

ASSEMBLY, No. 5658

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 19, 2026

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman GABRIEL RODRIGUEZ

District 33 (Hudson)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex and Hudson)

Assemblyman AL ABDELAZIZ

District 35 (Bergen and Passaic)

Co-Sponsored by:

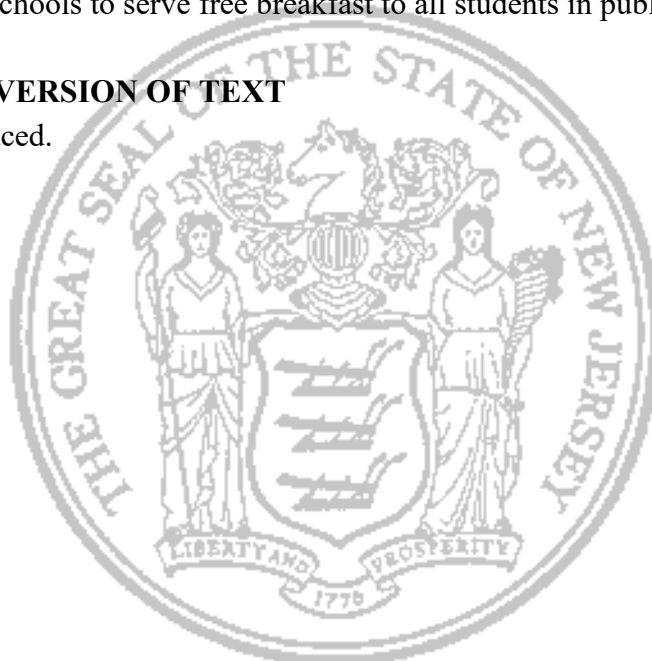
Assemblywomen Katz, Sweeney, Assemblymen Schnall, Karabinchak, Stanley, Assemblywoman Park, Assemblymen Singh, Bhalla and Assemblywoman Collazos-Gill

SYNOPSIS

Requires schools to serve free breakfast to all students in public schools.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/22/2026)

1 AN ACT concerning the universal provision of free school breakfast
2 to students, supplementing Title 18A of the New Jersey Statutes,
3 amending various parts of the statutory law, and repealing
4 section 1 of P.L.2018, c.25.

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

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

11 1. As used in this chapter:

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

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

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

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

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

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

Matter underlined thus is new matter.

1 aid and other assistance to the States, as may be necessary to help
2 finance the establishment, maintenance, operation, and expansion of
3 school breakfast programs and facilitate the provision of free and
4 reduced 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
8 under the federal School Breakfast Program, or that the student
9 satisfies federal income eligibility requirements, adopted by the
10 United States Department of Agriculture pursuant to 7 C.F.R. Part
11 245, as is necessary to federally qualify for and receive free or
12 reduced price lunch under the National School Lunch Program or
13 free or reduced price breakfast under the federal School Breakfast
14 Program.

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

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

35 "Middle-income family" means a family with an annual
36 household income amounting to not less than 186 percent, and not
37 more than 224 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,
44 operation, and expansion of school lunch programs and facilitate
45 the provision of free and reduced price lunches to eligible students.

46 "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,

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

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

8 "School breakfast program" means a program that is established
9 and operated by a public or nonpublic school, in accordance with
10 the requirements of the federal School Breakfast Program and, in
11 the case of a public school, in accordance with a plan adopted
12 pursuant to section 2 of P.L.2003, c.4 (C.18A:33-10) **【or】**, section
13 6 of P.L.2022, c.104 (C.18A:33-10.1), or sections 2 and 3 of
14 P.L. , c. (C.) (pending before the Legislature as this bill) ,
15 and pursuant to which the school offers daily breakfasts to all
16 enrolled students.

