or school lunch bill is in
16 arrears.

17 b. A school or school district shall not:

18 (1) publicly identify or stigmatize **a** an unsubsidized student
19 who cannot pay for a school breakfast or a school lunch or whose
20 school breakfast or school lunch bill is in arrears, for example, by
21 requiring **that** the student to sit at a separate table **or**, by
22 requiring that the student to wear a wristband, hand stamp, or
23 identifying mark, or by serving the student an alternative meal;

24 (2) require **a** an unsubsidized student, who cannot pay for a
25 school breakfast or a school lunch, or whose school breakfast or
26 school lunch bill is in arrears, to do chores or other work to pay for
27 the school breakfast or school lunch; **or**

28 (3) require **a** an unsubsidized student to discard a school
29 breakfast or school lunch after it has been served because of the
30 student's inability to pay for a school breakfast or a school lunch or
31 because money is owed for previously provided meals;

32 (4) prohibit an unsubsidized student, or a sibling of such a
33 student, from attending or participating in non-fee-based
34 extracurricular activities, field trips, or school events, from
35 receiving grades, official transcripts, or report cards, or from
36 graduating or attending graduation events, solely because of the
37 student's unresolved meal debt; or

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

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

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

46 (2) **make** determine whether the student is categorically
47 eligible or income-eligible for free or reduced price meals, by

1 conducting a review of all available records related to the student,
 2 and by making at least two attempts, not including the initial
 3 **【application or instructions provided to the parent or guardian】**
 4 attempt made pursuant to section 3 of P.L.2020, c.29 (C.18A:33-
 5 21b), to contact the student's parent or guardian and have the parent
 6 or guardian fill out **【an】** a school meals application **【for the school**
 7 lunch program and school breakfast program】; and

8 (3) require a principal, or a person designated by the principal,
 9 to contact the parent or guardian of the unsubsidized student to
 10 offer assistance with respect to the completion of the school meals
 11 application 【for the school lunch and school breakfast program】, to
 12 determine if there are other issues 【within】 in the household that
 13 have caused the child to have insufficient funds to purchase a
 14 school breakfast or school lunch, and to offer any other appropriate
 15 assistance.

16 d. A school district shall direct communications about a
 17 student's school breakfast or school lunch bill being in arrears to the
 18 parent or guardian and not to the student. Nothing in this subsection
 19 shall prohibit a school district from sending a student home with a
 20 letter addressed to a parent or guardian.

21 e. Notwithstanding the provisions of this section and the
 22 provisions of any other law, rule, or regulation to the contrary, an
 23 unsubsidized student shall not be denied access to a school meal,
 24 regardless of the student's ability to pay or the status of the
 25 student's meal arrearages, during any period of time in which the
 26 school is making a determination, pursuant to subsection c. of this
 27 section, as to whether the student is eligible for, and can be certified
 28 to receive, free or reduced price meals.

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

30

31 ¹**【14.】** 15.¹ Section 1 of P.L.2020, c.29 (C.18A:33-21a) is
 32 amended to read as follows:

33 1. Section 1 of P.L.2015, c.15 (C.18A:33-21) and **【sections 3**
 34 **and 4 of P.L.2020, c.29 (C.18A:33-21b and C.18A:33-21c)】** section
 35 ¹**【15】** 16¹ of P.L. , c. (C.) (pending before the Legislature
 36 as this bill), shall be known and may be cited as the "Hunger-Free
 37 Students' Bill of Rights Act."

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

39

40 ¹**【15.】** 16.¹ (New section) a. At the beginning of each school
 41 year, or upon initial enrollment, in the case of a student who enrolls
 42 during the school year, a school district shall provide each student's
 43 parent or guardian with:

44 (1) information on the National School Lunch Program and the
 45 federal School Breakfast Program, including, but not limited to,
 46 information on the availability of free or reduced price meals for
 47 eligible students, information on the application and determination

1 processes that are used to certify eligible students for subsidized
2 school meals, and information on the rights that are available to
3 students and their families under this section and section 1 of
4 P.L.2015, c.15 (C.18A:33-21); and

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

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

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

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

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

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

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

25 (2) determine whether the school or school district is required,
26 by 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 meals provided to
32 eligible students, free of charge, through a school lunch program, a
33 school breakfast program, a breakfast after the bell program, a
34 summer meals program, or an emergency meals distribution
35 program; and

36 (4) facilitate school aid determinations under the "School
37 Funding Reform Act of 2008," P.L.2007, c.260 (C.18A:7F-
38 43 et seq.).

39

40 ¹**[16.] 17.**¹ Section 1 of P.L.2019, c.445 (C.18A:33-21.1) is
41 amended to read as follows:

42 1. a. Notwithstanding any other law, or rule or regulation
43 adopted pursuant thereto, to the contrary, **[no]** a public school
44 student who is eligible for a reduced price breakfast under **[a]** the
45 federal School Breakfast Program **[established pursuant to**
46 **P.L.2003, c.4 (C.18A:33-9 et seq.),]** or a reduced price lunch
47 **[pursuant to P.L.1974, c.53 (C.18A:33-4 et seq.),]** under the

1 National School Lunch Program shall not be required to pay for any
2 such reduced price breakfast or reduced price lunch.

3 b. The State shall pay the difference between the federal
4 allocation for reduced price breakfasts and reduced price lunches
5 and the total cost of the reduced price breakfasts and reduced price
6 lunches that are served to public school students who are federally
7 eligible **【public school students】** for reduced price meals.

