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

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

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

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

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

   The Legislature further finds and declares that the federal government reimburses schools for each meal served, and that this expansion can therefore be easily accomplished; that, since 2010, the federal government reimburses schools for each meal served, and that this expansion can therefore be easily accomplished; that, since 2010,
the amount of federal school breakfast reimbursements has more
than doubled from about $45 million to an anticipated $105 million
in fiscal year 2018; and that Advocates for Children of New Jersey
estimates that school districts could collect an additional $89
million in federal funds for school breakfast each year if breakfast
is served during the first few minutes of the school day.

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

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

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

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

No later than the first full school year following the submission
of the plan, the school district shall establish a “breakfast after the
bell” program in each of its schools which are subject to the
requirements of this section based upon the plan submitted by the
school district to the Department of Agriculture.\footnote{1}

c. \footnote{1}[Any school district which, on the date of enactment of this
act, is providing a school “breakfast after the bell” program for all
grades at each school in the district required to establish such a
program pursuant to paragraph (1) of subsection a. of this section,
shall not be required to adopt a new plan. However, any such
school district shall notify the Department of Agriculture of the
“breakfast after the bell” plan utilized at each school in the district.]

Upon application, a school district may be granted a waiver by the
Department of Agriculture of the requirements of this section for
any school in which more than 70 percent of eligible students
received a meal under the school breakfast program during the
preceding school year. A school district that requests a waiver shall
provide such information as the Department of Agriculture specifies
to justify the request.\footnote{1}

d. The Department of Agriculture shall \footnote{2}[create guidelines of
best practices for the purposes of this section and distribute the
guidelines to each school district no later than three months
following the effective date of this act. The guidelines shall include
recommendations on how the “breakfast after the bell” program can
operate within the limits of the federal and State reimbursement
rates for the federal School Breakfast Program.] provide a listing of
available resources for the purposes of this section to each school
district no later than three months following the effective date of
this act.\footnote{2}

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

4. \footnote{2}[a. A public school may establish a paid “breakfast after
the bell” program for students not eligible for free or reduced price
meals under the National School Lunch Program or the federal
School Breakfast Program.

b.\footnote{2} The Department of Agriculture, in consultation with the
Department of Education, shall develop any guidelines necessary
for a paid “breakfast after the bell” program.

5. The Department of Agriculture, in consultation with the
Department of Education, shall adopt, pursuant to the
seq.), such rules and regulations as may be necessary to effectuate
the purposes of this act.
2[6. There shall be appropriated to the Department of Agriculture in each fiscal year the funds necessary to provide the State share for “breakfast after the bell” programs established under the provisions of this act.]

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

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