



UNIVERSAL FREE SCHOOL MEALS & THE COMMUNITY ELIGIBILITY PROVISION: CURRENT LANDSCAPE OF STATE LEGISLATION

September 2022

Introduction

A growing number of states have advanced legislation in recent years to support universal free school meals (UFSM). For this analysis, the term UFSM is used to describe bills that generally require most (i.e. only public) or all schools (i.e. public, private, charter) to serve at least one meal daily at no cost to all students for at least one school year.¹

Many of these approaches leverage federal funding streams, like the Community Eligibility Provision (CEP).² The use of CEP has dramatically expanded since it became an option for schools in 2014,³ in part because of state legislation. As a result, many states are approaching UFSM and CEP in tandem, often including provisions related to both in legislation.

This resource summarizes the national landscape of state legislation related to UFSM and/or CEP and outlines a policy menu based on this landscape. It is organized into three sections:

- [General Legislative Trends](#)
- [UFSM/CEP Policy Menu](#)
- [List of Legislation](#)

¹ This includes whether the bill specifies breakfast and lunch, or generally requires two meals. Bills that would cover the cost of serving free school meals for less than a full school year were excluded.

² CEP allows eligible schools to receive federal reimbursement for meals served to all students at no cost to them. For more information, see <http://bestpractices.nokidhungry.org/programs/community-eligibility-provision>.

³ Food and Nutrition Service, U.S. Department of Agriculture, *Community Eligibility Provision Characteristics Study, SY2016-17, 2022*. <https://fns-prod.azureedge.us/sites/default/files/resource-files/CEPSY2016-2017.pdf>.

The following legislation types and topics were excluded:

- Expanded eligibility for free meals (e.g., bills that eliminate reduce-priced category or co-payments);
- State resolutions (e.g., urging federal action on universal meals);
- Serving free school meals in pre-kindergarten or child care settings; and
- Legislation related to school funding formulas.

Bills that would cover the cost of serving free school meals for less than a full school year were also excluded (e.g., Connecticut [H.B. 5506](#)). Nevada was excluded as a UFSM state in this resource because it used budget processes to fund UFSM that did not require passage of legislation. Note: New Jersey enacted [A.2368](#) during production of this resource and is therefore not reflected in this document.

General Legislative Trends

Between January 2018 and August 2, 2022, 69 bills from 26 states were identified that had a UFSM requirement and/or sought to expand or promote CEP.

- More than one in four of these bills were enacted (20 of 69, 29%).⁴
- Roughly a quarter of bills included some type of funding (20 of 69, 29%), either an appropriation (14 of 69, 20%), mandatory appropriation (4 of 69, 6%), dedicated revenue (2 of 69, 3%), or both (2 of 69, 3%).
- Slightly more bills included CEP-related provisions (48 of 69, 70%) compared to those with a UFSM requirement (45 of 69, 65%). (Note: many bills included both.)
- The number of bills generally increased each year (see Table 1). In 2018-2021, bills with CEP provisions outnumbered those with UFSM provisions. This trend flipped in 2022. (Note: totals in Table 1 exceed 69 because some bills include both UFSM and CEP.)

