

CHAPTER 336

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

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

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

C.18A:33-3.2 Definitions.

1. As used in this chapter:

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

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

"Eligible student" means a student who is categorically eligible or income-eligible for one or more subsidized school meals.

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

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

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

"Federally ineligible for free or reduced price meals" or "federally ineligible" means that a student is not categorically eligible for, and fails to satisfy federal income eligibility

requirements, adopted by the United States Department of Agriculture pursuant to 7 C.F.R. Part 245, as is necessary for the student to federally qualify for and receive free or reduced price lunch under the National School Lunch Program or free or reduced price breakfast under the federal School Breakfast Program.

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

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

"Middle-income family" means a family with an annual household income amounting to not less than 186 percent, and not more than 224 percent, of the federal poverty level.

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

"Participating school" means a public or nonpublic school that provides daily lunch to enrolled students, through a school lunch program operated pursuant to the National School Lunch Program, or that provides daily breakfast to enrolled students, through a school breakfast program or breakfast after the bell program operated pursuant to the federal School Breakfast Program, or both.

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

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

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

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

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

"Subsidized school breakfast" or "subsidized breakfast" means a school breakfast that is offered to an eligible student, free of charge, and the costs of which are reimbursed by the State

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

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

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

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

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

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

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

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

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

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

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

C.18A:33-4 School lunch, availability to all children; report to the Governor, Legislature; rules, regulations.

1. a. (1) Each school district shall make school lunch available to all students enrolled in the district, except at those schools that are exempt from the requirements of this section, as provided by section 2 of P.L.1974, c.53 (C.18A:33-5), within one year after the effective date of P.L.1974, c.53 (C.18A:33-4 et seq.). Each nonpublic school participating in the National School Lunch Program shall make school lunch available to all students enrolled at the nonpublic school within one year after the effective date of P.L.2023, c.336 (C.18A:33-14.2 et al.).

(2) School lunches offered to students, pursuant to this section, shall meet minimum nutritional standards established by the United States Department of Agriculture.

(3) School lunches offered, pursuant to this section, shall be made available, free of charge, to all students enrolled in the district or in the nonpublic school, as the case may be, who are determined to be federally eligible for free or reduced price meals. As provided by section 1 of P.L.2019, c.445 (C.18A:33-21.1), the unreimbursed costs of free lunches being made available, pursuant to this paragraph, to students who are eligible for reduced price lunch, shall be borne by the State.

(4) Notwithstanding any law, rule, or regulation to the contrary, school lunches offered to students, pursuant to this section, shall also be made available, free of charge, to those students enrolled in the participating school district or nonpublic school, who are federally ineligible for free or reduced price meals, in accordance with the following schedule: (a) during the 2023-2024 school year, to each enrolled student who is federally ineligible for free or reduced price meals, but who has an annual household income that is not less than 186 percent, and not more than 199 percent, of the federal poverty level, as determined pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1); and (b) during the 2024-2025 school year, to each enrolled student who is federally ineligible for free or reduced price meals, but who has an annual household income that is not less than 186 percent, and not more than 224 percent, of the federal poverty level, as determined pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1).

b. The State shall provide funding to each participating school district and nonpublic school, as may be necessary to reimburse the cost of free lunches being served thereby to federally ineligible students, pursuant to paragraph (4) of subsection a. of this section.

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

(1) the methods that are being used thereby to facilitate the prompt identification and subsidized meals certification of students who are, respectively, categorically eligible or income-eligible for free or reduced price lunch under the National School Lunch Program;

(2) the total number and percentage of students receiving subsidized school lunches in the preceding school year who have been determined to be, respectively, federally eligible for free school lunch, federally eligible for reduced price lunch, income-eligible for free school lunch on the basis of State-level income eligibility requirements, or neither categorically eligible nor income-eligible for free or reduced price school lunch; and

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

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

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

C.18A:33-11 Implementation of school breakfast program by district.

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

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

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

c. to the greatest extent practicable:

(1) facilitate and expedite the prompt and accurate identification of categorically eligible students who may be certified to receive subsidized school meals without first submitting an application therefor, and, whenever an application is required to establish income eligibility for subsidized meals, encourage students and their families to submit a subsidized school meals application for that purpose;

(2) facilitate and expedite the subsidized school meals application and income eligibility determination processes that are used, by the school or school district, to certify a student for subsidized school meals on the basis of income, and assist parents and guardians in completing the subsidized school meals application; and

(3) encourage students who are neither categorically eligible nor income-eligible for subsidized school lunch or subsidized school breakfast to nonetheless participate in the school lunch program or school breakfast program, or both, as appropriate, on a paid and unsubsidized basis.

