

[First Reprint]

ASSEMBLY, No. 5684

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 28, 2023

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywomen Lopez, Pintor Marin, Mosquera and Senator Burgess

SYNOPSIS

Requires certain nonpublic schools to provide meals to all students under “Working Class Families Anti-Hunger Act”; authorizes limited expansion of income eligibility to qualify public and nonpublic school students for free lunch.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on January 4, 2024, with amendments.

(Sponsorship Updated As Of: 1/8/2024)

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

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

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

33 "Eligible student" means a student who is **【either】** categorically
 34 eligible or income-eligible for one or more **【free or reduced price】**
 35 subsidized school meals.

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

43 "Federal School Breakfast Program" means the federal
 44 reimbursement program, established under the "Child Nutrition Act of

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:

¹Senate SBA committee amendments adopted January 4, 2024.

1 1966," 42 U.S.C. s.1771 et seq., pursuant to which the United States
2 Department of Agriculture is authorized to provide grants-in-aid and
3 other assistance to the States, as may be necessary to help finance the
4 establishment, maintenance, operation, and expansion of school
5 breakfast programs and facilitate the provision of free and reduced
6 price breakfasts to eligible students.

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

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

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

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

37 "Middle-income family" means a family with an annual household
38 income amounting to not less than 186 percent, and not more than
39 **[199] ¹[249] 224¹** percent, of the federal poverty level.

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

1 “Participating school” means a public or nonpublic school that
2 provides daily lunch to enrolled students, through a school lunch
3 program operated pursuant to the National School Lunch Program, or
4 that provides daily breakfast to enrolled students, through a school
5 breakfast program or breakfast after the bell program operated
6 pursuant to the federal School Breakfast Program, or both.

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

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

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

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

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

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

42 “Subsidized school breakfast” or “subsidized breakfast” means a
43 school breakfast that is offered to an eligible student, free of charge,
44 and the costs of which are reimbursed by the State or federal
45 government, as provided by subsections a. and b. of section 12 of
46 P.L.2022, c.104 (C.18A:33-14a).

47 “Subsidized school lunch” or “subsidized lunch” means a school
48 lunch that is offered to an eligible student, free of charge, and the costs

1 of which are reimbursed by the State or federal government, as
2 provided by subsections a. and b. of section 1 of P.L.1974, c.53
3 (C.18A:33-4).

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

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

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

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

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

37 **【“Unsubsidized student” means a student who is neither**
38 **categorically eligible nor income-eligible for free or reduced price**
39 **school meals, and who is, consequently, required to pay for any such**
40 **meals that are served to the student under the National School Lunch**
41 **Program or the federal School Breakfast Program.】**

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

45 “Unsubsidized school breakfast” or “unsubsidized breakfast”
46 means a school breakfast that is offered, upon the payment of a fee, to
47 a student who is neither categorically eligible nor income-eligible for
48 subsidized breakfast, regardless of whether such student remains

1 income-eligible for subsidized school lunch under the provisions of
2 paragraph (4) of subsection a. of section 1 of P.L.1974, c.53
3 (C.18A:33-4), and the cost of which breakfast is not reimbursable by
4 the State or federal government.

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

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

11
12 2. Section 1 of P.L.1974, c.53 (C.18A:33-4) is amended to read as
13 follows:

14 1. a. (1) Each school district shall make school lunch available to
15 all students enrolled in the district, except at those schools that are
16 exempt from the requirements of this section, as provided by section 2
17 of P.L.1974, c.53 (C.18A:33-5), within one year after the effective
18 date of P.L.1974, c.53 (C.18A:33-4 et seq.). Each nonpublic school
19 participating in the National School Lunch Program shall make school
20 lunch available to all students enrolled at the nonpublic school within
21 one year after the effective date of P.L. , c. (C.) (pending
22 before the Legislature as this bill).

23 (2) School lunches **【made available】** offered to students, pursuant
24 to this section, shall meet minimum nutritional standards**【,】**
25 established by the **‘【Department of Education】** United States
26 Department of Agriculture¹ .

