

HB 429-FN-LOCAL - AS INTRODUCED

2023 SESSION

23-0341

10/08

HOUSE BILL            ***429-FN-LOCAL***

AN ACT                requiring the offering of breakfast and lunch in all public and chartered public schools.

SPONSORS:            Rep. Ellison, Merr. 28; Rep. Woodcock, Carr. 1; Rep. Hall, Merr. 9; Rep. A. Murray, Hills. 20; Rep. Horrigan, Straf. 10; Rep. Seibert, Hills. 21; Rep. Rombeau, Hills. 2

COMMITTEE:          Education

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ANALYSIS

This bill requires school districts and chartered public schools to offer both breakfast and lunch programs to students.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT requiring the offering of breakfast and lunch in all public and chartered public schools.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Schools; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

2 I. Each school board shall make [~~at least one meal~~] **breakfast and lunch** available during  
3 school hours to every pupil under its jurisdiction. Such meals shall be served without cost or at a  
4 reduced cost to any child who meets federal income eligibility guidelines. The state board of  
5 education shall ensure compliance with this section and shall establish minimum nutritional  
6 standards for such meals as well as income guidelines set for the family size used in determining  
7 eligibility for free and reduced price meals. [~~Nothing in this section shall prohibit the operation of~~  
8 ~~both a breakfast and lunch program in the same school.~~]

9 2 Schools; Food and Nutrition Programs. Amend RSA 189:11-a, VII(a) to read as follows:

10 VII.(a) Each school district [~~which participates~~] **shall participate** in the National School  
11 Breakfast Program **and each school district** shall maintain annual statistics on the number of  
12 breakfast meals served to pupils.

13 3 New Section; Chartered Public Schools; School Meals. Amend RSA 194-B by inserting after  
14 section 3-a the following new section:

15 194-B:3-b Required School Breakfast and Lunch Programs. All chartered public schools shall  
16 comply with the school breakfast and lunch requirements under RSA 189:11-a.

17 4 Effective Date. This act shall take effect July 1, 2023.

**HB 429-FN-LOCAL- FISCAL NOTE**  
AS INTRODUCED

AN ACT requiring the offering of breakfast and lunch in all public and chartered public schools.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase At Least \$194,000	Indeterminable Increase At Least \$196,000	Indeterminable Increase At Least \$202,000
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill requires school districts and chartered public schools to offer both breakfast and lunch programs to students. This bill will have an impact on expenditures for both the Department of Education and local school districts. The Department has provided the following information relative to schools and the current operation of the National School Lunch Program (NSLP) and School Breakfast Program (SBP):

- Any school not operating the SBP is not serving breakfast;
- Any school not operating the NSLP is not serving lunch;
- School participation data pulled from November 2022;
- Number of schools in NH operating the National School Lunch Program (NSLP) = 456;
- Number of schools in NH operating NSLP, but not the SBP = 27;
- Number of NH public charter schools not operating SBP or NSLP = 34;
- Number of NH public schools not operating SBP or NSLP = 6.
- Thus, approximately 40 public schools and public charter schools would need to implement a breakfast and lunch program and approximately 27 NH public schools

and public charter schools would need to add a SBP to their current NSLP (67 total).

The Department states it would need to do the following relative to the 67 schools (public and public charter):

- Work to establish and approve the schools for eligibility operation of federal program.
- Work to establish additional child nutrition program opportunities for the schools who qualify.
- Establish the need for Food Service Management or Vended Meal Contract oversight for the schools.
- Provide additional intensive training, ongoing technical assistance, claiming processing, fiscal management, data collection and reporting, conduct procurement and administrative reviews in accordance state and federal SBP/NSLP guidelines and regulations.

The Department estimates that executing these new responsibilities would require two (2) new, full-time Program Specialist IIIs (LG 23, Step 5). Total salary and benefits are estimated at \$194,000 in FY 2024, \$196,000 in FY 2025, and \$202,000 in FY 2026. This bill does not provide authority or funding for new personnel. In addition to personnel costs, the Department anticipates additional general fund expenditures relative to state contribution/match to schools, however the Department is unable to estimate how much at this time.

Local expenditures are indeterminable at this time as costs to implement the requirements of this bill will vary across school districts.

**AGENCIES CONTACTED:**

Department of Education