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

C.18A:33-11.5 Guidelines.

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

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

C.18A:33-14a School breakfast, minimum nutritional standards, eligibility.

12. a. (1) School breakfasts made available to students under a school breakfast program or a breakfast after the bell program shall meet minimum nutritional standards, established by the United States Department of Agriculture.

(2) Breakfasts that are offered, by a participating school district or nonpublic school, under a school breakfast program or a breakfast after the bell program, shall be made available, free of charge, to all students enrolled in the district or in the nonpublic school, as the case may be, who are determined to be federally eligible for free or reduced price meals. As provided by section 1 of P.L.2019, c.445 (C.18A:33-21.1), the unreimbursed costs of free breakfasts being made available, pursuant to this paragraph, to students who are federally eligible for reduced price breakfast, shall be borne by the State.

(3) Notwithstanding any law, rule, or regulation to the contrary, breakfasts offered under a school breakfast program or a breakfast after the bell program shall also be made available, free of charge, to each enrolled student who is determined to be federally ineligible for free or reduced price meals, but who has an annual household income amounting to not less than 186 percent, and not more than 224 percent, of the federal poverty level, as determined pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1). As provided by subsection b. of this section, the unreimbursed costs of free breakfasts being offered to federally ineligible students, pursuant to this paragraph, shall be borne by the State.

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

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

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

(2) the total number and percentage of students receiving subsidized school breakfasts, in the preceding year, who have been determined to be, respectively, federally eligible for free school breakfast, federally eligible for reduced price school breakfast, income-eligible for free school breakfast on the basis of State-level income eligibility requirements, or neither categorically eligible nor income-eligible for free or reduced price school breakfast; and the number and percentage of all such students who are, respectively, from low-income families and from middle-income families; and

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

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

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

C.18A:33-14.1 Report of nonparticipation in school meal programs.

1. a. (1) Each school district or nonpublic school that participates in the National School Lunch Program or the federal School Breakfast Program shall take steps to maximize the use of federal resources and to minimize the debt that is incurred by families for school meals, in accordance with a protocol established by the Department of Agriculture. The protocol established by the department, pursuant to this paragraph, shall be adopted within 180 days after the effective date of P.L.2022, c.104 (C.18A:33-3.2 et al.), in consultation with the Department of Education, the School Nutrition Association of New Jersey, and all relevant stakeholders, shall be reviewed and updated on at least an annual basis thereafter, and shall provide for participating school districts and nonpublic schools to: (a) promote the prompt and accurate subsidized meals certification of all eligible students enrolled therein, in accordance with the provisions of P.L.2022, c.104 (C.18A:33-3.2 et al.); and (b) identify best practices to maximize the receipt and use of federal resources by the district's schools.

(2) The Department of Agriculture and Department of Education, in cooperation with each other, shall consult with, and provide direct assistance to, participating school districts and nonpublic schools to help them improve, simplify, and expedite the subsidized school meals certification process and otherwise reduce the administrative burden on schools and school districts that results from such process.

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

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

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

C.18A:33-14.2 Annual review of costs, school meal programs; rules, regulations.

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

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

(1) monitor, and engage in the inspection and oversight of, each school lunch program and school breakfast program operating pursuant to this chapter, as necessary to ensure that school

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

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

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

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

C.18A:33-14.3 Working Group on School Food Security.

8. a. Not more than 180 days after the effective date of P.L.2023, c.336 (C.18A:33-14.2 et al.), the Office of the Food Security Advocate, established pursuant to P.L.2021, c.242 (C.52:27J-1 et seq.), shall establish a Working Group on School Food Security to identify and develop best practices, policies, and plans, and to take other appropriate action, to promote and facilitate the effective functioning of the State's school meals programs and the expanded provision, thereunder, of free school meals to students in the State.

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

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

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

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

(1) the expected annual costs to be expended, by each participating school district and nonpublic school in the State, in providing free school meals to eligible students in accordance

with the provisions of this chapter, including the amount by which such costs are expected to increase year-over-year;

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

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

(4) whether, and the extent to which, it would be feasible, beneficial, and fiscally responsible for the Legislature to take action to further expand student eligibility for free school meals under this chapter, following the effective date of P.L.2023, c.336 (C.18A:33-14.2 et al.), and whether, and the extent to which, such expansion of the State's free school meals programs would best be effectuated on an immediate basis, by extending eligibility to all students in the State, or on a phased-in basis, by extending eligibility to gradually increasing numbers and types of students in the State.

