

CHAPTER 25

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:

C.18A:33-11.2 Findings, declarations relative to the “breakfast after the bell” program.

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 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.

C.18A:33-11.3 Establishment of “breakfast after the bell” program in certain public schools.

2. a. 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 .

b. No later than six months following the effective date of this act, each school district shall submit to the Department of Agriculture 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.

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.

c. 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.

d. The Department of Agriculture shall 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 .

C.18A:33-11.4 Program subject to certain requirements.

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.

C.18A:33-11.5 Guidelines.

4. The Department of Agriculture, in consultation with the Department of Education, shall develop any guidelines necessary for a paid “breakfast after the bell” program.

C.18A:33-11.6 Rules, regulations.

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

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

Approved May 30, 2018.