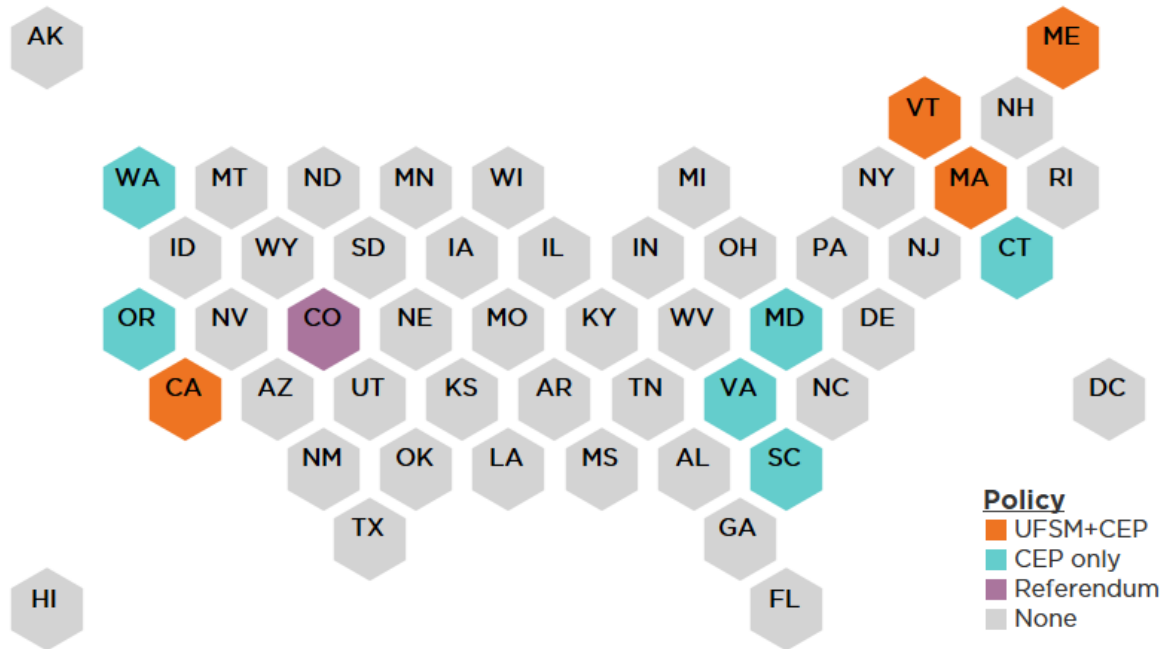
Table 1. Number of State Bills with UFSM and/or CEP Provisions, 2018-2022, by Status

		2018	2019	2020	2021	2022
CEP	Enacted	1	2	2	9	2
	Introduced		2	7	10	13
UFSM	Enacted		1		5	3
	Introduced		4	7	7	18

- The five most legislatively active states were: Minnesota, Massachusetts, Washington, North Carolina, and Vermont. Thirteen states considered only one bill.
- Ten states enacted one or more bills related to UFSM and/or CEP (see Figure 1). Colorado’s Legislature passed a referendum bill in 2022, the fate of which will be decided by voters in November 2022.

⁴ This figure does not include Colorado H.B.22-1414, which is a referendum bill that passed the Colorado Legislature in 2022.