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

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

C.18A:33-21 Provision of school meals.

1. a. (1) In the event that a participating school district or nonpublic school determines that a student's unsubsidized school breakfast or unsubsidized school lunch bill is in arrears, the participating school district or nonpublic school shall contact the student's parent or guardian to provide notice of the arrearage, and shall provide the parent or guardian with a period of 10 school days to pay the amount due. If the student's parent or guardian has not made full payment by the end of the designated 10-day period, then the participating school district or nonpublic school shall again contact the student's parent or guardian to provide notice of any action to be taken in response to the arrearage.

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

(3) Nothing in this section shall be construed to: (a) require a participating school district or nonpublic school to deny or restrict the ability of a student to access unsubsidized school

breakfast or unsubsidized school lunch, respectively, whenever the student's unsubsidized school breakfast or unsubsidized school lunch bill is in arrears; or (b) authorize a participating school district or nonpublic school to deny or restrict the ability of a student who is income-eligible for subsidized school lunch, but who is not income-eligible for subsidized school breakfast, to continue to access subsidized school lunch whenever the student's unsubsidized school breakfast bill is in arrears.

b. A participating school district or nonpublic school shall not:

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

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

(3) require a student to discard an unsubsidized school breakfast or an unsubsidized school lunch, after it has been served, either because the student is unable to pay for the unsubsidized breakfast or unsubsidized lunch or because the student's unsubsidized school breakfast or lunch bill is in arrears;

(4) prohibit a student, or a sibling thereof, from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report cards, or from graduating or attending graduation events, solely because of the student's unresolved breakfast or lunch debt; or

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

c. If a student owes money for the equivalent of five or more unsubsidized school meals, the participating school district or nonpublic school shall:

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

(2) determine whether the student is eligible for subsidized school meals, by conducting a review of all available records related to the student, and by making at least two attempts, not including the initial attempt made pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1), to contact the student's parent or guardian and have the parent or guardian complete a subsidized school meals application; and

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

d. A participating school district or nonpublic school shall direct communications about a student's unsubsidized school meals arrearage to the parent or guardian and not to the student. Nothing in this subsection shall prohibit a participating school district or nonpublic school from sending a student home with a letter addressed to a parent or guardian.

e. Notwithstanding the provisions of this section and the provisions of any other law, rule, or regulation to the contrary, a student shall not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the student's participating school district or nonpublic school is making a

determination, pursuant to subsection c. of this section, as to whether the student is eligible for, and can be certified to receive, subsidized school meals.

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

C.18A:33-21b1 Information provided to parent, guardian.

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

(1) a hard copy of information on the National School Lunch Program and the federal School Breakfast Program, including, but not limited to: (a) information on the ability of all categorically eligible and income-eligible students to receive free school lunch under the National School Lunch Program, as provided by subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4), and free school breakfast under the federal School Breakfast Program, as provided by subsection a. of section 12 of P.L.2022, c.104 (C.18A:33-14a); (b) information on the subsidized school meals application and certification processes that are used to determine whether a student is categorically eligible or income-eligible for subsidized school meals; (c) information highlighting the need for parents and guardians to complete a subsidized school meals application for each student, and encouraging parents and guardians to complete the application, both to ensure that the student will have access to all subsidized school meals for which the student is eligible and to ensure that the school and the district have the necessary information to facilitate relevant eligibility determinations, receive appropriate reimbursement, and engage in all other activities authorized under subsection c. of this section; and (d) information on the rights that are available to students and their families under this section and section 1 of P.L.2015, c.15 (C.18A:33-21); and

(2) a hard copy of a subsidized school meals application, as well as instructions for completing the application, and, as necessary, assistance in completing the application.

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

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

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

(3) (Deleted by amendment, P.L.2023, c.203); and

(4) include a notice that an application to apply for the school lunch and school breakfast programs may be submitted at any time during the school year and is required to be submitted annually.

The school district may also provide the information and application electronically, through the usual means by which the district electronically communicates with parents.

