

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 180 Session of 2023

INTRODUCED BY L. WILLIAMS, SCHWANK, KEARNEY, HAYWOOD,  
TARTAGLIONE, FONTANA, CAPPELLETTI, SANTARSIERO, A. WILLIAMS,  
COMITTA, HUGHES, COSTA, COLLETT, DILLON, MUTH, SAVAL, KANE,  
BREWSTER, MILLER, STREET AND FLYNN, MARCH 9, 2023

REFERRED TO EDUCATION, MARCH 9, 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  
18 context clearly indicates otherwise:

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

1 specified in 7 CFR 220.8 (relating to meal requirements for  
2 breakfasts) and that is served to a child in the morning hours.

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

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

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

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

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

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

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

19 (1) A school district.

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

22 (3) An area career and technical school.

23 (4) An intermediate unit.

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

26 Section 1402-C. Universal School Meal Program.

27 (a) Establishment and purpose.--

28 (1) The Universal School Meal Program is established to  
29 provide two free meals each school day to each student of a  
30 public school entity regardless of the household income of

1 the student.

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

3 (i) Further the principle that no child should  
4 experience hunger.

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

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

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

23 (d) Data collection.--

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

30 (i) Be used to determine the number of students who

1 are eligible for federally funded free or reduced-price  
2 meals from the United States Department of Agriculture.

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

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

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

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

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

20 (f) Administration.--

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

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

27 Section 1403-C. Public school entity reporting.

28 (a) Requirement.--Beginning January 1, 2024, and each school  
29 year thereafter, each public school entity shall report data to  
30 the department regarding the program. Each public school entity

1 shall report the following:

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

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

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

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

15 Section 1404-C. State reimbursement.

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

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

28 (c) Distribution.--

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

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

6 Section 1405-C. School meal operations.

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

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

17 Section 1406-C. Universal School Meal Fund.

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

20           (b) Operations.--

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

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

27           (c) Use of fund.--

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

30           (2) No money in the fund shall be transferred or

1 diverted to any other purpose by administrative action.

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

6 (e) Transfer.--Within 30 days of the effective date of this  
7 subsection, the sum of \$275,000,000 shall be transferred from  
8 the General Fund to the fund.

9 Section 1407-C. Appropriation.

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

14 (b) Procedures.--The department shall develop procedures to  
15 allocate and disburse, beginning in the 2023-2024 school year,  
16 the money appropriated under subsection (a) to public school  
17 entities.

18 (c) Proration.--If the amount appropriated under subsection  
19 (a) is insufficient to fully reimburse the cost of discharging  
20 outstanding student meal debt, the department shall develop  
21 procedures for how to equitably prorate the reimbursements to  
22 public school entities.

23 Section 2. This act shall take effect immediately.