

## 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  
20 specified in 7 CFR 220.8 (relating to meal requirements for

1 breakfasts) and 220.23 (relating to nutrition standards and menu  
2 planning approaches for breakfasts) and that is served to a  
3 child in the morning hours.

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

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

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

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

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

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

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

20 (1) A school district.

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

23 (3) An area career and technical school.

24 (4) An intermediate unit.

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

27 Section 1402-C. Universal School Meal Program.

28 (a) Establishment and purpose.--

29 (1) The Universal School Meal Program is established to  
30 provide two free meals each school day to each student of a

1 public school entity regardless of the household income of  
2 the student.

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

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

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

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

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

24 (d) Data collection.--

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

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

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

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

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

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

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

21 (f) Administration.--

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

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

28 Section 1403-C. Public school entity reporting.

29 (a) Requirement.--Beginning January 1, 2023, and each school  
30 year thereafter, each public school entity shall report data to

1 the department regarding the program. Each public school entity  
2 shall report the following:

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

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

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

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

16 Section 1404-C. State reimbursement.

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

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

29 (c) Distribution.--

30 (1) The department shall distribute State reimbursement

1 under this article to public school entities.

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

7 Section 1405-C. School meal operations.

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

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

18 Section 1406-C. Universal School Meal Fund.

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

21 (b) Operations.--

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

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

28 (c) Use of fund.--

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

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

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

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

10          Section 2. This act shall take effect immediately.