

STATE OF NEW YORK

9565

IN SENATE

March 25, 2026

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on New York City Education

AN ACT to amend the education law, the state finance law and the tax law, in relation to establishing school-based food pantries in high-need schools in the city school district of the city of New York

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York city school-based food pantry act".

3 § 2. Legislative intent. The legislature hereby finds and declares
4 that a growing number of children in New York city are living in poverty
5 and are experiencing hunger and food insecurity. These conditions are
6 associated with higher rates of chronic absenteeism, difficulty concen-
7 trating in class, behavioral challenges, and lower academic performance.
8 Research further demonstrates that children who are hungry or food inse-
9 cure are less likely to be ready to learn, more likely to experience
10 adverse physical and mental health outcomes, and more likely to fall
11 behind their peers academically.

12 The legislature therefore finds that it is a matter of overriding
13 state concern to ensure that children in the city school district of the
14 city of New York have reliable access to nutritious food in and around
15 the school day, particularly in schools serving communities with the
16 greatest economic need. School-based food pantries, operated in partner-
17 ship with educators, parents, guardians, and community organizations,
18 are a proven means of reducing food insecurity, stabilizing family
19 nutrition, and supporting student learning and well-being.

20 The legislature further finds that a modest redirection of a portion
21 of existing state revenue derived from the four percent state sales and
22 use tax on hot and prepared supermarket foods is an appropriate and
23 sustainable source of funding for this initiative, as such revenues are
24 directly linked to the food system that should help ensure no child goes
25 hungry. It is therefore the intent of the legislature to require the
26 chancellor of the city school district of the city of New York to estab-
27 lish and maintain school-based food pantries in high-need schools, to

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

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1 operate such pantries on a regular schedule during the school week, to
2 rely primarily on volunteers including school staff and parents or guar-
3 dians, and to provide for state funding in support of these efforts.

4 § 3. The education law is amended by adding a new section 2590-w to
5 read as follows:

6 § 2590-w. School-based food pantries in high-need schools. 1. Defi-
7 nitions. For purposes of this section:

8 (a) "High-need school" shall mean a public school of the city district
9 that the chancellor determines has among the highest levels of student
10 economic need, using indicators that may include, but need not be limit-
11 ed to, the percentage of students eligible for free or reduced-price
12 school meals, the percentage of students who are homeless or in tempo-
13 rary housing, and other measures of concentrated poverty or food insecu-
14 rity.

15 (b) "School-based food pantry" shall mean a program located on the
16 premises of a city district school that stores and distributes nutri-
17 tious food, without charge, to students enrolled in such school and to
18 their parents or guardians, for consumption outside of regular school
19 meals.

20 2. Establishment of program. (a) The chancellor shall establish and
21 maintain a school-based food pantry program in the city district.

22 (b) Subject to the availability of funds appropriated for this
23 purpose, the chancellor shall, on and after the effective date of this
24 section, authorize and cause the establishment of school-based food
25 pantries in high-need schools throughout the city district. In determin-
26 ing the sequence and number of schools in which such pantries shall be
27 established, the chancellor shall prioritize schools serving communities
28 with the highest levels of poverty and food insecurity.

29 3. Operation and schedule. (a) Each school-based food pantry estab-
30 lished pursuant to this section shall operate on the premises of the
31 school during designated times during the regular school week, on days
32 when school is in session.

33 (b) The chancellor shall ensure that each such pantry is open and
34 available to students and their parents or guardians not less than two
35 days per week during the regular school week. The designated hours of
36 operation shall be scheduled at times reasonably accessible to families,
37 which may include before-school, after-school, or early evening hours,
38 and shall not interfere with required instructional time.

39 4. Volunteers and staffing. (a) School-based food pantries established
40 pursuant to this section shall be organized and operated primarily by
41 volunteers. Volunteers may include, but need not be limited to, teach-
42 ers, school administrators, other school employees, parents or guardians
43 of children attending the school, and community volunteers.

44 (b) Nothing in this section shall be construed to require any employee
45 of the city district to perform uncompensated work or to conflict with
46 or diminish any right, benefit, or protection provided to employees
47 under any applicable collective bargaining agreement, the civil service
48 law, or other provision of law. The chancellor may designate staff to
49 coordinate volunteers and to ensure compliance with applicable laws,
50 regulations and policies, including those related to student safety and
51 privacy.

52 5. Community partnerships; training and technical assistance. (a) The
53 chancellor shall encourage and facilitate cooperation between high-need
54 schools operating school-based food pantries and local food pantries,
55 food banks, and other community-based organizations with expertise in
56 food distribution and hunger relief.