27 (3) **【Free or reduced price lunches, as appropriate, shall be】**
28 School lunches offered, 【under a school lunch program,】 pursuant to
29 this section, shall be made available, free of charge, to 【each student】
30 all students enrolled in the district 【who is】 or in the nonpublic school,
31 as the case may be, who are determined to be federally eligible for free
32 or reduced price meals. As provided by section 1 of P.L.2019, c.445
33 (C.18A:33-21.1), 【any student】 the unreimbursed costs of free lunches
34 being made available, pursuant to this paragraph, to students who 【is】
35 are eligible for 【a】 reduced price lunch, 【pursuant to federal income
36 eligibility standards and criteria, shall not be required to pay for such
37 lunch】 shall be borne by the State. 【Free】

38 (4) Notwithstanding any law, rule, or regulation to the contrary,
39 school lunches offered to students, pursuant to this section, shall also
40 be 【offered】 made available, free of charge, to 【each student】 those
41 students enrolled in the participating school district or nonpublic
42 school, who are federally ineligible for free or reduced price meals, in
43 accordance with the following schedule: (a) during the 2023-2024
44 school year, to each enrolled student who is federally ineligible for
45 free or reduced price meals, but who has an annual household income
46 that is not less than 186 percent, and not more than 199 percent, of the
47 federal poverty level, as determined pursuant to section 16 of

1 P.L.2022, c.104 (C.18A:33-21b1); and (b) during the 2024-2025
2 school year, to each enrolled student who is federally ineligible for
3 free or reduced price meals, but who has an annual household income
4 that is not less than 186 percent, and not more than ¹~~249~~ 224¹
5 percent, of the federal poverty level, as determined pursuant to section
6 16 of P.L.2022, c.104 (C.18A:33-21b1).

7 b. The State shall provide funding to each participating school
8 district ~~[,]~~ and nonpublic school, as may be necessary to reimburse the
9 ~~costs associated with the district's provision~~ cost of free lunches
10 being served thereby to federally ineligible students, pursuant to
11 paragraph (4) of subsection a. of this section~~[,]~~ to students who are
12 federally ineligible for free or reduced price meals~~]~~.

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

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

23 (2) the total number and percentage of ~~income-eligible~~ students
24 ~~from low-income families and from middle-income families,~~
25 ~~respectively, that are~~ receiving ~~free or reduced price~~ subsidized
26 school lunches ~~under the National School Lunch Program and the~~
27 ~~provisions of this section~~ in the preceding school year who have been
28 determined to be, respectively, federally eligible for free school lunch,
29 federally eligible for reduced price lunch, income-eligible for free
30 school lunch on the basis of State-level income eligibility
31 requirements, or neither categorically eligible nor income-eligible for
32 free or reduced price school lunch; and

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

36 d. The Department of Agriculture, in consultation with the
37 Department of Education, shall adopt rules and regulations, pursuant
38 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.), to implement the provisions of this section, including, but not
40 limited to, rules and regulations¹~~]~~:

41 (1)¹ establishing a schedule for, and identifying the manner in
42 which, State-level reimbursements are to be made pursuant to
43 subsection b. of this section ¹~~]~~; and

44 (2) establishing a standardized means by which the department
45 will annually review the State reimbursement amounts being allocated
46 under this chapter in order to determine whether, and the extent to

1 which, participating school districts and nonpublic schools have
2 received adequate reimbursement, from the State, sufficient to account
3 for each participating school's actual costs of free lunch delivery to
4 eligible students, including, but not limited to, food, labor, and other
5 related costs】¹.