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

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

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

36 "Subsidized school breakfast" or "subsidized breakfast" means a
37 school breakfast that is offered to an eligible student, free of charge,
38 and the costs of which are reimbursed by the State or federal
39 government, as provided by subsections a. and b. of section 12 of
40 P.L.2022, c.104 (C.18A:33-14a).

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

46 "Subsidized school meals" or "subsidized meals" includes both
47 subsidized school breakfasts and subsidized school lunches.

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

11 "Subsidized school meals certification process" or "subsidized
12 meals certification" means the process pursuant to which a school
13 or school district obtains and reviews a student's subsidized school
14 meals application, or engages in the review of other relevant
15 documentation and materials pertaining to the student, as necessary
16 to determine whether the student is categorically eligible or income-
17 eligible for subsidized school meals under the National School
18 Lunch Program, or under the federal School Breakfast Program, or
19 both.

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

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

36 "Unreimbursed costs" means the costs of a school lunch or
37 school breakfast, which costs are not eligible for reimbursement
38 from the federal government

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

47 "Unsubsidized school lunch" or "unsubsidized lunch" means a
48 school lunch that is offered, upon the payment of a fee, to a student

1 who is not categorically eligible or income-eligible for subsidized
2 lunch, and the cost of which is not reimbursable by the State or
3 federal government.

4 (cf: P.L.2023, c.336, s.1)

5
6 2. (New section) a. (1) Notwithstanding the provisions of
7 section 2 of P.L.2003, c.4 (C.18A:33-10) and section 6 of P.L.2022,
8 c.104 (C.18A:33-10.1) to the contrary, following the enactment of
9 P.L. , c. (C.) (pending before the Legislature as this bill),
10 each public school in the State shall establish a school breakfast
11 program, regardless of the percentage of students, at the school or
12 in the district, who are eligible for free or reduced price meals under
13 the National School Lunch Program or federal School Breakfast
14 Program.

15 (2) A school district shall submit, to the Department of
16 Agriculture, a school breakfast program plan for each school in the
17 district. The plan shall be submitted in a form and manner
18 prescribed by the Secretary of Agriculture and in accordance with
19 the timeframes specified by subsection b. of this section.

20 b. (1) A plan for all grades in each school having one or more
21 of the grades pre-K through sixth grade, shall be submitted by
22 November 1, 2028.

23 (2) A plan for all grades in each school not described in
24 paragraph (1) of this subsection shall be submitted by November 1,
25 2029.

26 c. The Department of Agriculture, in consultation with the
27 Department of Education, shall review each school breakfast
28 program plan submitted pursuant to this section and make
29 recommendations, if necessary, regarding how the school breakfast
30 program can operate most effectively, in accordance with federal
31 School Breakfast Program requirements and the provisions of
32 section 3 of P.L. , c. (C.) (pending before the Legislature
33 as this bill). The Department of Agriculture shall notify each
34 school district of the completion of the department's review and any
35 recommended changes to the plan, within 90 days after receipt
36 thereof.

37 d. A school district shall establish a school breakfast program
38 in each of its schools, based on the plan submitted pursuant to
39 paragraph (2) of subsection a. of this section, by September 1, 2029
40 for schools for which plans are required to be submitted pursuant to
41 paragraph (1) of subsection b. of this section, and by September 1,
42 2030 for schools for which plans are required to be submitted
43 pursuant to paragraph (2) of subsection b. of this section.

44 e. (1) If a school district does not submit a school breakfast
45 plan to the Department of Agriculture by the date required by
46 subsection b. of this section, it shall establish a school breakfast
47 program in each school for which a plan has not been submitted,
48 based on a model plan provided by the department.

1 (2) The model plan developed by the department, for the
2 purposes of this subsection, shall include recommendations on how
3 a school breakfast program can operate in accordance with the
4 federal School Breakfast Program and the provisions of section 3 of
5 P.L. , c. (C.) (pending before the Legislature as this bill).

