

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2829 Session of 2022

INTRODUCED BY KINKEAD, MERSKI, CONKLIN, PASHINSKI, HILL-EVANS,
GUZMAN, A. DAVIS, SANCHEZ, HOHENSTEIN, FIEDLER, CEPHAS,
KINSEY, FRANKEL, SHUSTERMAN, KENYATTA, BURGOS, ORTITAY,
D. WILLIAMS, HANBIDGE, INNAMORATO, COVINGTON, MULLINS,
PARKER, KIM, PISCIOTTANO AND ISAACSON, SEPTEMBER 16, 2022

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 16, 2022

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for the Universal School
6 Meal Program; establishing the Universal School Meal Fund;
7 and making an appropriation.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding an
12 article to read:

13 ARTICLE XIV-C

14 UNIVERSAL SCHOOL MEAL PROGRAM

15 Section 1401-C. Definitions.

16 The following words and phrases when used in this article
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Breakfast." A meal that meets the meal requirements

specified in 7 CFR 220.8 (relating to meal requirements for
breakfasts) and 220.23 (relating to nutrition standards and menu
planning approaches for breakfasts) and that is served to a
child in the morning hours.

"Department." The Department of Education of the
Commonwealth.

"Fund." The Universal School Meal Fund established in
section 1406-C.

"Lunch." A nutritiously adequate meal provided by a public
school entity, served during a meal service period, that
qualifies for a Federal reimbursement under the National School
Lunch Program.

"Meal service period." A time reserved for meals in a school
day, established in a manner that best meets the needs of the
school and participating students.

"National School Lunch Program." As defined in 7 CFR 210.2
(relating to definitions).

"Program." The Universal School Meal Program established in
section 1402-C.

"Public school entity." Any of the following:

(1) A school district.

(2) A charter school, regional charter school or cyber
charter school.

(3) An area career and technical school.

(4) An intermediate unit.

"School Breakfast Program." As defined in 7 CFR 220.2
(relating to definitions).

Section 1402-C. Universal School Meal Program.

(a) Establishment and purpose.--

(1) The Universal School Meal Program is established to

1 provide two free meals each school day to each student of a
2 public school entity regardless of the household income of
3 the student.

4 (2) The purposes of the program are to:

5 (i) Further the principle that no child should
6 experience hunger.

7 (ii) Provide that each student of a public school
8 entity benefit from healthy meals and have the
9 nourishment needed to achieve academic success, free from
10 stigma or stress.

11 (b) Duty to provide free breakfast.--Each public school
12 entity that serves breakfast shall provide all students of the
13 public school entity a meal that meets the requirements of the
14 School Breakfast Program during each school day at no cost,
15 without consideration of the student's eligibility for a
16 federally funded free or reduced-price meal, with a maximum of
17 one free meal per student for each meal service period.

18 (c) Duty to provide free lunch.--Each public school entity
19 that serves lunch shall provide all students of the public
20 school entity a meal that meets the requirements of the National
21 School Lunch Program during each school day at no cost, without
22 consideration of the student's eligibility for a federally
23 funded free or reduced-price meal, with a maximum of one free
24 meal per student for each meal service period.

25 (d) Data collection.--

26 (1) Except as provided in paragraph (3), each public
27 school entity shall collect household income information
28 regarding students of the public school entity through a
29 household meal benefit application or an alternate household
30 income data collection form established by the public school

1 entity. The data shall:

2 (i) Be used to determine the number of students who
3 are eligible for federally funded free or reduced-price
4 meals from the United States Department of Agriculture.

5 (ii) Remain confidential and shall not be shared by
6 the public school entity other than as necessary for
7 purposes of determining funding allocation.

8 (iii) Not be used to deny any student from receiving
9 two free meals each school day.

10 (2) Students for whom household income information is
11 not collected under paragraph (1) shall continue to be
12 provided two free meals each school day upon request.