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

7

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

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

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

23 b. make every effort to ensure that **【subsidized】** students
24 receiving subsidized school meals are not **【recognized as program**
25 **participants】** identified, by the student body, faculty, or staff, in a
26 manner that is **【different】** distinct from the manner in which
27 **【unsubsidized】** students receiving unsubsidized school meals are
28 **【recognized】** identified as program participants. Such efforts shall
29 include, but need not be limited to, the establishment of a neutral
30 meal plan or voucher system that does not make a distinction
31 between **【subsidized and unsubsidized】** these two groups of
32 students; and

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

34 (1) facilitate and expedite the prompt and accurate identification
35 of categorically eligible students who may be certified to
36 **【participate in the program, on a】** receive subsidized **【basis,】**
37 school meals without first submitting an application therefor, and,
38 whenever an application is required to establish income eligibility
39 for subsidized meals, encourage students and their families to
40 submit a subsidized school meals application for that purpose;

41 (2) facilitate and expedite**【, to the greatest extent practicable,】**
42 the subsidized school meals application and income**【-】** eligibility
43 determination processes that are used, by the school or school
44 district, to certify a student for **【free or reduced price】** subsidized
45 school meals on the basis of income, and assist parents and

1 guardians in completing the subsidized school meals application;
2 and

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

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

10

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

13 4. The Department of Agriculture, in consultation with the
14 Department of Education, shall develop guidelines**,** as may be
15 necessary**]** to facilitate the implementation and operation of
16 breakfast after the bell programs by schools in the State, in
17 accordance with the provisions of section 1 of P.L.2014, c.66
18 (C.18A:33-11.1), sections 1 and 2 of P.L.2018, c.25 (C.18A:33-11.2
19 and C.18A:33-11.3), and section 12 of P.L.2022, c.104 (C.18A:33-
20 14a), including, but not limited to, guidelines, consistent with the
21 provisions of section 1 of P.L.2015, c.15 (C.18A:33-21),
22 concerning a school's receipt of payment, from **unsubsidized**
23 students, for unsubsidized school breakfasts that are served to such
24 students under a breakfast after the bell program.

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

26

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

29 12. a. (1) School breakfasts made available to students under a
30 school breakfast program or a breakfast after the bell program shall
31 meet minimum nutritional standards, established by the ¹**Department**
32 **of Education]** United States Department of Agriculture¹ .

33 (2) **Free or reduced price** breakfasts, as appropriate, shall be**]**
34 Breakfasts that are offered, by a participating school district or
35 nonpublic school, under a school breakfast program or a breakfast
36 after the bell program, shall be made available, free of charge, to all
37 students enrolled **students who]** in the district or in the nonpublic
38 school, as the case may be, who are determined to be federally eligible
39 for free or reduced price meals. As provided by section 1 of P.L.2019,
40 c.445 (C.18A:33-21.1), **any student who is eligible for a reduced**
41 **price breakfast, pursuant to federal income eligibility criteria, shall not**
42 **be required to pay for such breakfast. Free breakfasts shall also be]**
43 the unreimbursed costs of free breakfasts being made available,
44 pursuant to this paragraph, to students who are federally eligible for
45 reduced price breakfast, shall be borne by the State.

46 (3) Notwithstanding any law, rule, or regulation to the contrary,
47 breakfasts offered under a school breakfast program or a breakfast

1 after the bell program shall also be made available, free of charge, to
2 each enrolled student who is determined to be federally ineligible for
3 free or reduced price meals, but who has an annual household income
4 【that is】 amounting to not less than 186 percent, and not more than
5 ‘[199] 224’ percent, of the federal poverty level, as determined
6 pursuant to section 16 of P.L.2022, c.104 (C.18A:33-21b1). As
7 provided by subsection b. of this section, the unreimbursed costs of
8 free breakfasts being offered to federally ineligible students, pursuant
9 to this paragraph, shall be borne by the State.

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

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

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

26 (2) the total number and percentage of 【income-eligible】 students
27 receiving subsidized school breakfasts, in the preceding year, who
28 have been determined to be, respectively, federally eligible for free
29 school breakfast, federally eligible for reduced price school breakfast,
30 income-eligible for free school breakfast on the basis of State-level
31 income eligibility requirements, or neither categorically eligible nor
32 income-eligible for free or reduced price school breakfast; and the
33 number and percentage of all such students who are, respectively, from
34 low-income families and from middle-income families【, respectively ,
35 in each such school and district, who are receiving free or reduced
36 price breakfast under the federal School Breakfast Program and the
37 provisions of this section】; and

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

42 d. The Department of Agriculture, in consultation with the
43 Department of Education, shall adopt rules and regulations pursuant to
44 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.), to implement the provisions of this section, including, but not
46 limited to, rules and regulations¹【:

