

[First Reprint]

**SENATE, No. 3956**

---

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

---

INTRODUCED JUNE 12, 2023

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 27, 2023, with amendments.



**(Sponsorship Updated As Of: 6/27/2023)**

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

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

7  
8 1. Section 1 of P.L.2022, c.104 (C.18A:33-3.2) is amended to  
9 read as follows:

10 1. As used in this chapter:

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

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

32 "Eligible student" means a student who is **[either]** categorically  
33 eligible **[or]**, income-eligible, or statutorily eligible for one or more  
34 **[free or reduced price]** subsidized school meals.

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

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

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup>Senate SBA committee amendments adopted June 27, 2023.**

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

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

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

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

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

35 "Middle-income family" means a family with an annual household  
36 income amounting to not less than 186 percent, and not more than  
37 **[199]** 399 percent, of the federal poverty level.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (4) Notwithstanding any law, rule, or regulation to the contrary,  
48 school lunches offered to students, pursuant to this section, shall also

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

36 b. The State shall provide funding to each <sup>1</sup>participating<sup>1</sup> school  
37 district **【,】** and nonpublic school,<sup>1</sup> as may be necessary to reimburse  
38 the <sup>1</sup>**【costs associated with the district's provision】** cost<sup>1</sup> of free  
39 lunches <sup>1</sup>being served thereby to federally ineligible students<sup>1</sup>,  
40 pursuant to subsection a. of this section<sup>1</sup>**【, to students who are**  
41 federally ineligible for free or reduced price meals】<sup>1</sup>.

42 c. The Department of Agriculture, in consultation with the  
43 Department of Education, shall annually prepare and submit, to the  
44 Governor and, pursuant to section 2 of P.L.1991, c.164  
45 (C.52:14-19.1), to the Legislature, a written report that identifies, for  
46 each <sup>1</sup>**【school and】** participating<sup>1</sup> school district <sup>1</sup>and nonpublic  
47 school<sup>1</sup> in the State:

1 (1) the methods that are being used <sup>1</sup>【by each school or school  
2 district】 thereby<sup>1</sup> to facilitate the prompt identification and subsidized  
3 【meal】 meals certification of students who are, respectively,  
4 categorically eligible 【or】, income-eligible, or statutorily eligible for  
5 free or reduced price lunch under the National School Lunch Program;  
6 【and】

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

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

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

24 (1)<sup>1</sup> establishing a schedule for, and identifying the manner in  
25 which, State-level reimbursements are to be made pursuant to  
26 subsection b. of this section<sup>1</sup>; and

27 (2) establishing a standardized means by which the department  
28 will annually review the State reimbursement amounts being allocated  
29 under this section in order to determine whether, and the extent to  
30 which, participating school districts and nonpublic schools have  
31 received adequate reimbursement, from the State, sufficient to account  
32 for each participating school's actual costs of lunch delivery,  
33 including, but not limited to, food, labor, and other related costs<sup>1</sup>.

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

35

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

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

45 a. publicize, to parents and students, the availability of the  
46 respective school meals program, as well as the various ways in  
47 which a student may qualify to receive 【free or reduced price】



1 subsidized school meals under the program, as provided by  
2 subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-4) and  
3 subsection a. of section 12 of P.L.2022, c.104 (C.18A:33-14a);

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

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

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

22 (2) facilitate and expedite**【, to the greatest extent practicable,】**  
23 the subsidized school meals application and income-eligibility  
24 determination processes that are used, by the school or school  
25 district, to certify a student for **【free or reduced price】** subsidized  
26 school meals on the basis of income, and assist parents and  
27 guardians in completing the subsidized school meals application;  
28 and

29 (3) encourage students who are **【neither】** not categorically  
30 eligible **【nor】**, income-eligible, or statutorily eligible for **【free or**  
31 **reduced price】** subsidized school **【meals】** lunch or subsidized  
32 school breakfast to nonetheless participate in the school lunch  
33 program or school breakfast program, or both, as appropriate, on a  
34 paid and unsubsidized basis**【, in the program】**.