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

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

18

19 ¹**【17.】** 18.¹ Section 1 of P.L.2018, c.28 (C.18A:33-24) is
20 amended to read as follows:

21 1. a. Every school district in which 50 percent or more of the
22 students enrolled in the school district on or before the last school
23 day before October 16 of the preceding school year were federally
24 eligible for free or reduced price meals under the National School
25 Lunch Program or the federal School Breakfast Program, shall:

26 (1) become a sponsor or site **【of】** under the federal Summer
27 Food Service Program; or

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

30 b. No later than one year after the date of enactment of **【this**
31 **act】** P.L.2018, c.28 (C.18A:33-24 et seq.), a school district **【which】**
32 that is required to become a sponsor 【a】 or site under the Summer
33 Food Service Program, pursuant to subsection a. of this section,
34 shall submit, to the Department of Agriculture, either an application
35 to become a sponsor of the federal Summer Food Service Program
36 or documentation showing that the school district will become a site
37 under an existing and approved sponsor.

38 c. **【As used in this act, "Summer Food Service Program"**
39 **means the federal program that reimburses sponsors for**
40 **administrative and operational costs to provide meals for children**
41 **18 years of age and younger during periods when they are out of**
42 **school for 15 or more consecutive school days, which is funded by**
43 **the United States Department of Agriculture and administered by**
44 **the State Department of Agriculture in accordance with the**
45 **requirements set forth in federal regulations at 7 CFR Part 225 and**
46 **7 CFR Part 250.】** (Deleted by amendment, P.L. , c. (pending
47 before the Legislature as this bill)

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

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

6
7 ¹~~18.~~ 19.¹ Section 2 of P.L.2018, c.28 (C.18A:33-25) is
8 amended to read as follows:

9 2. a. ~~【A】~~ Nothing in section 1 of P.L.2018, c.28 (C.18A:33-
10 24) shall be deemed to prohibit a school district from becoming a
11 sponsor or site under the Summer Food Service Program. Any
12 school district that is not subject to the requirements of section 1 of
13 P.L.2018, c.28 (C.18A:33-24), but that wishes to become a sponsor
14 or site under the Summer Food Service Program, shall submit, to
15 the Department of Agriculture, an application 【pursuant to section 1
16 of this act】 to become a sponsor or documentation showing that the
17 school district will become a site under an existing and approved
18 sponsor.

19 b. ~~【A school district subject to the requirements of this act~~
20 ~~shall become a sponsor of the federal Summer Food Service~~
21 ~~Program or become a site under an existing approved sponsor, no~~
22 ~~later than two years following the date of enactment of this act.】~~
23 ~~(Deleted by amendment, P.L. _____, c. _____ (pending before the~~
24 ~~Legislature as this bill)~~

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

26
27 ¹~~19.~~ 20.¹ Section 1 of P.L.2020, c.6 (C.18A:33-27.2) is
28 amended to read as follows:

29 1. a. In the event that a board of education is provided a
30 written directive, by either the New Jersey Department of Health or
31 the health officer of the jurisdiction, to institute a public health-
32 related closure due to the COVID-19 epidemic, the district shall
33 implement a program, during the period of the school closure, to
34 provide school meals, at meal distribution sites designated pursuant
35 to subsection b. of this section, to all students enrolled in the district
36 who are either categorically eligible or income-eligible for 【the】
37 free 【and】 or reduced price school 【lunch and school breakfast
38 programs】 meals.

39 b. In the event of ~~【the】~~ an emergency closure, as described in
40 subsection a. of this section, the school district shall identify one or
41 more school meal distribution sites that are walkable and easily
42 accessible to students in the district. The school district shall
43 collaborate with county and municipal government officials in
44 identifying appropriate sites. A school 【meal】 meals distribution
45 site may include, but need not be limited to: faith-based locations;
46 community centers, such as YMCAs; and locations in the school
47 district where 【summer】 meals are made available through a

1 summer meals program. In a school district that includes high
 2 density housing, the district shall make every effort to identify a
 3 school meal distribution site in that housing area.

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

16 d. ~~【School districts】~~ A school district may use school buses
 17 owned and operated by the district to distribute school meals
 18 pursuant to this section. In the case of a school district that does
 19 not own and operate its own buses, the district may contract for the
 20 distribution of school meals, and these contracts shall not be subject
 21 to the public bidding requirements established pursuant to the
 22 "Public School Contracts Law," P.L.1977, c.114 (C.18A:18A-
 23 1 et seq.).

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

29 f. School lunches and breakfasts that are made available,
 30 through an emergency meals distribution program operating
 31 pursuant to this section, shall be provided to eligible students, free
 32 of charge, in accordance with the provisions of subsection a. of
 33 section 1 of P.L.1974, c.53 (C.18A:33-4) and subsection a. of
 34 section ~~1【11】 12~~¹ of P.L. , c. (C.) (pending before the
 35 Legislature as this bill).
 36 (cf: P.L.2020, c.6, s.1)

37
 38 ¹~~【20.】~~ 21.¹ The following sections of law are repealed:

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

40 ²~~【Section 4 of P.L.2003, c.4 (C.18A:33-12);】~~²

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

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

43
 44 ¹~~【21.】~~ 22.¹ This act shall take effect ²~~【immediately】~~ on
 45 September 1, 2023, except that the Commissioner of Agriculture
 46 and the Commissioner of Education shall be authorized to take

1 anticipatory administrative action, in advance of the effective date,
2 as may be necessary to implement the provisions of this act².

3

4

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6

7 _____

8 Requires schools to provide free school breakfasts and lunches to
9 students from working class, middle-income families; designated as
“Working Class Families’ Anti-Hunger Act.”