1 (1)]¹ establishing a schedule for, and identifying the manner in
2 which, State-level reimbursements are to be made pursuant to
3 subsection b. of this section¹]; and

4 (2) establishing a standardized means by which the department
5 will annually review the State reimbursement amounts being allocated
6 under this section in order to determine whether, and the extent to
7 which, participating school districts and nonpublic schools have
8 received adequate reimbursement, from the State, sufficient to account
9 for each participating school's actual costs of free breakfast delivery to
10 eligible students, including, but not limited to, food, labor, and other
11 related costs]¹.

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

13
14 6. Section 1 of P.L.2018, c.26 (C.18A:33-14.1) is amended to
15 read as follows:

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

35 (2) The Department of Agriculture and Department of
36 Education, in cooperation with each other, shall consult with, and
37 provide direct assistance to, participating school districts and
38 nonpublic schools to help them improve, simplify, and expedite the
39 [free and reduced price meal] subsidized school meals certification
40 process and otherwise reduce the administrative burden on schools
41 and school districts that results from such process.

42 (3) A school that serves lunch or breakfast to students and is
43 eligible for special federal reimbursement under the Community
44 Eligibility Provision, as provided by 7 C.F.R. Part 245, shall, to the
45 greatest extent practicable, participate in, and maximize the receipt
46 of federal resources available under, that special assistance
47 alternative. Every school district in which there is at least one

1 school that qualifies for the Community Eligibility Provision, but is
2 not implementing it, shall report the reasons therefor, in writing, to
3 the Department of Agriculture and the Department of Education, in
4 the manner prescribed by those departments. The report shall
5 include, but need not be limited to, a description of the specific
6 impediments at the school district to implementing the program, the
7 specific actions that could be taken to remove those impediments,
8 and the specific steps required to successfully implement the
9 program in the following school year.

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

15 c. (Deleted by amendment, P.L.2022, c.104)
16 (cf: P.L.2022, c.104, s.13)

17

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

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

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

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

44 (3) work cooperatively with each participating school district
45 and nonpublic school in the State to: (a) review the costs being
46 expended by the district, and by each participating school, in
47 association with the implementation and expansion of one or more
48 school meals programs therein; (b) identify various means and

1 methods by which program costs can be reduced, curtailed,
2 eliminated, or offset without sacrificing the ability of the
3 participating school district or nonpublic school to operate its
4 school meals programs in compliance with minimum nutritional
5 standards and other applicable State and federal requirements; (c)
6 provide recommendations to help participating school districts and
7 nonpublic schools timely and proactively address financial
8 problems that have reduced, or that have the potential to reduce,
9 their ability to properly or fully administer their school meals
10 programs in compliance with minimum nutritional standards,
11 expanded eligibility requirements, and all other applicable State and
12 federal requirements; and (d) undertake, or recommend the
13 undertaking of, other appropriate actions as may be necessary to
14 prevent the State's school meals programs from becoming overly
15 bloated with unnecessary expenses or otherwise becoming
16 financially burdensome to participating school districts and
17 nonpublic schools.

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

23

24 8. (New section) a. Not more than 180 days after the effective
25 date of P.L. , c. (C.) (pending before the Legislature as this
26 bill), the Office of the Food Security Advocate, established
27 pursuant to P.L.2021, c.242 (C.52:27J-1 et seq.), shall establish a
28 Working Group on School Food Security to identify and develop
29 best practices, policies, and plans, and to take other appropriate
30 action, to promote and facilitate the effective functioning of the
31 State's school meals programs and the expanded provision,
32 thereunder, of free school meals to students in the State.