6 (3) The department shall provide the model plan to a school
7 district that is subject to this subsection no later than March 1, 2028
8 for schools for which plans are required to be submitted pursuant to
9 paragraph (1) of subsection b. of this section, and by March 1, 2029
10 for schools for which plans are required to be submitted pursuant to
11 paragraph (2) of subsection b. of this section, and the school district
12 shall establish the school breakfast program in each of its schools,
13 based on the model plan, by September 1, 2028 for schools for
14 which plans are required to be submitted pursuant to paragraph (1)
15 of subsection b. of this section, and by September 1, 2029 for
16 schools for which plans are required to be submitted pursuant to
17 paragraph (2) of subsection b. of this section.

18
19 3. (New section) a. Each public school in the State that
20 operates a School Breakfast Program shall make school breakfast
21 available through such program, free of charge, to each student who
22 is enrolled at the school, regardless of whether the student is
23 eligible for free or reduced-price meals.

24 b. The State shall provide funding, to each public school that
25 operates a School Breakfast Program, as may be necessary to
26 reimburse the costs associated with the school's provision of free
27 breakfasts, pursuant to subsection a. of this section, to students who
28 are ineligible for free or reduced-price meals. Funding appropriated
29 under this subsection shall be equal to the difference between the
30 federal reimbursement rate for a free breakfast and the full cost of
31 the breakfast that is incurred by the school for each student
32 ineligible for free or reduced-price meals who receives free
33 breakfast pursuant to subsection a. of this section.

34 c. The school district overseeing a public school that operates a
35 School Breakfast Program shall publicize, to parents and students,
36 the fact that the school makes free breakfast available to all students
37 through those programs.

38 d. The Department of Agriculture, in consultation with the
39 Department of Education, shall adopt rules and regulations pursuant
40 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
41 1 et seq.), to implement the provisions of this section, including, but
42 not limited to, rules and regulations establishing a schedule for, and
43 identifying the manner in which, reimbursements are to be made to
44 school districts pursuant to subsection b. of this section.

45
46 4. (New section) No later than 18 months following the
47 effective date of P.L. , c. (C.) (pending before the
48 Legislature as this bill), and annually no later than July 15 of each

1 school year thereafter, each school food authority that provides a
2 food service to students enrolled in a participating school district or
3 nonpublic school in the State shall report, to the Department of
4 Agriculture and the Department of Education, the following
5 information, at a minimum: (1) the total number of school meals
6 applications for free or reduced price meals that were submitted and
7 approved by the school food authority pursuant to section 16 of
8 P.L.2022, c.104 (C.18A:33-21b1); (2) the total number of students
9 that were directly certified for free or reduced price meals; and (3)
10 the total number of students that did not submit an application for
11 free or reduced priced school meals, or submitted a written request
12 to opt out of an approved free or reduced price school meal benefit.

13
14 5. Section 3 of P.L.2003, c.4 (C.18A:33-11) is amended to read
15 as follows:

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

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

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

38 c. to the greatest extent practicable:

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

46 (2) facilitate and expedite the subsidized school meals
47 application and income eligibility determination processes that are
48 used, by the school or school district, to certify a student for

1 subsidized school meals on the basis of income, and assist parents
2 and guardians in completing the subsidized school meals
3 application; and

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

9 (cf: P.L.2023, c.336, s.3)

10

11 6. Section 2 of P.L.2018, c.25 (C.18A:33-11.3) is amended to
12 read as follows:

13 2. a. Every public school in which **【70】 60** percent or more of
14 the students enrolled in the school on or before the last school day
15 before October 16 of the preceding school year were federally
16 eligible for free or reduced price meals under the National School
17 Lunch Program or the federal School Breakfast Program, shall
18 establish a breakfast after the bell program.

19 b. (1) (a) No later than six months following the effective date of
20 P.L.2018, c.25 (C.18A:33-11.2 et seq.), each school district shall
21 submit, to the Department of Agriculture, a plan for the
22 establishment of a breakfast after the bell program for all grades at
23 each of the district's schools that are subject to the requirements of
24 this section. The plan shall comply with the requirements of the
25 federal School Breakfast Program.

