

# SENATE, No. 584

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## STATE OF NEW JERSEY 219th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**SYNOPSIS**

Expands school breakfast program to all schools with 5% or more of students eligible for free or reduced price meals.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the implementation of school breakfast  
2 programs and supplementing chapter 33 of Title 18A of the New  
3 Jersey Statutes.

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

7  
8 1. a. A public school operated by a local or regional school  
9 district of the State in which 5% or more of the students enrolled in the  
10 school on or before the last school day before October 16 of the  
11 preceding school year were eligible for free or reduced price meals  
12 under the federal School Lunch Program or the federal School  
13 Breakfast Program, shall establish a school breakfast program in the  
14 school.

15 The school district shall submit a plan for the establishment of  
16 school breakfast programs for each school in the district for the initial  
17 year, subject to the requirements of this section, that is in compliance  
18 with and pursuant to the School Breakfast Program administered by  
19 the State Department of Agriculture. The plan for each school shall be  
20 submitted to the Department of Agriculture by the date required by  
21 subsection b. of this section in a form and manner prescribed by the  
22 Secretary of Agriculture.

23 b. (1) A school district shall submit a plan for all grades of each  
24 school that has one or more of the grades pre-K through sixth grade  
25 and for which a plan is required by subsection a. of this section on or  
26 before November 1, 2014.

27 (2) A school district shall submit a plan for all grades of each  
28 school that is not described in paragraph (1) of this subsection and for  
29 which a plan is required by subsection a. of this section on or before  
30 November 1, 2015.

31 c. The Department of Agriculture, in consultation with the  
32 Department of Education, shall review each school breakfast plan  
33 submitted pursuant to this section and make recommendations, if  
34 necessary, on how the school breakfast program can operate within the  
35 limits of the federal and State reimbursement rates for the federal  
36 School Breakfast Program.

37 d. The Department of Agriculture shall notify each school district  
38 that submits a school breakfast plan pursuant to this section of the  
39 completion of the department's review and any recommended changes  
40 to the plan, within three months of the receipt of the plan, but no later  
41 than the February 1 following the date required for submission of the  
42 plan pursuant to subsection b. of this section.

43 e. A school district subject to the requirements of this section  
44 shall establish a school breakfast program in each of its schools, based  
45 on the plan submitted by the school district to the Department of  
46 Agriculture, by September 1, 2015 for schools for which plans are  
47 required to be submitted by paragraph (1) of subsection b. of this

1 section and by September 1, 2016 for schools for which plans are  
2 required to be submitted by paragraph (2) of subsection b. of this  
3 section.

4 f. (1) If a school district does not submit a school breakfast plan  
5 to the Department of Agriculture pursuant to subsection a. of this  
6 section by the date required by subsection b. of this section, it shall  
7 establish a school breakfast program in each of its schools in which a  
8 program is required pursuant to subsection a. of this section based on a  
9 model plan provided by the department.

10 (2) The model plan shall include recommendations on how the  
11 school breakfast program can operate within the limits of the federal  
12 and State reimbursement rates for the federal School Breakfast  
13 Program.

14 (3) The Department of Agriculture shall provide the model plan to  
15 the school district no later than March 1, 2015 for schools for which  
16 plans are required to be submitted by paragraph (1) of subsection b. of  
17 this section and by March 1, 2016 for schools for which plans are  
18 required to be submitted by paragraph (2) of subsection b. of this  
19 section and the school district shall establish the school breakfast  
20 program in each of its schools based on the plan by September 1, 2015  
21 for schools for which plans are required to be submitted by paragraph  
22 (1) of subsection b. of this section and by September 1, 2016 for  
23 schools for which plans are required to be submitted by paragraph (2)  
24 of subsection b. of this section.

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26 2. The implementation of a school breakfast program under this  
27 act shall be subject to the requirements of section 3 of P.L.2003,  
28 c.4 (C.18A:33-11).

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30 3. a. The Department of Agriculture may grant a one-year waiver  
31 of the requirements of this act to a school in a school district subject to  
32 the requirements of this act that lacks the staff, facilities or equipment  
33 to offer a school breakfast program, or the means to finance the hiring  
34 or acquisition of such staff, facilities or equipment, if the district  
35 submits a school breakfast plan to the department pursuant to the  
36 requirements of section 1 of this act and requests a waiver for the  
37 specific school.

38 b. A school district that requests a waiver pursuant to this section  
39 shall provide such information as the Department of Agriculture shall  
40 specify pursuant to regulation to justify the request. The information  
41 shall include, but not be limited to, a description of the specific  
42 impediments to implementing the program, the specific actions that  
43 will be taken to remove those impediments, and the specific steps  
44 required to successfully implement the program in the following  
45 school year.

1       4. 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.), which are necessary to effectuate the purposes of this act.

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6       5. The State shall appropriate to the Department of Agriculture in  
7 each fiscal year the funds necessary to provide the State share for  
8 school breakfast programs established under the provisions of this act.

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10       6. This act shall take effect immediately.

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STATEMENT

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15       This bill requires a public school operated by a local or regional  
16 school district of the State in which 5% or more of the students  
17 enrolled in the school on or before the last school day before October  
18 16 of the preceding school year were eligible for free or reduced price  
19 meals under the federal School Lunch Program or the federal School  
20 Breakfast Program to establish a school breakfast program in the  
21 school. Under the current statutes, a school with 5% or more of those  
22 eligible students must have a school lunch program, and a school with  
23 20% or more of those eligible students must have a school breakfast  
24 program.

25       The new requirements are modeled on the existing requirements  
26 and mandate that the program be first established in grades pre-K  
27 through 6 by September 1, 2015, and in all other grades by September  
28 1, 2016. Plans for the initial program must be submitted to the  
29 Department of Agriculture for approval. If a plan is not submitted by  
30 the date specified in the bill, a school district must establish a program  
31 based on a model plan provided by the department. The bill permits  
32 the Department of Agriculture to grant a one-year waiver to a school  
33 district under certain conditions.

34       Currently, the vast majority of New Jersey school districts serve  
35 breakfast to a fraction of eligible children. According to the Food  
36 Research and Action Center, New Jersey ranks 37<sup>th</sup> nationwide for its  
37 participation rate in the School Breakfast Program, and estimates that  
38 between 20 and 25 percent of schools that offer lunch do not offer  
39 school breakfast, denying tens of thousands of low-income  
40 schoolchildren the opportunity to start their day with a healthy  
41 breakfast.

42       An appropriation to the Department of Agriculture by the State  
43 each fiscal year is required in order to provide the State share for the  
44 school breakfast programs established under the bill.