

Amendment to SB 499-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Schools; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

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

11 (b) **The department of education shall reimburse school districts for the initial**  
12 **costs for equipment necessary to implement an alternative breakfast delivery service that**  
13 **provides breakfast after the start of the school day, such as, but not limited to carts, mobile**  
14 **refrigeration, and storage.**

15 (c) **An "alternative breakfast delivery service" shall be defined as, but not**  
16 **limited to, a service that provides breakfast after the start of the school day and before any**  
17 **lunch period begins for students at that public school.**

18 (d) **Reimbursement for the breakfast after the bell program described in this**  
19 **paragraph shall be available to school districts in which 40 percent or more of the student**  
20 **body are eligible for free or reduced price meals.**

21 2 Schools; Food and Nutrition Programs. Amend RSA 189:11-a, VII to read as follows:

22 VII.(a) Each school district [~~which participates~~] **shall participate** in the National School  
23 Breakfast Program **unless the school district implements its own breakfast program or less**  
24 **than 10 percent of enrolled pupils are eligible for free or reduced price lunch in the last**  
25 **academic year, according to the department of education's statistics. Each school district**  
26 **shall maintain annual statistics on the number of breakfast meals served to pupils.**

27 (b) **Each school district that participates in the National School Lunch Program**  
28 **shall maintain annual statistics on the number of lunch meals served to pupils.**

29 (c) Such school which demonstrates to the department of education that an approved  
30 school wellness policy, as required under the Healthy, Hunger-Free Kids Act of 2010, Public Law  
31 111-296, and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b is in effect,  
32 and that such school is providing breakfast meals to pupils that meet or exceed the United States

1 Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent  
2 reimbursement for each breakfast meal served to a pupil and an additional 27 cent reimbursement  
3 for each meal served to students eligible for a reduced price meal. The department of education shall  
4 request biennial appropriations in an amount sufficient to meet projected school breakfast  
5 reimbursements to ensure students eligible for reduced price meals are offered breakfast at no cost.  
6 The department of education shall prescribe forms as necessary under this paragraph.

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

18 3 New Paragraphs; Schools; Food and Nutrition Programs. Amend RSA 189:11-a by inserting  
19 after paragraph VIII the following new paragraphs:

20 IX. The department of education shall adopt rules under RSA 541-A requiring school  
21 districts to offer online and physical free or reduced price school meals applications. The rules shall  
22 not prevent school districts from offering other innovative ways to distribute or collect free or  
23 reduced price meal applications, in addition to offering online and physical free or reduced price  
24 school meals applications.

25 (a) The department of education shall provide administrative or technical assistance to  
26 school districts establishing an online application for free or reduced price school meals and shall  
27 include in its biennial budget request under RSA 9:4, funding for costs associated with providing  
28 such assistance.

29 (b) For the biennium ending June 30, 2027, the department of education shall include in  
30 its biennial budget request under RSA 9:4, funding for school districts to purchase software to create  
31 an online application for free or reduced price school meals.

32 X. Notwithstanding any provision of law, rule, or regulation to the contrary, there is  
33 established a pilot program for school districts with an identified student population above 35  
34 percent. Beginning with the 2024 - 2025 school year and each school year thereafter, for each  
35 breakfast and lunch meal that is served at a school participating in the federal community eligibility  
36 provision program that is reimbursed at the federal reimbursement rate for a paid meal, the  
37 department shall reimburse the school food authority the difference between (a) the combined state

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1 and federal reimbursement rate for a paid meal for the current school year and (b) the combined  
2 state and federal reimbursement rate for a free meal for the current school year, provided that the  
3 total reimbursement rate for each meal served shall equal the combined state and federal  
4 reimbursement rate for a free meal for the current school year.

5 4 New Paragraphs; Human Service; Summer EBT and Elderly Simplified Application. Amend  
6 RSA 161:2 by inserting after paragraph XIII-b the following new paragraphs:

7 XIII-c. Summer EBT. The department shall apply for and meet all deadlines to participate  
8 in the federal Summer EBT program so that families whose children are eligible for free and reduced  
9 price meals can receive benefits on an EBT card in the summer. The department shall include in its  
10 biennial budget request under RSA 9:4 funding for any administrative costs related to administering  
11 the federal Summer EBT program.

12 XIII-d. Elderly Simplified Application. The department shall apply for and participate in  
13 the elderly simplified application project within the Supplemental Nutrition Assistance Program.  
14 The department shall include in its biennial budget request under RSA 9:4 funding for any  
15 administrative costs related to administering Summer EBT and the SNAP Elderly Simplified  
16 Application.

17 5 Appropriations.

18 I. For the purpose of funding RSA 189:11-a, I, as inserted by section 1 of this act, relative to  
19 the breakfast after the bell program, the sum necessary to fund the program is hereby appropriated  
20 to the department of education for the biennium ending June 30, 2025, for distribution to eligible  
21 school districts. Of this amount, the governor shall determine if any remaining discretionary funds  
22 appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any other federal funds  
23 can be used for this purpose and any remainder, not to exceed \$1, shall be general funds. The  
24 governor is authorized to draw a warrant for the general fund share of said sum out of any money in  
25 the treasury not otherwise appropriated.

26 II. For the purpose of funding RSA 189:11-a, VII(a), (b), and (c) as inserted by section 2 of  
27 this act, the sum necessary to fund the program is hereby appropriated to the department of  
28 education for the biennium ending June 30, 2025. Of this amount, the governor shall determine if  
29 any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public  
30 Law 117-2 or any other federal funds can be used for this purpose and any remainder, not to exceed  
31 \$1, shall be general funds. The governor is authorized to draw a warrant for the general fund share  
32 of said sum out of any money in the treasury not otherwise appropriated.

33 III. For the purpose of funding RSA 189:11-a, VII(d) as inserted by section 2 of this act, the  
34 sum necessary to provide school reimbursement for the free and reduced priced meal program is  
35 appropriated to the department of education for the biennium ending June 30, 2025. The governor is  
36 authorized to draw a warrant for said sum out of any money in the treasury not otherwise  
37 appropriated.

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1           IV. For the purpose of funding RSA 189:11-a, IX and X as inserted by section 3 of this act,  
2 the sum necessary to fund the program is hereby appropriated to the department of education for the  
3 biennium ending June 30, 2025. Of this amount, the governor shall determine if any remaining  
4 discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any  
5 other federal funds can be used for this purpose and any remainder, not to exceed \$1, shall be  
6 general funds. The governor is authorized to draw a warrant for the general fund share of said sum  
7 out of any money in the treasury not otherwise appropriated.

8           V. For the purpose of funding RSA 161:2, XIII-c and XIII-d, as inserted by section 4 of this  
9 act, relative to participation in the summer EBT program and the elderly simplified application for  
10 SNAP, the sum necessary to fund the programs is appropriated to the department of health and  
11 human services for the biennium ending June 30, 2025. The governor is authorized to draw a  
12 warrant for said sum out of any money in the treasury not otherwise appropriated.

13           6 Contingency. Should the appropriations for RSA 189:11-a, I enumerated in section 5,  
14 paragraph I, 189:11-a, VII(a), (b), and (c) enumerated in section 5, paragraph II, or 189:11-a, IX and  
15 X enumerated in section 5, paragraph IV, be insufficient to fund the directives of the aforementioned  
16 paragraphs as amended, the department of education may suspend implementation of said  
17 paragraphs.

18           7 Effective Date.

19           I. Section 5, paragraph I of this act shall take effect June 30, 2024.

20           II. The remainder of this act shall take effect July 1, 2024.