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

36

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

39 4. The Department of Agriculture, in consultation with the  
40 Department of Education, shall develop guidelines**【, as may be**  
41 **necessary】** to facilitate the implementation and operation of  
42 breakfast after the bell programs by schools in the State, in  
43 accordance with the provisions of section 1 of P.L.2014, c.66  
44 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25 (C.18A:33-11.2  
45 and C.18A:33-11.3), and section 12 of P.L.2022, c.104

1 (C.18A:33-14a), including, but not limited to, guidelines, consistent  
2 with the provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),  
3 concerning a school's receipt of payment, from **[unsubsidized]**  
4 students, for unsubsidized school breakfasts that are served to such  
5 students under a breakfast after the bell program.

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

7

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

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

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

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

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

**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:

<sup>1</sup>Senate SBA committee amendments adopted June 27, 2023.

1 c. The Department of Agriculture, in consultation with the  
2 Department of Education, shall annually prepare and issue, to the  
3 Governor and, pursuant to section 2 of P.L.1991, c.164  
4 (C.52:14-19.1), to the Legislature, a written report that identifies, for  
5 each <sup>1</sup>~~school and~~ participating<sup>1</sup> school district <sup>1</sup>and nonpublic  
6 school<sup>1</sup> in the State:

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

12 (2) the number and percentage of ~~income-eligible~~ students  
13 receiving subsidized school breakfasts in each such school and district  
14 who have been determined to be, respectively, federally eligible for  
15 free school breakfast, federally eligible for reduced price school  
16 breakfast, income-eligible for free school breakfast on the basis of  
17 State-level income eligibility requirements, or neither categorically  
18 eligible nor income-eligible for free or reduced price school breakfast;  
19 and the number and percentage of all such students who are,  
20 respectively, from low-income families and from middle-income  
21 families, respectively, in each such school and district, who are  
22 receiving free or reduced price breakfast under the federal School  
23 Breakfast 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 is  
27 being provided to students through a breakfast after the bell program.

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

33 (1)<sup>1</sup> establishing a schedule for, and identifying the manner in  
34 which, State-level reimbursements are to be made pursuant to  
35 subsection b. of this section<sup>1</sup>; and

36 (2) establishing a standardized means by which the department  
37 will annually review the State reimbursement amounts being allocated  
38 under this section in order to determine whether, and the extent to  
39 which, participating school districts and nonpublic schools have  
40 received adequate reimbursement, from the State, sufficient to account  
41 for each participating school's actual costs of breakfast delivery,  
42 including, but not limited to, food, labor, and other related costs<sup>1</sup>.

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

44

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

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

20           (2) The Department of Agriculture and Department of Education,  
21 in cooperation with each other, shall consult with, and provide direct  
22 assistance to, participating<sup>1</sup> school districts and nonpublic schools<sup>1</sup>  
23 to help them improve, simplify, and expedite the **[free and reduced**  
24 **price meal]** subsidized school meals certification process and  
25 otherwise reduce the administrative burden on schools and school  
26 districts that results from such process.

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

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

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

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

2

3 7. (New section) a. A school district <sup>1</sup>or nonpublic school<sup>1</sup> that  
4 participates in the National School Lunch Program or the federal  
5 School Breakfast Program shall annually review the costs being  
6 expended <sup>1</sup>~~by the district, and by each school therein~~ thereby, in  
7 association with the implementation and expansion of <sup>1</sup>~~the~~  
8 ~~district's~~<sup>1</sup> school lunch and breakfast programs <sup>1</sup>at schools in the  
9 district or at the nonpublic school, as the case may be<sup>1</sup>, and shall take  
10 appropriate steps to minimize or offset those program costs, to the  
11 extent that such costs can be minimized or offset without  
12 compromising the <sup>1</sup>~~district's~~<sup>1</sup> ability <sup>1</sup>of the participating school  
13 district or nonpublic school<sup>1</sup> to comply with minimum nutritional  
14 standards and other program requirements established pursuant to  
15 State or federal law.