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

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

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

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

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

d. The school district shall require the parent or guardian to either submit an application to apply for the school lunch and school breakfast programs or submit a signed card provided by the school district indicating that the parent or guardian has received the application and information and is not interested in participating in the school lunch and school breakfast programs. The card shall include a notice stating that a parent or guardian may submit an application to apply for the school lunch and school breakfast programs at any time during the school year.

If a school district does not receive an application or a signed card, the school district shall make at least one attempt to contact the student's parent or guardian and request that the parent or guardian submit either an application or signed card.

e. The provisions of this section shall not apply in the case of a school which participates in the Community Eligibility Provision.

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

C.18A:33-21.1 State required to pay difference between federal allocation and total cost of reduced price breakfast, lunch.

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

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

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

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

C.18A:33-27.1 "School Meal Program," development of promotional materials.

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

(1) develop and implement an educational campaign to inform the parents and guardians of such students about the various school meals programs that are available for students in New Jersey, and about the availability of subsidized school meals, under such programs, for students who are categorically eligible or income-eligible therefor; and

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

b. The educational campaign and promotional materials developed under subsection a. of this section shall:

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

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

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

(4) emphasize and promote the ability of eligible students to obtain subsidized meals under the State's school meals programs, inform parents and guardians about the various ways in which a student may be determined to be categorically eligible or income-eligible therefor, and identify the federal and State-level criteria that must be satisfied in order for a student to obtain subsidized school meals, under these programs, on the basis of annual household income;

(5) highlight and describe the application and determination processes that are used, by schools and school districts, to certify categorically eligible and income-eligible students for subsidized school meals;

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

(7) inform parents and guardians about the nature and extent of any proposed or implemented expansion of the existing school meals programs in the State, including, but not limited to, the nature and extent of any proposed or implemented expansion of the categories of students who are eligible for subsidized school meals under such programs.

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

(2) Within 60 days of the effective date of P.L.2022, c.103, and on a periodic basis thereafter, as necessary, the Department of Education shall provide, to each school food authority that offers a food service to students at a participating school in the State, information concerning the two languages that are most commonly spoken in the homes of students enrolled at each such participating school served thereby. The Department of Education shall periodically, and at least every five years, verify the two languages that are most commonly spoken in the homes of students in each such participating school.

d. As used in this section:

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

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

C.18A:33-27.2 Provision of school meals during period of school closure.

1. a. Whenever a local board of education receives a written directive, from either the New Jersey Department of Health or the health officer of the jurisdiction, instituting a public health-related school closure due to the COVID-19 epidemic, the district having jurisdiction over the closed school shall implement and operate an emergency school meals distribution program during the period of the school closure. An emergency school meals distribution program implemented pursuant to this section shall provide for subsidized school meals to be made available, at meal distribution sites designated pursuant to subsection b. of this section, to all students enrolled in the district who are either categorically eligible or income-eligible therefor.

b. In order to facilitate the emergency distribution of subsidized school meals in the event of an emergency public school closure, as described in subsection a. of this section, each school district shall identify one or more school meal distribution sites that are walkable and easily accessible to students in the district. The school district shall collaborate with county and municipal government officials in identifying appropriate distribution sites including, but not limited to: faith-based locations; community centers, such as YMCAs; and locations in the school district where meals are made available through a summer meals program. In a school district that includes high density housing, the district shall make every effort to identify an emergency school meals distribution site in that housing area.

c. A school district shall identify students enrolled in the district who are categorically eligible or income-eligible for subsidized school lunch, subsidized school breakfast, or both, and for whom an emergency school meal distribution site, identified pursuant to subsection b. of this section, is not within walking distance. In the case of these students, the school district shall distribute the subsidized school meals to the student's residence or to the student's bus stop along an established bus route, provided that, in the latter case, the student or the student's parent or guardian shall be present at the bus stop to accept the distribution. Distributions made pursuant to this subsection may include up to a total of three school days' worth of food per delivery.

d. A school district may use school buses owned and operated by the district to distribute subsidized school meals pursuant to this section. In the case of a school district that does not own and operate its own buses, the district may enter into a contract authorizing another party to engage in the emergency distribution of subsidized school meals, on the district's behalf, pursuant to this section, and any such contract shall be exempt from the public bidding requirements established pursuant to the "Public School Contracts Law," N.J.S.18A:18A-1 et seq.

e. A school district shall collaborate, as feasible, with other school districts and with local government units when implementing an emergency meals distribution program, pursuant to this section, in order to promote administrative and operational efficiencies and cost savings.

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

14. This act shall take effect immediately.

Approved January 16, 2024.