

**HB 528-FN - AS INTRODUCED**

2023 SESSION

23-0748

09/10

HOUSE BILL            ***528-FN***

AN ACT                relative to school lunches and establishing the meals for students fund.

SPONSORS:            Rep. Horrigan, Straf. 10

COMMITTEE:          Education

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ANALYSIS

This bill requires schools to make free or reduced cost breakfast and lunch available to children who meet federal eligibility guidelines and provides for reimbursement to schools for offering meals at no cost to eligible students. The requirement is repealed in 2025.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to school lunches and establishing the meals for students fund.

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

1 1 School Boards; 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 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as  
10 follows:

11 (b) Such school which demonstrates to the department of education that an approved  
12 school wellness policy, as required under the Healthy, Hunger-Free Kids Act of 2010, Public Law  
13 111-296, and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b is in effect,  
14 and that such school is providing breakfast [~~meals~~] **and lunch** to pupils that meet or exceed the  
15 United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent  
16 reimbursement for each breakfast [~~meal~~] **and lunch** served to a pupil and an additional 27 cent  
17 reimbursement for each meal served to students eligible for a reduced price meal. The department  
18 of education shall [~~request biennial appropriations in an amount sufficient to meet projected~~]  
19 **provide funding from the meals for** students fund for school breakfast **and lunch**  
20 reimbursements to ensure students eligible for reduced price meals are offered breakfast and lunch  
21 at no cost to the students. The department of education shall prescribe forms as necessary under  
22 this paragraph.

23 (c) *There is established the meals for students fund for the purpose of providing*  
24 *funding for the unreimbursed cost of breakfast and lunch meals of students eligible for*  
25 *reduced price meals. The fund shall be nonlapsing and continually appropriated to the*  
26 *department of education. The fund may receive money from any available state, federal, or*  
27 *private source.*

28 3 New Subparagraph; Application of Receipts; Dedicated Funds. Amend RSA 6:12, I(b) by  
29 inserting after subparagraph (387) the following new subparagraph:

30 (388) Moneys deposited in the meals for students fund under RSA 189:11-a, VII(c).

31 4 Food and Nutrition Programs; 2025. Amend RSA 189:11-a, VII(b) and (c) to read as follows:

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1 (b) Such school which demonstrates to the department of education that an approved  
2 school wellness policy, as required under the Healthy, Hunger-Free Kids Act of 2010, Public Law  
3 111-296, and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b is in effect,  
4 and that such school is providing breakfast and lunch to pupils that meet or exceed the United  
5 States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent  
6 reimbursement for each breakfast and lunch served to a pupil and an additional 27 cent  
7 reimbursement for each meal served to students eligible for a reduced price meal. The department  
8 of education shall ~~[provide funding from the meals for students fund for]~~ **request biennial**  
9 **appropriations in an amount sufficient to meet projected** school breakfast and lunch  
10 reimbursements to ensure students eligible for reduced price meals are offered breakfast and lunch  
11 at no cost to the students. The department of education shall prescribe forms as necessary under  
12 this paragraph.

13 ~~[(c) There is established the meals for students fund for the purpose of providing funding~~  
14 ~~for the unreimbursed cost of breakfast and lunch meals of students eligible for reduced price meals.~~  
15 ~~The fund shall be nonlapsing and continually appropriated to the department of education. The fund~~  
16 ~~may receive money from any available state, federal, or private source.]~~

17 5 Repeal. RSA 6:12, I(b)(383), relative to the meals for students fund, is repealed.

18 6 Effective Date.

19 I. Sections 4 and 5 of this act shall take effect July 1, 2025.

20 II. The remainder of this act shall take effect July 1, 2023.

**HB 528-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to school lunches and establishing the meals for students fund.

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

**METHODOLOGY:**

This bill requires local school boards to provide both breakfast and lunch (currently only one meal is required) and intends the Department of Education to provide reimbursement to districts to ensure students eligible for reduced priced meals are offered breakfast and lunch at no cost to students (currently only breakfast is covered). The entirety of this bill applies only to FY 2024 and FY 2025, with a prospective repeal date of July 1, 2025.

The Department of Education states this bill would increase state expenditures and local school district revenue relative to the required reimbursements, however, the amount is indeterminable at this time as the bill's text and intent appear to not align. The bill appears to intend to have no out-of-pocket costs for students, however for lunch meals, the full reimbursement amount is \$0.40, not the stated \$0.30 in the bill (\$0.30 is the breakfast rate). For informational purposes, the Department states based on 2021-2022 data, there are approximately 5,200 reduced priced meal eligible students. Therefore, full \$0.40 reimbursement for 5,200 students would be approximately \$374,400 per year (\$0.40 x 5,200 x 180 school days/meals).

It should be noted this bill establishes a dedicated fund, however no appropriation or source of funding is provided.

Lastly, this bill may increase local school district expenditures, to the extent all school boards would be required to make both breakfast and lunch available each day. Amounts would vary across districts.

**AGENCIES CONTACTED:**

Department of Education