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

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

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

- 1 c. When conducting a school food security study, pursuant to
2 subsection b. of this section, the working group shall be required to
3 determine and identify:
- 4 (1) the expected annual costs to be expended, by each
5 participating school district and nonpublic school in the State, in
6 providing free school meals to eligible students in accordance with
7 the provisions of this chapter, including the amount by which such
8 costs are expected to increase year-over-year;
- 9 (2) best practices to ensure the effective provision of school
10 meals to students in the State, including, but not limited to, best
11 practices to facilitate the non-stigmatizing provision of free school
12 meals to all eligible students in the State, best practices to reduce
13 food waste in schools, best practices to improve and facilitate the
14 subsidized school meals application and certification processes that
15 are used to certify students for free meals; and best practices for
16 incentivizing the completion of subsidized school meals
17 applications by parents and guardians of students in the State;
- 18 (3) policies and practices that have been employed by other
19 states and jurisdictions to facilitate and enhance student access to
20 free school meals in those other jurisdictions, and the extent to
21 which such policies and practices have been successful in achieving
22 their stated goals; and
- 23 (4) whether, and the extent to which, it would be feasible,
24 beneficial, and fiscally responsible for the Legislature to take action
25 to further expand student eligibility for free school meals under this
26 chapter, following the effective date of P.L. , c. (C.)
27 (pending before the Legislature as this bill), and whether, and the
28 extent to which, such expansion of the State's free school meals
29 programs would best be effectuated on an immediate basis, by
30 extending eligibility to all students in the State, or on a phased-in
31 basis, by extending eligibility to gradually increasing numbers and
32 types of students in the State.
- 33 d. Not more than 60 days after the working group completes a
34 school food security study, pursuant to subsection b. of this section,
35 the working group shall submit, to the Secretary of Agriculture, the
36 Commissioner of Education, the Governor, and, pursuant to section
37 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, a written
38 report of its findings and recommendations from the study,
39 including, at a minimum, its recommendations regarding the
40 appropriate executive, legislative, and other actions, if any, that
41 should be undertaken in the State to ensure the ongoing successful
42 operation of the State's school meals programs, to facilitate the
43 cost-effective provision of free school meals to students who are
44 categorically eligible or income-eligible therefore, as provided by
45 this chapter, and to further expand the categories of students who
46 are eligible for such free school meals under State law.

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

3 1. a. (1) In the event that a participating school district or
4 nonpublic school determines that **【an】** a **【unsubsidized】** student's
5 unsubsidized school breakfast or unsubsidized school lunch bill is
6 in arrears, the participating school district or nonpublic school shall
7 contact the student's parent or guardian to provide notice of the
8 arrearage, and shall provide the parent or guardian with a period of
9 10 school days to pay the amount due. If the student's parent or
10 guardian has not made full payment by the end of the designated
11 10-day period, then the participating school district or nonpublic
12 school shall again contact the student's parent or guardian to
13 provide notice of any action to be taken **【by the school district】** in
14 response to the arrearage.

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

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

31 b. A **【school or】** participating school district or nonpublic
32 school shall not:

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

40 (2) require **【an unsubsidized】** a student**【,】** who cannot pay for
41 **【a】** an unsubsidized school breakfast or **【a】** an unsubsidized school
42 lunch, or whose unsubsidized school breakfast or **【school】** lunch
43 bill is in arrears, to do chores or other work to pay for the
44 unsubsidized school breakfast or unsubsidized school lunch;

45 (3) require **【an unsubsidized】** a student to discard **【a】** an
46 unsubsidized school breakfast or an unsubsidized school lunch,

1 after it has been served, either because **of** the **student's inability**
2 student is unable to pay for **a school** the unsubsidized breakfast
3 or **a school** unsubsidized lunch or because **money is owed for**
4 previously provided meals the student's unsubsidized school
5 breakfast or lunch bill is in arrears;

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

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

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

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

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

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

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

44 e. Notwithstanding the provisions of this section and the
45 provisions of any other law, rule, or regulation to the contrary, **an**

1 unsubsidized] a student shall not be denied access to a school meal,
2 regardless of the student's ability to pay or the status of the student's
3 meal arrearages, during any period of time in which the student's
4 participating school district or nonpublic school is making a
5 determination, pursuant to subsection c. of this section, as to
6 whether the student is eligible for, and can be certified to receive,
7 **【free or reduced price】** subsidized school meals.

