
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 180 Session of
2023

INTRODUCED BY KINKEAD, ISAACSON, RABB, FIEDLER, PASHINSKI,
PISCIOTTANO, BENHAM, MERSKI, BURGOS, CONKLIN, SCHLOSSBERG,
SALISBURY, MADDEN, SANCHEZ, CEPEDA-FREYTIZ, DELLOSO, PROBST,
SIEGEL, HILL-EVANS, KENYATTA, GUENST, KHAN, D. WILLIAMS,
HOHENSTEIN, FRANKEL, HOWARD, BELLMON, CERRATO, DEASY, OTTEN,
HANBIDGE, WAXMAN, PIELLI, KULIK, SHUSTERMAN, MALAGARI, GIRAL,
KINSEY, KAZEEM, DONAHUE, ABNEY, BULLOCK, SMITH-WADE-EL,
McNEILL, MARKOSEK, T. DAVIS, BRIGGS, WARREN AND KRAJEWSKI,
MARCH 23, 2023

REFERRED TO COMMITTEE ON EDUCATION, MARCH 23, 2023

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 interfund transfer and 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

1 context clearly indicates otherwise:

2 "Breakfast." A meal that meets the meal requirements
3 specified in 7 CFR 220.8 (relating to meal requirements for
4 breakfasts) and that is served to a child in the morning hours.

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

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

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

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

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

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

20 "Public school entity." Any of the following:

21 (1) A school district.

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

24 (3) An area career and technical school.

25 (4) An intermediate unit.

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

28 Section 1402-C. Universal School Meal Program.

29 (a) Establishment and purpose.--

30 (1) The Universal School Meal Program is established to

1 provide breakfast and lunch each school day to each student
2 of a public school entity regardless of the household income
3 of 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 that aligns income data
30 collection with Federal law relating to school meal

1 requirements for the receipt of free and reduced-price meal
2 reimbursements. The data shall:

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

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

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

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

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

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

23 (f) Administration.--

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

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

30 Section 1403-C. Public school entity reporting.

1 (a) Requirement.--Beginning January 1, 2024, and each school
2 year thereafter, each public school entity shall report data to
3 the department regarding the program. Each public school entity
4 shall report the following:

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

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

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

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

18 Section 1404-C. State reimbursement.

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

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

1 (c) Distribution.--

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

4 (2) The department shall not be required to distribute
5 State reimbursement under this article to public school
6 entities if the United States Department of Agriculture
7 provides a full reimbursement for universal free meals from
8 the National School Lunch Program and the School Breakfast
9 Program or any new program or entity that results from
10 Federal law.

11 Section 1405-C. School meal operations.

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

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

23 Section 1406-C. Universal School Meal Fund.

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

26 (b) Operations.--

27 (1) All money deposited into the fund and the interest
28 that the money accrues are appropriated to the department on
29 a continuing basis to provide State reimbursement to public
30 school entities under the program.

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

3 (c) Use of fund.--

4 (1) The fund may only be used for the program and the
5 appropriation shall not lapse at the end of any fiscal year.

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

8 (d) Sources.--Money available to the fund shall include
9 appropriations and transfers from the General Fund, the Budget
10 Stabilization Reserve Fund, special funds, Federal funds and
11 other sources of revenue made available to the fund.

12 (e) Interfund transfer.--Within 30 days of the effective
13 date of this section, the Secretary of Education shall calculate
14 and certify to the Secretary of the Budget the dollar amount
15 equal to the cost of providing two school meals per day for all
16 students enrolled in the public schools of this Commonwealth,
17 based upon total number of enrolled students during the previous
18 academic year, and the Secretary of the Budget shall submit a
19 request to the State Treasurer for a transfer of the dollar
20 amount from the General Fund to the fund. Upon receipt of the
21 request, the State Treasurer shall immediately carry out the
22 request.

23 Section 1407-C. Appropriation.

24 (a) Appropriation.--The sum of \$25,000,000 is appropriated
25 from the General Fund to the department to provide payments to
26 public school entities in an amount necessary to reimburse the
27 cost of discharging outstanding student meal debt.

28 (b) Procedures.--The department shall develop procedures to
29 allocate and disburse, beginning in the 2023-2024 school year,
30 the money appropriated under subsection (a) to public school

1 entities.

2 (c) Proration.--If the amount appropriated under subsection
3 (a) is insufficient to fully reimburse the cost of discharging
4 outstanding student meal debt, the department shall develop
5 procedures for how to equitably prorate the reimbursements to
6 public school entities.

7 Section 2. This act shall take effect immediately.