

SENATE, No. 2975

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED AUGUST 8, 2022

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Transfers jurisdiction over school meals programs from Department of Agriculture to DOE.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/22/2022)

1 AN ACT concerning the administration of school meals programs,
2 and supplementing Title 18A of the New Jersey Statutes.

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

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7 1. a. As used in this section:

8 “School meals program” means and includes the National School
9 Lunch Program established pursuant to the “Richard B. Russell
10 National School Lunch Act,” 42 U.S.C. s.1751 et seq., and
11 administered pursuant to P.L.1974, c.53 (C.18A:33-4 et seq.); the
12 federal School Breakfast Program established pursuant to the “Child
13 Nutrition Act of 1966,” 42 U.S.C. s.1771 et seq., and administered
14 pursuant to P.L.2003, c.4 (C.18A:33-9 et seq.), including any
15 school breakfast after the bell program established pursuant to
16 section 1 of P.L.2014, c.66 (C.18A:33-11.1) or P.L.2018, c.25
17 (C.18A:33-11.2 et seq.); the Summer Food Service Program
18 established pursuant to 42 U.S.C. s.1761 and 7 C.F.R. Part 225 and
19 administered pursuant to P.L.2018, c.28 (C.18A:33-24 et seq.); the
20 Seamless Summer Option authorized by 42 U.S.C. s.1761; the Child
21 and Adult Care Food Program established pursuant to 42 U.S.C.
22 s.1766; an emergency meals distribution program established
23 pursuant to P.L.2020, c.6 (C.18A:33-27.2 et seq.); and any other
24 similar State or federal nutrition assistance program that is designed
25 to ensure that children enrolled in school, or that children or adults
26 attending a day care center or other, similar temporary care facility,
27 have regular and affordable access to nutritious meals.

28 b. Notwithstanding any other law, rule, or regulation to the
29 contrary, all school meals programs operating in the State shall be
30 administered and enforced by the Department of Education.

31 c. All of the functions, powers, and duties heretofore exercised
32 by the Department and Secretary of Agriculture with respect to the
33 administration or enforcement of any school meals program in the
34 State, including, without limitation, those functions, powers, and
35 duties derived from 42 U.S.C. s.1751 et seq., 42 U.S.C. s.1761, 42
36 U.S.C. s.1766, 42 U.S.C. s.1771 et seq., P.L.1974, c.53 (C.18A:33-
37 4 et seq.), P.L.2003, c.4 (C.18A:33-9 et seq.), section 1 of P.L.2014,
38 c.66 (C.18A:33-11.1), P.L.2018, c.25 (C.18A:33-11.2 et seq.),
39 P.L.2018, c.28 (C.18A:33-24 et seq.), P.L.2020, c.6 (C.18A:33-27.2
40 et seq.), and any amendments or supplements thereto, are
41 transferred to, and vested in, the Department and Commissioner of
42 Education.

43 d. All appropriations, grants, and other moneys that are
44 currently available, or that are to be made available, to the
45 Department of Agriculture for the purposes of administering or
46 enforcing any school meals program, including, but not limited to,
47 any moneys available from the “Nourishing Young Minds Initiative
48 Fund,” established pursuant to section 1 of P.L.2017, c.132

1 (C.18A:33-22), shall be transferred to the Department of Education.
2 Such moneys shall be used by the Department of Education for the
3 objects and purposes specified in the appropriation, grant, or other
4 award, subject to any terms, restrictions, limitations, or other
5 requirements imposed by State or federal law.

6 e. All files, books, papers, records, equipment, and other
7 property held or used by the Department of Agriculture for the
8 purpose of administering and enforcing a school meals program,
9 including, but not limited to, property and resources received after
10 the effective date of this section, shall be transferred to the
11 Department of Education.

12 f. Any employees of the Department of Agriculture who are
13 responsible for administering a school meals program prior to the
14 effective date of this section, and who the Commissioner of
15 Education deems to be necessary for the proper administration of
16 the school meals programs, shall be transferred to the Department
17 of Education.

18 g. The Secretary of Agriculture and the Commissioner of
19 Education may enter into interagency agreements, as necessary and
20 appropriate, to effectuate the transfers required by this section.