26 (b) No later than the first full school year following the
27 submission of the plan, the school district shall establish a breakfast
28 after the bell program in each of its schools that are subject to the
29 requirements of this section, in accordance with the plan submitted
30 pursuant to this paragraph.

31 (2) (a) No later than six months after the effective date of
32 P.L.2022, c.104 (C.18A:33-3.2 et al.), each school district shall
33 submit, to the Department of Agriculture, a revised breakfast after
34 the bell plan for each school in the district that is subject to the
35 requirements of this section. The revised plan shall comply with
36 federal School Breakfast Program requirements and the provisions
37 of section 12 of P.L.2022, c.104 (C.18A:33-14a).

38 (b) No later than the first full school year following the
39 submission of a revised plan pursuant to this paragraph, the school
40 district shall modify the breakfast after the bell program operating
41 in each of its schools that are subject to the requirements of this
42 section, as may be necessary to implement the provisions of the
43 revised plan.

44 (3) The Department of Agriculture, in consultation with the
45 Department of Education, shall review each revised plan submitted
46 pursuant to this subsection and make recommendations, if
47 necessary, regarding how a school's breakfast after the bell program
48 can operate most effectively, in accordance with the federal School

1 Breakfast Program requirements and the provisions of section 12 of
2 P.L.2022, c.104 (C.18A:33-14a). The Department of Agriculture
3 shall notify each school district that submits a plan pursuant to this
4 subsection of the completion of the department's review, and of any
5 recommended changes to the plan, within 90 days after receipt
6 thereof.

7 (4) (a) No later than six months following the effective date of
8 P.L. , c. (pending before the Legislature as this bill), each
9 school district shall submit, to the Department of Agriculture, a plan
10 for the establishment of a breakfast after the bell program for all
11 grades at each of the district's schools that are subject to the
12 requirements of this section. A school district that established a
13 breakfast after the bell program prior to the effective date of P.L. ,
14 c. (pending before the Legislature as this bill) shall submit a
15 revised plan for each school in the district that is subject to the
16 requirements of this section. The plans shall comply with the
17 requirements of the federal School Breakfast Program.

18 (b) No later than the first full school year following the
19 submission of the plan, the school district shall establish a breakfast
20 after the bell program in each of its schools that are subject to the
21 requirements of this section, in accordance with the plan submitted
22 pursuant to this paragraph. A school district that submitted a revised
23 plan pursuant to this section shall modify the breakfast after the bell
24 program operating in each of its schools as may be necessary to
25 implement the provisions of the revised plan.

26 c. Upon application, a school district may be granted a waiver
27 by the Department of Agriculture of the requirements of this section
28 for any school in which more than **【70】** 60 percent of eligible
29 students received a meal under the school breakfast program during
30 the preceding school year. A school district that requests a waiver
31 shall provide relevant information, as may be required by the
32 Department of Agriculture, to justify the request.

33 d. No later than three months after the effective date of
34 P.L.2018, c.25 (C.18A:33-11.2 et seq.), the Department of
35 Agriculture shall provide each school district with a list of
36 resources that are available for the purposes of this section.

37 (cf: P.L.2022, c.104, s.10)

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

41 4. The Department of Agriculture, in consultation with the
42 Department of Education, shall develop guidelines to facilitate the
43 implementation and operation of breakfast after the bell programs
44 by schools in the State, in accordance with the provisions of section
45 1 of P.L.2014, c.66 (C.18A:33-11.1), sections 1 and 2 of P.L.2018,
46 c.25 (C.18A:33-11.2 and C.18A:33-11.3), **【and】** section 12 of
47 P.L.2022, c.104 (C.18A:33-14a), and section 3
48 of P.L. , c. (C.) (pending before the Legislature as this