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

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

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

30 (3) work cooperatively with each <sup>1</sup>participating<sup>1</sup> school district  
31 <sup>1</sup>and nonpublic school<sup>1</sup> in the State to: (a) review the costs being  
32 expended by <sup>1</sup>~~the district, and by~~<sup>1</sup> each <sup>1</sup>participating<sup>1</sup> school  
33 <sup>1</sup>~~therein~~, and by the administering district<sup>1</sup>, in association with the  
34 implementation and expansion of <sup>1</sup>~~the district's~~ one or more<sup>1</sup> school  
35 meals programs <sup>1</sup>therein<sup>1</sup>; (b) identify various means and methods by  
36 which program costs can be reduced, curtailed, eliminated, or offset  
37 without sacrificing the <sup>1</sup>~~district's~~<sup>1</sup> ability <sup>1</sup>of a participating school  
38 district or nonpublic school<sup>1</sup> to operate its school meals programs in  
39 compliance with minimum nutritional standards and other applicable  
40 State and federal requirements; (c) provide recommendations to help  
41 <sup>1</sup>~~the district~~ participating school districts and nonpublic schools<sup>1</sup>  
42 timely and proactively address financial problems that have reduced,  
43 or that have the potential to reduce, <sup>1</sup>~~the district's~~ their<sup>1</sup> ability to  
44 properly or fully administer <sup>1</sup>~~its~~ their<sup>1</sup> school meals programs<sup>1</sup>,<sup>1</sup>  
45 in compliance with minimum nutritional standards, expanded  
46 eligibility requirements, and all other applicable State and federal

1 requirements; and (d) undertake, or recommend the undertaking of,  
2 other appropriate actions as may be necessary to prevent the  
3 **1** ~~district's~~ State's school meals programs from becoming overly  
4 bloated with unnecessary expenses or otherwise becoming financially  
5 burdensome to **1** ~~the administering schools or district~~ participating  
6 school districts and nonpublic schools<sup>1</sup>.

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

12  
13 8. Section 1 of P.L.2015, c.15 (C.18A:33-21) is amended to read  
14 as follows:

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

27 (2) A participating<sup>1</sup> school district or nonpublic school<sup>1</sup> shall  
28 report, at least biannually to the Department of Agriculture, the  
29 number and percentage of enrolled<sup>1</sup> students who **1** ~~are~~ have been  
30 denied school breakfast or school lunch on the basis of an  
31 unsubsidized meals bill arrearage, pursuant to this section.

32 (3) Nothing in this section shall be construed to: (a) require a  
33 participating<sup>1</sup> school district or nonpublic school<sup>1</sup> to deny or restrict  
34 the ability of **1** ~~an unsubsidized~~ a student to access unsubsidized  
35 school breakfast or unsubsidized school lunch **1** ~~when~~, respectively,  
36 whenever the student's unsubsidized school breakfast or unsubsidized  
37 school lunch bill is in arrears; or (b) authorize a participating school  
38 district or nonpublic<sup>1</sup> school **1** ~~or district~~<sup>1</sup> to deny or restrict the  
39 ability of a student who is eligible for subsidized school lunch, but  
40 who is not eligible for subsidized school breakfast, to continue to  
41 access subsidized school lunch whenever the student's unsubsidized  
42 school breakfast bill is in arrears.

43 b. A **1** ~~school or~~ participating<sup>1</sup> school district or nonpublic  
44 school<sup>1</sup> shall not:

45 (1) publicly identify or stigmatize **1** ~~an unsubsidized~~ a student who  
46 cannot pay for **1** ~~a~~ an unsubsidized school breakfast or **1** ~~a~~ an

1 unsubsidized school lunch, or whose unsubsidized school breakfast or  
2 **【school】** lunch bill is in arrears, for example, by requiring the student  
3 to sit at a separate table, **【by requiring that the student】** to wear a  
4 wristband, hand stamp, or identifying mark, or **【by serving the**  
5 **student】** to accept an alternative meal;

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

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

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

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

29 c. If **【an unsubsidized】** a student owes money for the equivalent  
30 of five or more unsubsidized school meals, <sup>1</sup>**【a】** the participating<sup>1</sup>  
31 school district<sup>1</sup> or nonpublic school<sup>1</sup> shall:

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

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

41 (3) require a principal, or a person designated by the principal, to  
42 contact the student's parent or guardian **【of the unsubsidized student】**  
43 to: (a) offer assistance with respect to the completion of the subsidized  
44 school meals application**【, to】**; (b) determine **【if】** whether there are  
45 other issues in the household that have caused the **【child】** student to

1 have insufficient funds to purchase **[a]** an unsubsidized school  
2 breakfast or unsubsidized school lunch, as the case may be; and **[to]**  
3 (c) offer any other appropriate assistance.

