STATE OF NEW YORK

6619--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 6, 2025

Introduced by M. of A. LUPARDO, KELLES -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 537 of the laws of 1976 relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to increasing the state subsidy for school lunch meals

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

Section 1. Subdivisions b and c of section 5 of chapter 537 of the laws of 1976 relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, subdivision b as amended by section 32-a of part A of chapter 56 of the laws of 2024 and subdivision c as amended by section 22-b of part A of chapter 56 of the laws of 2022, are amended and two new subdivisions b-1 and c-1 are added to read as follows:

b. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, [~~2022~~] 2027 and each July 1 thereafter, a school food authority shall be eligible for a State subsidy equal to [~~$0.1901 per free and paid school lunch meal, and $0.0519 per reduced price lunch meal,~~] an amount per school lunch meal determined pursuant to paragraphs (i), (ii) and (iii) of this subdivision for any school lunch meal served by such school food authority; provided that the school food authority certifies to the Department of Agriculture and Markets through the application submitted pursuant to subdivision c of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school breakfast service, lunch service, and reimbursable snack program from

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

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New York state farmers, growers, producers or processors in the preceding school year. **Payments pursuant to this subdivision shall be separate from and shall not supplant or offset any other state or federal reimbursement, aid, grant, or payment for school meals or child nutrition programs, including but not limited to the state reimbursement amount for school lunch meals. Where the school food authority certifies that it has purchased at least thirty percent of its total cost of food products permitted to be counted under this section for its school breakfast service, lunch service, and reimbursable snack program from New York state farmers, growers, producers or processors in the preceding school year, the amount of the state subsidy payable pursuant to this subdivision shall be:**

(i) twenty-six cents per school lunch meal where such percentage is at least thirty percent but not more than forty percent;

(ii) twenty-eight cents per school lunch meal where such percentage is at least forty-one percent but not more than fifty percent; and

(iii) thirty cents per school lunch meal where such percentage is fifty-one percent or greater.

b-1. Each of the per school lunch meal subsidy amounts set forth in paragraphs (i), (ii) and (iii) of subdivision b of this section shall be increased annually by one and one-half percent over the prior school year's applicable amount. The commissioner of agriculture and markets shall publish the adjusted per-meal amounts on or before July first of each such school year.

c. The Department of Agriculture and Markets in cooperation with the State Education Department, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of agriculture and markets. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total food purchases for its school **breakfast service,** lunch service**, and reimbursable snack** program, and documentation demonstrating its total food purchases and percentages for such [~~program~~] **programs permitted to be counted under this section** from New York State farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least thirty percent of its total cost of food products **permitted to be counted under this section** for its school **breakfast service,** lunch service**, and reimbursable snack** program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy. After reviewing school food authorities' completed applications for an additional State subsidy pursuant to this section, the Department of Agriculture and Markets shall certify to the State Education Department the school food authorities approved for such additional State subsidy and the State Education Department shall pay such additional State subsidy to such school food authorities.

c-1. (i) For three school years commencing July 1, 2027 (the "transition period"), any school food authority that has been certified by the department of agriculture and markets as approved to receive the additional State subsidy pursuant to this section for school meals served during the school year commencing July 1, 2026, based on such authority's eligible food purchases made during the school year commencing July 1, 2026, shall be deemed eligible during the transition period to receive the subsidy amount set forth in paragraph (i) of subdivision b

of this section, provided that such participant submits such documentation as deemed necessary by the commissioner of agriculture of markets for purposes of payment processing and program integrity.

(ii) Nothing in this section shall be construed to prohibit a school food authority from receiving the higher per school lunch meal subsidy pursuant to paragraphs (ii) or (iii) of subdivision b of this section during or after the transition period, provided however that eligibility for such higher amounts shall be determined based on the purchasing percentage calculation set forth in such subdivision b, including school breakfast service, lunch service, and reimbursable snack programs.

§ 2. This act shall take effect immediately; provided, however, that the amendments related to eligible purchases counted toward the thirty percent threshold made by section one of this act shall apply to purchases made on and after July 1, 2026; and provided further, however, that the amendments relating to the tiered per-meal subsidy amounts, indexing, and hold harmless provisions made by section one of this act shall apply to school lunch meals served on and after July 1, 2027.