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

6 (cf: P.L.2023, c.336, s.4)

7
8 8. Section 1 of P.L.2015, c.15 (C.18A:33-21) is amended to
9 read as follows:

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

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

26 (3) Nothing in this section shall be construed to: (a) require a
27 participating school district or nonpublic school to deny or restrict
28 the ability of a student to access **【unsubsidized school breakfast or】**
29 **unsubsidized school lunch【, respectively,】** whenever the student's
30 **【unsubsidized school breakfast or】** unsubsidized school lunch bill
31 is in arrears**【; or (b) authorize a participating school district or**
32 **nonpublic school to deny or restrict the ability of a student who is**
33 **income-eligible for subsidized school lunch, but who is not income-**
34 **eligible for subsidized school breakfast, to continue to access**
35 **subsidized school lunch whenever the student's unsubsidized school**
36 **breakfast bill is in arrears】.**

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

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

44 (2) require a student who cannot pay for an **【unsubsidized school**
45 **breakfast or an】** unsubsidized school lunch, or whose unsubsidized
46 **【school breakfast or】** lunch bill is in arrears, to do chores or other

1 work to pay for the **【unsubsidized school breakfast or】**
2 unsubsidized school lunch;

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

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

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

18 c. If a student owes money for the equivalent of five or more
19 unsubsidized school **【meals】** lunch, the participating school district
20 or nonpublic school shall:

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

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

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

37 d. A participating school district or nonpublic school shall
38 direct communications about a student's unsubsidized school
39 **【meals】** lunch arrearage to the parent or guardian and not to the
40 student. Nothing in this subsection shall prohibit a participating
41 school district or nonpublic school from sending a student home
42 with a letter addressed to a parent or guardian.

43 e. Notwithstanding the provisions of this section and the
44 provisions of any other law, rule, or regulation to the contrary, a
45 student shall not be denied access to a school **【meal】** lunch,
46 regardless of the student's ability to pay or the status of the student's

1 **【meal】 lunch** arrearages, during any period of time in which the
2 student's participating school district or nonpublic school is making
3 a determination, pursuant to subsection c. of this section, as to
4 whether the student is eligible for, and can be certified to receive,
5 subsidized school **【meals】 lunch**.

6 (cf: P.L.2023, c.336, s.9)

7
8 9. Section 16 of P.L.2022, c.104 (C.18A:33-21b1) is amended
9 to read as follows:

10 16. a. The Department of Agriculture, in consultation with the
11 Department of Education and the Office of the Food Security
12 Advocate, shall develop public education materials and resources
13 concerning school meals programs, to be disseminated to all
14 participating school districts or nonpublic school districts. At the
15 beginning of each school year, or upon initial enrollment in the case
16 of a student who enrolls during the school year, a participating
17 school district or nonpublic school shall provide each student's
18 parent or guardian with:

19 (1) a hard copy of information, developed by the Department of
20 Agriculture pursuant to subsection a. of this section, on the National
21 School Lunch Program and the federal School Breakfast Program,
22 including, but not limited to: (a) information on the ability of all
23 categorically eligible and income-eligible students to receive free
24 school lunch under the National School Lunch Program, as
25 provided by subsection a. of section 1 of P.L.1974, c.53 (C.18A:33-
26 4), and free school breakfast under the federal School Breakfast
27 Program, as provided by subsection a. of section 12 of P.L.2022,
28 c.104 (C.18A:33-14a); (b) information on the subsidized school
29 meals application and certification processes that are used to
30 determine whether a student is categorically eligible or income-
31 eligible for subsidized school meals; (c) information highlighting
32 the need for parents and guardians to complete a subsidized school
33 meals application for each student, and encouraging parents and
34 guardians to complete the application, both to ensure that the
35 student will have access to all subsidized school meals for which
36 the student is eligible and to ensure that the school and the district
37 have the necessary information to facilitate relevant eligibility
38 determinations, receive appropriate reimbursement, and engage in
39 all other activities authorized under subsection c. of this section;
40 **【and】** (d) information on the rights that are available to students
41 and their families under this section and section 1 of P.L.2015, c.15
42 (C.18A:33-21); (e) information on the ability of all students,
43 regardless of income, to receive free school breakfast pursuant to
44 sections 2 and 3 of P.L. , c. (C.) (pending before the
45 Legislature as this bill); (f) information concerning the reasons a
46 school meals application is necessary, including, but not limited to,
47 that an application is also used to determine free or reduced priced
48 lunch, despite the provision of free school breakfast to all students

