

P.L. 2018, CHAPTER 25, *approved May 30, 2018*
Senate, No. 1894 (*Second Reprint*)

1 AN ACT concerning the “breakfast after the bell” program and
2 supplementing chapter 33 of Title 18A of the New Jersey
3 Statutes.

4

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

7

8 1. The Legislature finds and declares that numerous studies
9 document that childhood hunger impedes learning and can cause
10 lifelong health problems; and that, in New Jersey, tens of thousands
11 of children suffer from hunger each year, with nearly 540,000
12 students living in families eligible to receive free or low-cost school
13 meals.

14 The Legislature further finds and declares that New Jersey
15 schools have made great strides in serving breakfast to more
16 children at the start of the school day, achieving a 73 percent
17 increase since 2010; and that, despite this progress, only 44 percent
18 of low-income children in New Jersey received breakfast through
19 the federal School Breakfast Program, according to the most recent
20 data published by Advocates for Children of New Jersey, and that
21 this means that approximately 304,000 eligible children who are
22 already enrolled in the program in April 2017 were not served this
23 all-important morning meal.

24 The Legislature further finds and declares that New Jersey law
25 currently requires a public school operated by a local or regional
26 school district with 20 percent or more of the students enrolled in
27 the school on October 1 of the preceding school year who were
28 eligible for free or reduced price meals under the federal School
29 Lunch Program or the federal School Breakfast Program to be
30 provided school breakfast; that, however, current law does not
31 specify how breakfast is to be served; and that, by requiring high-
32 poverty schools to serve “breakfast after the bell,” New Jersey
33 schools will reach a much larger percentage of children in need,
34 helping to further their academic success.

35 The Legislature further finds and declares that the federal
36 government reimburses schools for each meal served, and that this
37 expansion can therefore be easily accomplished; that, since 2010,

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 SED committee amendments adopted February 22, 2018.

²Assembly AAP committee amendments adopted April 5, 2018.

1 the amount of federal school breakfast reimbursements has more
2 than doubled from about \$45 million to an anticipated \$105 million
3 in fiscal year 2018; and that Advocates for Children of New Jersey
4 estimates that school districts could collect an additional \$89
5 million in federal funds for school breakfast each year if breakfast
6 is served during the first few minutes of the school day.

7 The Legislature therefore determines it to be the public policy of
8 the State to help remove a major barrier to learning by providing
9 children the nutrition they need to succeed in school, and
10 determines that it is the understanding and the intention of the
11 Legislature to make breakfast part of the school day, and that
12 “breakfast after the bell” is the most effective way to ensure that all
13 students have the morning nutrition they need to concentrate, learn,
14 and succeed in school.

15

16 2. a. ¹[(1)]¹ Every public school in which 70% or more of the
17 students enrolled in the school on or before the last school day
18 before October 16 of the preceding school year were eligible for
19 free or reduced price meals under the National School Lunch
20 Program or the federal School Breakfast Program, shall establish a
21 school “breakfast after the bell” program ¹[based on the guidelines
22 of best practices therefor created by the Department of Agriculture
23 pursuant to subsection d. of this section]¹.

24 ¹[(2) No later than one year after the effective date of this act,
25 each school district shall adopt a plan for establishment of a
26 “breakfast after the bell” program for all grades at each school in
27 the district required to establish such a program pursuant to
28 paragraph (1) of this subsection. Any such plan shall comply with
29 the applicable requirements of the School Breakfast Program
30 administered by the Department of Agriculture in consultation with
31 the Department of Education. Any such plan shall be developed by
32 the school district and adopted by the school board.]¹

33 b. No later than six months following the effective date of this
34 act, each school district shall ¹[notify] submit to¹ the Department
35 of Agriculture ¹[and the Department of Education of the “breakfast
36 after the bell” plan it adopted pursuant to the guidelines of best
37 practices therefor created by the Department of Agriculture
38 pursuant to subsection d. of this section] a plan for the
39 establishment of a “breakfast after the bell” program for all grades
40 at each school in the district which is subject to the requirements of
41 this section. The plan shall comply with the requirements of the
42 School Breakfast Program administered by the Department of
43 Agriculture ²[and conform to the guidelines of best practices
44 created by the Department of Agriculture pursuant to subsection d.
45 of this section]]² .

46 No later than the first full school year following the submission
47 of the plan, the school district shall establish a “breakfast after the
48 bell” program in each of its schools which are subject to the

1 requirements of this section based upon the plan submitted by the
2 school district to the Department of Agriculture¹.

3 c. ¹**【**Any school district which, on the date of enactment of this
4 act, is providing a school “breakfast after the bell” program for all
5 grades at each school in the district required to establish such a
6 program pursuant to paragraph (1) of subsection a. of this section,
7 shall not be required to adopt a new plan. However, any such
8 school district shall notify the Department of Agriculture of the
9 “breakfast after the bell” plan utilized at each school in the district**】**
10 Upon application, a school district may be granted a waiver by the
11 Department of Agriculture of the requirements of this section for
12 any school in which more than 70 percent of eligible students
13 received a meal under the school breakfast program during the
14 preceding school year. A school district that requests a waiver shall
15 provide such information as the Department of Agriculture specifies
16 to justify the request¹.

17 d. The Department of Agriculture shall ²**【**create guidelines of
18 best practices for the purposes of this section and distribute the
19 guidelines to each school district no later than three months
20 following the effective date of this act. The guidelines shall include
21 recommendations on how the “breakfast after the bell” program can
22 operate within the limits of the federal and State reimbursement
23 rates for the federal School Breakfast Program**】** provide a listing of
24 available resources for the purposes of this section to each school
25 district no later than three months following the effective date of
26 this act².

27
28 3. The implementation of a “breakfast after the bell” program
29 under this act shall be subject to the applicable requirements of
30 section 3 of P.L.2003, c.4 (C.18A:33-11) and section 1 of P.L.2014,
31 c.66 (C.18A:33-11.1) and any rules or regulations adopted pursuant
32 thereto.

33
34 4. ²**【**a. A public school may establish a paid “breakfast after
35 the bell” program for students not eligible for free or reduced price
36 meals under the National School Lunch Program or the federal
37 School Breakfast Program.

38 b.**】**² The Department of Agriculture, in consultation with the
39 Department of Education, shall develop any guidelines necessary
40 for a paid “breakfast after the bell” program.

41
42 5. The Department of Agriculture, in consultation with the
43 Department of Education, shall adopt, pursuant to the
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.), such rules and regulations as may be necessary to effectuate
46 the purposes of this act.

1 ²[6. There shall be appropriated to the Department of
2 Agriculture in each fiscal year the funds necessary to provide the
3 State share for “breakfast after the bell” programs established under
4 the provisions of this act.]²

5

6 7. This act shall take effect one year after the date of
7 enactment.

8

9

10

11

12 Requires “breakfast after the bell” program in all schools with
13 70% or more of students eligible for free or reduced price meals.