STATE OF NEW YORK

1941

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. GONZALEZ-ROJAS, RIVERA, GALLAGHER, LUNSFORD, MAHER, McDONOUGH, THIELE, BURGOS, ZACCARO, BARRETT, CONRAD, LEVENBERG, ROZIC, ARDILA, SHIMSKY, ALVAREZ, EPSTEIN, AUBRY, CLARK, ANDERSON, DAVILA, JEAN-PIERRE, SIMON, FAHY, DICKENS, DE LOS SANTOS, COOK, SHRESTHA, JACKSON, WEPRIN, KELLES, EICHENSTEIN, DeSTEFANO, RAGA, HEVESI, K. BROWN, BRABENEC, SILLITTI, SIMONE, BORES -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to providing universal school meals to students

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 915-a to read as follows:

§ 915-a. Universal school meals. 1. The department shall require all public school districts, charter schools and non-public schools in the state that participate in the national school lunch program or school breakfast program as provided in the Richard B. Russell National School Lunch Act and the Child Nutrition Act, as amended, to serve breakfast and lunch at no cost to the student. Public school districts, charter schools and non-public schools shall maximize federal reimbursement for school breakfast and lunch programs by adopting Provision 2, the federal Community Eligibility Provision, or any other provision under such act, the National School Lunch Act or the National Child Nutrition Act.

2. The department shall reimburse the difference between the amount paid by the United States Department of Agriculture and the free rate as set annually by the United States Secretary of Agriculture under 42 U.S.C. 1759a for each school.

3. The department in consultation with the office of temporary and disability assistance shall promulgate any rule or regulation needed for public school districts, charter schools and non-public schools to promote the supplemental nutrition assistance program to a student or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD05356-01-3

person in parental relation to a student by either providing application assistance or a direct referral to an outreach partner identified by the department to the office of temporary and disability assistance to increase the number of students directly certified for free or reduced price school meals.

4. In addition to fulfilling any other applicable state and federal requirements, the department shall provide technical assistance to assist public school districts, charter schools, and non-public schools in the transition to universal school meals to ensure successful program operations and to maximize federal funding, including:

a. Assisting local educational agencies with one or more community-eligibility qualifying schools in meeting any state and federal requirements necessary in order to receive reimbursement through the community eligibility provision.

b. If a school or district is ineligible to receive reimbursement through the community eligibility provision, assisting the school or district in achieving eligibility and, if that is not feasible, assist the school or district in determining the viability of using Provision 2 or other special federal provisions available to schools.

c. Maximizing direct certification for specific populations as allowable under federal rules.

§ 2. This act shall take effect July 1, 2023.