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

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

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

16 (1) information on the National School Lunch Program and the
17 federal School Breakfast Program, including, but not limited to**【,】**:
18 (a) information on the **【availability】** ability of all categorically
19 eligible and income-eligible students to receive free **【or reduced**
20 **price meals for eligible students,】** school lunch under the National
21 School Lunch Program, as provided by subsection a. of section 1 of
22 P.L.1974, c.53 (C.18A:33-4), and free school breakfast under the
23 federal School Breakfast Program, as provided by subsection a. of
24 section 12 of P.L.2022, c.104 (C.18A:33-14a); (b) information on
25 the subsidized school meals application and **【determination】**
26 certification processes that are used to **【certify eligible students】**
27 determine whether a student is categorically eligible or income-
28 eligible for subsidized school meals**【,】**; (c) information highlighting
29 the need for parents and guardians to complete a subsidized school
30 meals application for each student, and encouraging parents and
31 guardians to complete the application, both to ensure that the
32 student will have access to all subsidized school meals for which
33 the student is eligible and to ensure that the school and the district
34 have the necessary information to facilitate relevant eligibility
35 determinations, receive appropriate reimbursement, and engage in
36 all other activities authorized under subsection c. of this section;
37 and (d) information on the rights that are available to students and
38 their families under this section and section 1 of P.L.2015, c.15
39 (C.18A:33-21); and

40 (2) a subsidized school meals application **【form】**, as well as
41 instructions for completing the application, and, as necessary,
42 assistance in completing the application.

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

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

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

3 (3) be submitted to the parent or guardian either in writing or
4 electronically. In the latter case, the participating school district or
5 nonpublic school shall use the usual means by which it
6 communicates with parents and guardians electronically.

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

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

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

21 (3) ensure that the school receives appropriate reimbursement,
22 from the State and federal governments, for subsidized school meals
23 ~~【provided】~~ served to eligible students, free of charge, through a
24 school lunch program, a school breakfast program, a breakfast after
25 the bell program, a summer meals program, or an emergency meals
26 distribution program; and

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

30 (cf: P.L.2022, c.104, s.16)

31
32 11. Section 1 of P.L.2019, c.445 (C.18A:33-21.1) is amended to
33 read as follows:

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

41 b. The State shall pay the difference between the federal
42 allocation for reduced price breakfasts and reduced price lunches
43 and the total cost of the reduced price breakfasts and reduced price
44 lunches that are served, by participating school districts and
45 nonpublic schools, to ~~【public school】~~ enrolled students who are
46 federally eligible for reduced price meals.

1 c. The Department of Agriculture, in consultation with the
2 Department of Education, shall adopt rules and regulations pursuant
3 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
4 1 et seq.), to implement the provisions of this section, including, but
5 not limited to, rules and regulations establishing the schedule for,
6 and identifying the manner in which, State-level reimbursements
7 are to be made pursuant to subsection b. of this section.
8 (cf: P.L.2022, c.104, s.17)

9
10 12. Section 1 of P.L.2019, c.307 (C.18A:33-27.1) is amended to
11 read as follows:

12 1. a. Each school food authority that provides a food service to
13 students **【at a public】** enrolled in a participating school district or
14 nonpublic school in the State shall, in the two languages that are
15 most commonly spoken in the homes of students in **【the public】**
16 each participating school served by the school food authority:

17 (1) develop and implement **【a public education】** an educational
18 campaign to **【educate】** inform the parents and guardians of such
19 students **【at schools served by the school food authority】** about the
20 various school meals programs that are available for students in
21 New Jersey, and about the availability of **【free and reduced price】**
22 subsidized school meals, under such programs, for students who
23 **【satisfy federal or State-level eligibility criteria】** are categorically
24 eligible or income-eligible therefor; and

25 (2) develop promotional materials for the State's school meals
26 programs, and provide copies of the promotional materials to each
27 school that is served by the school food authority in the State, for
28 distribution, by school staff, to the parents and guardians of
29 students **【who are】** enrolled at the school. The school food
30 authority shall utilize existing resources, which have been made
31 available by the United States Department of Agriculture and the
32 New Jersey Department of Agriculture, in developing promotional
33 materials for the purposes of this paragraph. The promotional
34 materials **【developed pursuant to this paragraph】** shall include, but
35 need not be limited to, pamphlets, presentation materials, webinars,
36 and sample letters that schools may send to parents and guardians.