Figure 1. States That Have Enacted USFM and/or CEP Legislation



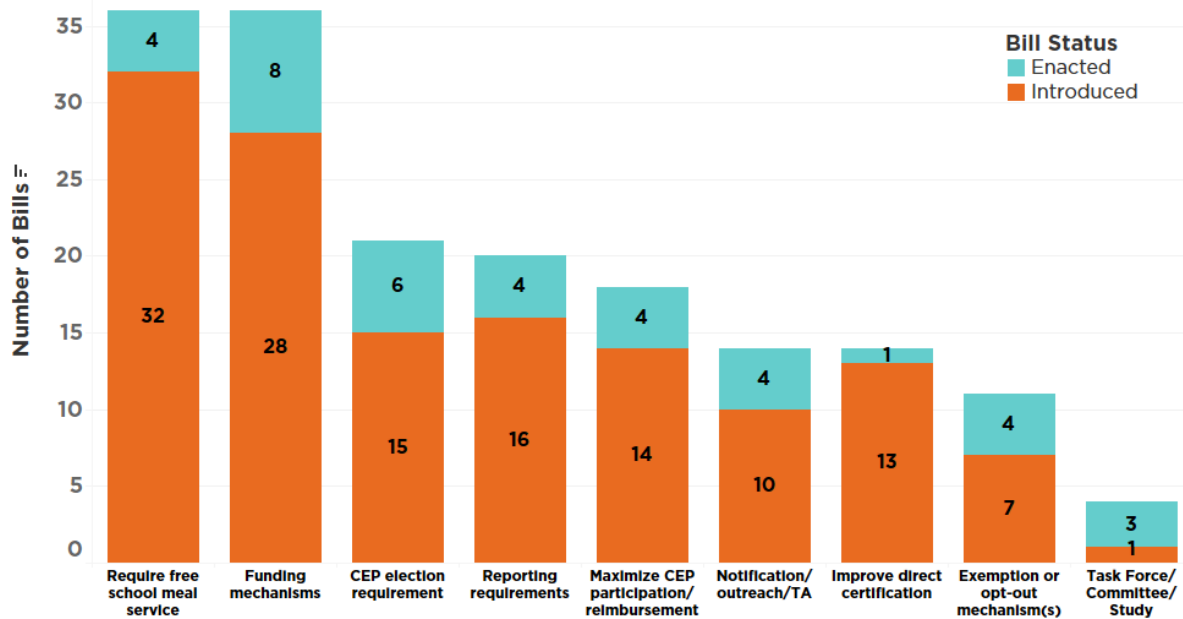
UFSM/CEP Policy Menu

The following menu represents potential policy options a state can take when developing USFM/CEP legislation. It is based on policies that have been included in state legislation (both introduced and enacted) either on their own or in combination with other options. The menu includes nine overarching policies, each with several options:

1. Require schools or districts/local education agencies (LEAs) to serve school meals at no cost to students.
2. Require schools or districts/LEAs to elect CEP based on Identified Student Percentage (ISP).
3. Require schools or districts/LEAs to maximize participation in and/or federal reimbursement through a special provision.
4. Establish funding mechanisms that enable state funds to cover costs associated with providing meals to students at no cost.
5. Impose CEP notification, outreach and/or technical assistance requirements on the administering state agency for school meal programs.
6. Establish reporting requirements for the state administering agency and/or schools or districts/LEAs.
7. Improve direct certification.
8. Establish a task force/committee and/or require a study with results reported to the legislature.
9. Create exemption or opt-out mechanism(s) for schools or districts/LEAs.

Figure 2 depicts the number of bills between 2018-2022 with each policy option, broken down by status (enacted vs. introduced). Requiring school meals be served free of charge to students and state funding requirements were the most common. While other options were less common, some had much higher passage rates. On average, bills included 2.6 policies.

Figure 2. Number of State Bills with each USFM/CEP Policy Option, by Status



The following table is the full menu of policy options (including sub-options). Each option is accompanied by example bill text and a list of bills that included that option. Listed bills are hyperlinked to their respective summary in Section 3. An asterisk (*) next to a bill indicates the legislation was enacted. A cross (‡) next to a bill indicates the legislation is a referendum bill, and enactment will therefore be decided by voters in the next election.

Policy	Example	
	Bill Text	Legislation
1. Require schools or districts/LEAs to serve school meals at no cost to students.		
1a. Breakfast and lunch (or two meals), and all K-12 schools	“(1) A school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, shall provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil’s eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period...(2) A charter school shall provide two school meals free of charge during each schoolday to any pupil who requests a meal	<ol style="list-style-type: none"> CA A.B.130* ME H.P.156-L.D.221* ME H.P.1544-L.D.2041* VT S.100* CO H.B.22-1414‡ NY A.9518/S.9144 NE L.B.117 NC H.550 MA H.714/S.314 MN H.F.1729 MN H.F. 4782/S.F. 4477 TN H.B.1744/ S.B.1897