1 enrolled in public schools pursuant to P.L. , c. (C.)
2 (pending before the Legislature as this bill); and (g) information
3 concerning how filling out a school meals application maximizes
4 the federal reimbursement rate; and

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

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

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

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

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

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

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

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

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

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

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

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

45 d. The school district shall require the parent or guardian to
46 either submit an application to apply for the school lunch and
47 school breakfast programs or submit a signed card provided by the
48 school district indicating that the parent or guardian has received

1 the application and information and is not interested in participating
2 in the school lunch and school breakfast programs. The card shall
3 include a notice stating that a parent or guardian may submit an
4 application to apply for the school lunch and school breakfast
5 programs at any time during the school year.

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

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

12 (cf: P.L.2023, c.336, s.10)

13
14 10. Section 12 of P.L.2022, c.104 (C.18A:33-14a) is amended to
15 read as follows:

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

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

30 (3) Notwithstanding any law, rule, or regulation to the contrary,
31 breakfasts offered under a school breakfast program or a breakfast
32 after the bell program shall also be made available, free of charge,
33 to each enrolled student who is determined to be federally ineligible
34 for free or reduced price meals, but who has an annual household
35 income amounting to not less than 186 percent, and not more than
36 224 percent, of the federal poverty level, as determined pursuant to
37 section 16 of P.L.2022, c.104 (C.18A:33-21b1). As provided by
38 subsection b. of this section, the unreimbursed costs of free
39 breakfasts being offered to federally ineligible students, pursuant to
40 this paragraph, shall be borne by the State.

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

47 c. The Department of Agriculture, in consultation with the
48 Department of Education, shall annually prepare and issue, to the

1 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
2 19.1), to the Legislature, a written report that identifies, for each
3 participating school district and nonpublic school in the State:

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

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

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

23 d. The Department of Agriculture, in consultation with the
24 Department of Education, shall adopt rules and regulations pursuant
25 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
26 1 et seq.), to implement the provisions of this section, including, but
27 not limited to, rules and regulations establishing a schedule for, and
28 identifying the manner in which, State-level reimbursements are to
29 be made pursuant to subsection b. of this section.

30 (cf: P.L.2023, c.336, s.5)

31

32 11. Section 1 of P.L.2018, c.25 (C.18A:33-11.2) is repealed.

33

34 12. This act shall take effect immediately.

35

36

37 STATEMENT

38

39 This bill requires all schools in the State to serve free breakfast
40 to all enrolled students, regardless of whether the students are
41 federally eligible for free or reduced price meals pursuant to the
42 federal School Breakfast Program.

43 In addition, the bill requires breakfast provided to students,
44 including breakfast served under a breakfast after the bell program,
45 to be provided to students free of charge without regard to each
46 student's income eligibility status. Each school district, and the
47 Department of Agriculture, would be required to publicize, to
48 parents and students, the fact that free meals are being made

1 available to all students under all of these programs, pursuant to the
2 bill's provisions. In order to avoid establishing an unfunded
3 mandate, the bill would require the State to provide funding to each
4 school district, as may be necessary to reimburse the costs
5 associated with the district's provision of free meals to students
6 who are otherwise ineligible for free or reduced price meals
7 pursuant to the federal School Breakfast Program.