1 (b) Schools selected by the chancellor may enter into written agree-
2 ments with such local organizations to receive training for school
3 volunteers and to obtain technical assistance related to food safety,
4 inventory management, volunteer management, outreach to families, and
5 related matters.

6 (c) The chancellor may enter into citywide or borough-wide agreements
7 with local or regional food pantries, food banks, or similar organiza-
8 tions to support the establishment and operation of school-based food
9 pantries and to coordinate the donation, purchase, or delivery of food
10 and related supplies.

11 6. Guidance and safeguards. The chancellor shall issue guidance to
12 schools operating food pantries pursuant to this section, which shall
13 include at a minimum:

14 (a) procedures to ensure that participation is voluntary and that
15 students and families are treated with dignity and confidentiality;

16 (b) standards for food safety, storage, and handling, consistent with
17 applicable state and local health and safety requirements;

18 (c) procedures to ensure that school-based food pantry operations do
19 not interfere with instructional time or the safe operation of the
20 school building; and

21 (d) encouragement of culturally appropriate and nutritious food
22 options to the extent practicable.

23 7. Reporting. Commencing with the second school year following the
24 effective date of this section, the chancellor shall annually prepare
25 and submit to the governor, the temporary president of the senate, the
26 speaker of the assembly, and the mayor and council of the city of New
27 York, on or before January first, a report that shall include:

28 (a) the number of high-need schools in which school-based food
29 pantries have been established and are operating;

30 (b) the borough and community school district in which each such
31 school is located;

32 (c) the approximate number of students and families served by such
33 pantries during the preceding school year; and

34 (d) a description of any partnerships with local food pantries, food
35 banks, or other community-based organizations that support the operation
36 of school-based food pantries.

37 § 4. The state finance law is amended by adding a new section 97-www
38 to read as follows:

39 § 97-www. New York city school-based food pantry fund. 1. There is
40 hereby established in the joint custody of the state comptroller and the
41 commissioner of taxation and finance a special fund to be known as the
42 "New York city school-based food pantry fund".

43 2. The fund shall consist of:

44 (a) moneys transferred to such fund pursuant to subdivision three of
45 this section;

46 (b) any moneys appropriated, credited or transferred thereto from any
47 other fund or source pursuant to law;

48 (c) any grants, gifts or bequests received by the state for the
49 purposes of this fund; and

50 (d) any interest or other income earned on moneys in the fund.

51 3. (a) Notwithstanding any other provision of law to the contrary, the
52 commissioner of taxation and finance shall, on or before the first day
53 of each July, certify to the state comptroller the amount of revenue
54 collected during the preceding state fiscal year from the four percent
55 state sales and compensating use taxes imposed pursuant to article twen-

1 ty-eight of the tax law on receipts from the retail sale of hot and
2 prepared food sold by supermarkets and grocery stores within the state.

3 (b) Upon receipt of such certification, the state comptroller shall,
4 after reserving such amounts as they may deem necessary for refunds or
5 credits, transfer from the general fund to the New York city school-
6 based food pantry fund an amount equal to twenty-five percent of such
7 certified revenue.

8 4. Moneys of the fund shall, following appropriation by the legisla-
9 ture, be made available to the department of education of the city
10 school district of the city of New York, or to the state education
11 department for distribution to the city school district of the city of
12 New York, to support the establishment, operation, and expansion of
13 school-based food pantries in high-need schools in the city school
14 district of the city of New York pursuant to section twenty-five hundred
15 ninety-w of the education law. Eligible uses shall include, but not be
16 limited to, the purchase of food, equipment and supplies, training and
17 technical assistance, and the costs of coordinating and administering
18 the school-based food pantry program.

19 5. The moneys in such fund shall be kept separate from and shall not
20 be commingled with any other moneys in the custody of the state comp-
21 troller. The state comptroller may invest any moneys in such fund not
22 expended for the purposes of this section in the manner provided by law.
23 Any interest and income earned on such investments shall be credited to
24 the fund.

25 § 5. Subdivision (b) of section 1148 of the tax law, as amended by
26 section 6-a of part G of chapter 59 of the laws of 2019, is amended to
27 read as follows:

28 (b) Provided however, before the funds may be distributed pursuant to
29 subdivision (a) of this section, such funds shall be distributed as
30 otherwise provided in sections ninety-two-d, ninety-two-h, [and] nine-
31 ty-two-r and ninety-seven-wwww of the state finance law and sections
32 eleven hundred two, eleven hundred four and eleven hundred nine of this
33 article.

34 § 6. This act shall take effect on the one hundred twentieth day after
35 it shall have become a law. Effective immediately, the addition, amend-
36 ment and/or repeal of any rule or regulation necessary for the implemen-
37 tation of this act on its effective date are authorized to be made and
38 completed on or before such effective date.