13 (3) Paragraph (1) does not apply if the public school
14 entity is able to obtain equivalent information through
15 another means, such as eligibility for other assistance
16 programs.

17 (e) Additional food.--If an additional snack or other food
18 is offered by the public school entity that is not included in
19 the free meal, students may be required to purchase the
20 additional snack or other food unless the public school entity
21 provides the additional snack or other food at no charge.

22 (f) Administration.--

23 (1) The department shall administer this program and
24 develop guidance and monitoring requirements as it deems
25 necessary to implement this article.

26 (2) The State Board of Education may, in the manner
27 provided by law, promulgate regulations as necessary to carry
28 out the provisions of this article.

29 Section 1403-C. Public school entity reporting.

30 (a) Requirement.--Beginning January 1, 2023, and each school

year thereafter, each public school entity shall report data to the department regarding the program. Each public school entity shall report the following:

(1) The number of students who qualify as eligible for federally funded free or reduced-price meals.

(2) The total reimbursement to the public school entity from the United States Department of Agriculture through the National School Lunch Program and the School Breakfast Program.

(b) Accurate data.--A public school entity that reports inaccurate data shall coordinate with the department to rectify any discrepancies.

(c) Monitoring.--The department shall monitor public school entities that receive State reimbursement for compliance with the provisions of this article, consistent with their cyclical monitoring schedule, at a minimum.

Section 1404-C. State reimbursement.

(a) Federal reimbursement.--As a condition for receiving State reimbursement as described in this section, each public school entity shall maximize the amount of Federal reimbursement available through the National School Lunch Program and the School Breakfast Program of the United States Department of Agriculture for students who qualify and participate in the community eligibility provision for all schools that qualify.

(b) Amount.--The department shall provide State reimbursement to public school entities equal to the difference between the Federal free reimbursement rate and the reduced-price and the paid reimbursement rates under the National School Lunch Program and the School Breakfast Program.

(c) Distribution.--

1 (1) The department shall distribute State reimbursement
2 under this article to public school entities.

3 (2) The department shall not be required to distribute
4 State reimbursement under this article to public school
5 entities if the United States Department of Agriculture
6 provides a full reimbursement for meals from the National
7 School Lunch Program and the School Breakfast Program.

8 Section 1405-C. School meal operations.

9 (a) Duty.--To the extent possible, each public school entity
10 shall provide a meal in which the cost of the meal is equal to
11 or less than the Federal reimbursement rate for a free meal
12 during any given school year, as determined annually by the
13 United States Department of Agriculture.

14 (b) Federal reimbursement rate.--A public school entity
15 shall only receive State reimbursement from the department up to
16 the Federal reimbursement rate. The public school entity shall
17 be responsible for any additional costs if the cost per meal is
18 more than the amount set by the Federal reimbursement rate.

19 Section 1406-C. Universal School Meal Fund.

20 (a) Establishment.--The Universal School Meal Fund is
21 established as a nonlapsing fund in the State Treasury.

22 (b) Operations.--

23 (1) All money deposited into the fund and the interest
24 that the money accrues are appropriated to the department on
25 a continuing basis to provide State reimbursement to public
26 school entities under the program.

27 (2) No administrative action shall prevent the deposit
28 of money into the fund in each fiscal year.

29 (c) Use of fund.--

30 (1) The fund may only be used for the program and the

1 appropriation shall not lapse at the end of any fiscal year.

2 (2) No money in the fund shall be transferred or
3 diverted to any other purpose by administrative action.

4 (d) Sources.--Money available to the fund shall include
5 appropriations and transfers from the General Fund, the Budget
6 Stabilization Reserve Fund, special funds, Federal funds and
7 other sources of revenue made available to the fund.

8 (e) Appropriation.--By December 1, 2022, the sum of
9 \$275,000,000 shall be appropriated from the General Fund to the
10 fund.

11 Section 2. This act shall take effect immediately.