21 h. Whenever, in any law, rule, regulation, contract, order,
22 reorganization plan, document, judicial or administrative
23 proceeding, or otherwise, reference is made to the National School
24 Lunch Program or a school lunch program, the federal School
25 Breakfast Program, a school breakfast program, or a breakfast after
26 the bell program, the Summer Food Service Program or Seamless
27 Summer Option, the Child and Adult Care Food Program, or an
28 emergency meals distribution program, the same shall be deemed to
29 mean and refer to the National School Lunch Program or a school
30 lunch program, the federal School Breakfast Program, a school
31 breakfast program, or a breakfast after the bell program, the
32 Summer Food Service Program or Seamless Summer Option, the
33 Child and Adult Care Food Program, or an emergency meals
34 distribution program, as the case may be, which is administered and
35 enforced by the Department of Education, as provided by this
36 section.

37 i. The transfer of authority under this section shall not affect
38 any order, rule, or regulation made or promulgated by the
39 Department of Agriculture prior to the effective date of the transfer,
40 and any such orders, rules, and regulations shall continue with full
41 force and effect until repealed pursuant to law, or until superseded
42 by orders, rules, or regulations adopted by the Department of
43 Education pursuant to subsection k. of this section, whichever
44 occurs first.

45 j. The transfer of authority under this section shall not affect
46 any civil or criminal actions or proceedings that have been brought
47 by or against the Department of Agriculture in association with its
48 administration and enforcement of a school meals program, and

1 which are pending as of the effective date of this section; nor shall
2 the transfer affect any order or recommendation that has been made
3 by, or any other matters or administrative proceedings that are
4 pending before, the Department of Agriculture as of the effective
5 date of this section.

6 k. The Department of Education shall adopt rules and
7 regulations, pursuant to the “Administrative Procedure Act,”
8 P.L.1968, c.410 (C.52:14B-1 et seq.), and shall be authorized to
9 issue orders or guidance, as may be necessary to effectuate the
10 powers and duties that have been transferred thereto pursuant to this
11 section.

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13 2. This act shall take effect on the first day of the third month
14 next following the date of enactment, except that the Secretary of
15 Agriculture and Commissioner of Education shall take anticipatory
16 administrative action, in advance thereof, as may be necessary for
17 the implementation of this act.

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STATEMENT

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22 This bill would transfer authority over all school meals programs
23 in the State from the Department of Agriculture (DOA) to the
24 Department of Education (DOE). A “school meals program” is
25 defined to mean and include: the National School Lunch Program;
26 the federal School Breakfast Program, including a school breakfast
27 after the bell program; the Summer Food Service Program or
28 Seamless Summer Option; the Child and Adult Care Food Program;
29 any emergency meals distribution program; and any other similar
30 State or federal nutrition assistance program that is designed to
31 ensure that children enrolled in school, or that children or adults
32 attending a day care center or other, similar temporary care facility,
33 have regular and affordable access to nutritious meals.

34 The transfer of authority under the bill would not affect any civil
35 or criminal actions or proceedings that have been brought by or
36 against the DOA in association with its administration and
37 enforcement of a school meals program, and which are pending as
38 of the bill’s effective date. Nor would the transfer affect any order
39 or recommendation that has been made by, or any other matters or
40 administrative proceedings that are pending before, the DOA as of
41 the bill’s effective date. The existing orders, rules, and regulations
42 of the DOA that have been issued in relation to the State’s school
43 meals programs would also remain in effect until they are either
44 repealed or superseded by rules, regulations, and orders adopted by
45 the DOE pursuant to the bill, whichever occurs first.

46 Although the DOA currently has authority to administer and
47 enforce all school meals programs operating in the State, this
48 authority is superfluous to, and takes the department’s attention

1 away from, its main purposes and functions, which are to promote
2 and protect the State's agriculture and agribusiness industries and
3 lands, and to conserve soil and water resources for agricultural
4 purposes. The primary purpose and function of the DOE, by
5 contrast, is to support schools, students, educators, and school
6 districts in order to ensure that students are capable of achieving
7 academic excellence. Because access to nutritional meals is a
8 proven means by which students enhance their capacity for
9 academic success, and because the DOE's mission already requires
10 it to focus on programs geared toward schools and students, the
11 DOE is better positioned, and is the more appropriate department,
12 to administer the school meals programs and to provide assistance
13 to schools, students, parents, and guardians, in association with the
14 operation of those programs.