4 d. A <sup>1</sup>participating<sup>1</sup> school district <sup>1</sup>or nonpublic school<sup>1</sup> shall  
5 direct communications about a student's unsubsidized school  
6 **[breakfast or school lunch bill being in arrears]** meals arrearage to the  
7 parent or guardian and not to the student. Nothing in this subsection  
8 shall prohibit a <sup>1</sup>participating<sup>1</sup> school district <sup>1</sup>or nonpublic school<sup>1</sup>  
9 from sending a student home with a letter addressed to a parent or  
10 guardian.

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

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

21

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

24 16. a. At the beginning of each school year, or upon initial  
25 enrollment<sup>1</sup>**[,]**<sup>1</sup> in the case of a student who enrolls during the school  
26 year, a <sup>1</sup>participating<sup>1</sup> school district <sup>1</sup>or nonpublic school<sup>1</sup> shall  
27 provide each student's parent or guardian with:

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



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

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

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

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

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

16 (3) be submitted to the parent or guardian either in writing or  
17 electronically. In the latter case, the <sup>1</sup>participating<sup>1</sup> school district <sup>1</sup>or  
18 nonpublic school<sup>1</sup> shall use the usual means by which it communicates  
19 with parents and guardians electronically.

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

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

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

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

40 (4) facilitate school aid determinations under the "School Funding  
41 Reform Act of 2008," P.L.2007, c.260 (C.18A:7F-43 et seq.).  
42 (cf: P.L.2022, c.104, s.16)

43  
44 <sup>1</sup>10. Section 1 of P.L.2019, c.445 (C.18A:33-21.1) is amended to  
45 read as follows:

46 1. a. Notwithstanding any other law, or rule or regulation adopted  
47 pursuant thereto, to the contrary, a **[public school]** student who is

1 enrolled in a participating school district or nonpublic school and is  
2 eligible for a reduced price breakfast under the federal School  
3 Breakfast Program or a reduced price lunch under the National School  
4 Lunch Program, shall not be required to pay for any such reduced  
5 price breakfast or reduced price lunch.

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

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

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

20

21 <sup>1</sup>**10.** <sup>1</sup>**11.** Section 1 of P.L.2019, c.307 (C.18A:33-27.1) is  
22 amended to read as follows:

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

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

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

1       b. The <sup>1</sup>【public education】 educational<sup>1</sup> campaign and  
2 promotional materials developed under subsection a. of this section  
3 shall:

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

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

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

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

28       (5) highlight and describe the application and determination  
29 processes that are used, by schools and school districts, to certify  
30 categorically eligible and income-eligible students for 【free or reduced  
31 price】 subsidized school meals;

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

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

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

1 (2) Within 60 days of the effective date of P.L.2022, c.103, <sup>1</sup>and  
 2 on a periodic basis thereafter, as necessary,<sup>1</sup> the Department of  
 3 Education shall provide<sup>1</sup>, to<sup>1</sup> each school food authority that  
 4 **1[provides] offers**<sup>1</sup> a food service to students at a **1[public]**  
 5 participating<sup>1</sup> school in the State **1[with],**<sup>1</sup> information concerning the  
 6 two languages that are most commonly spoken in the homes of  
 7 students **1[in] enrolled at**<sup>1</sup> each **1[of the public schools that the school**  
 8 **food authority serves]** such participating school served thereby<sup>1</sup>. The  
 9 Department of Education shall periodically, and at least every five  
 10 years, verify the two languages that are most commonly spoken in the  
 11 homes of students in each **1[public] such participating**<sup>1</sup> school  
 12 **1[served by each school food authority]**<sup>1</sup>.

13 d. As used in this section:

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

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

17

18 **1[11.] 12.**<sup>1</sup>Section 1 of P.L.2020, c.6 (C.18A:33-27.2) is  
 19 amended to read as follows:

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

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

1 district shall make every effort to identify **[a]** an emergency school  
2 **[meal]** meals distribution site in that housing area.

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

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

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

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

38

39 <sup>1</sup>**[12.] 13.**<sup>1</sup> This act shall take effect immediately.