37 b. The **【public education】** educational campaign and
38 promotional materials developed under subsection a. of this section
39 shall:

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

44 (2) highlight and promote the nature, purposes, value, and
45 importance of the National School Lunch Program, the federal
46 School Breakfast Program, the federal Summer Food Service
47 Program, and other similar summer meals programs, as well as the

1 State's breakfast after the bell programs, established pursuant to
2 section 1 of P.L.2014, c.66 (C.18A:33-11.1) or section 2 of
3 P.L.2018, c.25 (C.18A:33-11.3), the State's emergency meals
4 distribution **program** programs, established pursuant to section 1
5 of P.L.2020, c.6 (C.18A:33-27.2), and any new school meals
6 programs that are implemented in the State after the effective date
7 of P.L.2022, c.103;

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

10 (4) emphasize and promote the ability of eligible students to
11 obtain **free or reduced price** subsidized meals under the State's
12 school meals programs, **and** inform parents and guardians about
13 the various ways in which a student may be determined to be
14 categorically eligible or income-eligible **for** free meals under these
15 programs, **and** therefor, and identify the federal and State-level
16 **income-based** criteria that must be satisfied in order for a student
17 to obtain **free or reduced price** subsidized school meals, under
18 these programs, on the basis of annual household income;

19 (5) highlight and describe the application and determination
20 processes that are used, by schools and school districts, to certify
21 categorically eligible and income-eligible students for **free or**
22 **reduced price** subsidized school meals;

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

27 (7) inform parents and guardians about the nature and extent of
28 any proposed or implemented expansion of the existing school
29 meals programs in the State, including, but not limited to, the nature
30 and extent of any proposed or implemented expansion of the
31 categories of students who are eligible for **free or reduced price**
32 subsidized school meals under such programs.

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

40 (2) Within 60 days of the effective date of P.L.2022, c.103, and
41 on a periodic basis thereafter, as necessary, the Department of
42 Education shall provide, to each school food authority that
43 **provides** offers a food service to students at a **public**
44 participating school in the State **with**, information concerning the
45 two languages that are most commonly spoken in the homes of
46 students **in** enrolled at each **of** the public schools that the school

1 food authority serves】 such participating school served thereby.
2 The Department of Education shall periodically, and at least every
3 five years, verify the two languages that are most commonly spoken
4 in the homes of students in each 【public】 such participating school
5 【served by each school food authority】.

6 d. As used in this section:

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

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

10

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

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

26 b. In order to facilitate the emergency distribution of
27 subsidized school meals in the event of an emergency public school
28 closure, as described in subsection a. of this section, 【the】 each
29 school district shall identify one or more school meal distribution
30 sites that are walkable and easily accessible to students in the
31 district. The school district shall collaborate with county and
32 municipal government officials in identifying appropriate
33 distribution sites【. A school meals distribution site may include】
34 including, but 【need】 not 【be】 limited to: faith-based locations;
35 community centers, such as YMCAs; and locations in the school
36 district where meals are made available through a summer meals
37 program. In a school district that includes high density housing, the
38 district shall make every effort to identify 【a】 an emergency school
39 【meal】 meals distribution site in that housing area.

40 c. A school district shall identify students enrolled in the
41 district who are categorically eligible or income-eligible for 【free or
42 reduced price meals】 subsidized school lunch, subsidized school
43 breakfast, or both, and for whom 【a】 an emergency school meal
44 distribution site, identified pursuant to subsection b. of this section,
45 is not within walking distance. In the case of these students, the
46 school district shall distribute the subsidized school meals to the

1 student's residence or to the student's bus stop along an established
2 bus route, provided that, in the latter case, the student or the
3 student's parent or guardian **[is]** shall be present at the bus stop
4 **[for]** to accept the distribution. **[Food distributed]** Distributions
5 made pursuant to this subsection may include up to a total of three
6 school days' worth of food per delivery.

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

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

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

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

29
30 14. This act shall take effect immediately.