	without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period." (CA A.B.130)	
1b. Some schools based on certain criteria or only breakfast or lunch	"Each school district shall make school lunch available to all children students enrolled in the district, except at those schools at which less than five percent of students are federally eligible for free or reduced price meals, within [1] one 10 year from after the effective date of this act" (NJ A.2368/S.1677)	<ol style="list-style-type: none"> 1. MD H.B.0857/ S.B.0971 2. NJ A.2368/S.1677 3. NC H.1074/S.887 4. NC S.855 5. NC S.856
2. Require schools or districts/LEAs to elect CEP based on ISP.		
2a. If eligible for CEP (i.e. 40% ISP or higher)	"...each public school that has an identified student percentage of at least 40 percent, or an identified student percentage of less than 40% if authorized by federal law, as determined annually by April 1st, must participate in the United States department of agriculture's community eligibility provision in the subsequent school year and throughout the duration of the community eligibility provision's four-year cycle." (WA H.B.1878)	<ol style="list-style-type: none"> 1. WA H.B.1878/ S.B.5798* 2. VA H.B. 5113* 3. CO H.B.22-1414†
2b. If eligible for full reimbursement under CEP (i.e. 62.5% ISP)	"A participating school with an Identified Student Percentage at or above the federal percentage determined for all meals to be reimbursed at the free rate must participate in the Community Eligibility Provision." (MN H.F.4782/S.F.4477)	<ol style="list-style-type: none"> 1. MN H.F.4782/ S.F.4477 2. CA A.B.130* 3. WA H.B. 2660* 4. SC H.4000* 5. MN H.F.1985/ S.F.1902 6. MN H.F.1729 7. NE L.B. 117
2c. Another ISP threshold	"A school district or individual school with an Identified Student Percentage of 60 per cent or higher shall elect and implement the federal Community Eligibility Provision or Provision 2 to provide universal free school breakfast and lunch to all students." (MA H.3999/S.298)	<ol style="list-style-type: none"> 1. MA H.3999/S.298*
3. Require schools or districts/LEAs to maximize participation in and/or federal reimbursement through a special provision.		
3a. Participation in CEP	"School districts, to the extent practicable, shall group public schools for purposes of	<ol style="list-style-type: none"> 1. WA H.B.1878/ S.B.5798* 2. WA HB 2660*

	maximizing the number of public schools eligible to participate in the community eligibility provision.” (WA H.B.1878/S.B.5798)	3. ME H.P.156-L.D.221*
3b. Federal reimbursement through CEP or other special provision	“To comply with the Hunger-Free Schools Program, a qualified school shall: (3) Maximize federal reimbursement for eligible breakfasts and eligible lunches...” (NE L.B.117)	<ol style="list-style-type: none"> 1. MA H.3999/S.298* 2. VT S.100* 3. CO H.B.22-1414† 4. MA H.714/S.314 5. NE L.B. 117 6. NY A. 9518/S.9144
3c. Both	“To the maximum extent possible, a school administrative unit that serves breakfast or lunch and is eligible for the community eligibility provision under the federal Healthy, Hunger-Free Kids Act 4 of 2010, Public Law, 111-296, Section 104(a) or other federal universal meal programs shall maximize participation in the programs including the federal resources available in those programs.” (ME H.P.156-L.D.221)	<ol style="list-style-type: none"> 1. ME H.P.156-L.D.221* 2. NJ A.2368/S.1677

4. Establish funding mechanisms that enable state funds to cover costs associated with providing meals to students at no cost.

4a. Require the state to reimburse schools/districts for costs not covered by federal reimbursement.	“The department shall reimburse local educational agencies that participate in the federal School Breakfast Program and National School Lunch Program for all nonreimbursed expenses accrued in providing United States Department of Agriculture reimbursable meals to pupils as described in subdivision (b).” (CA A.B.130)	<ol style="list-style-type: none"> 1. CA A.B. 130* 2. OR H.B. 2536* 3. ME H.P.156-L.D.221* 4. VT S.100* 5. MA H.5050* 6. CO H.B.22-1414† 7. MA H.714/S.314 8. MN H.F.1729 9. MN H.F. 4782/S.F. 4477 10. NC H.550 11. NC H.1074/S.887 12. NC S.855 13. NC S.856 14. NE L.B. 117 15. NJ A.2368/S.1677 16. NY A.9518/S.9144 17. TN H.B.1744/ S.B.1897 18. WI A.B.805
4b. Explicitly make eligibility for state reimbursement contingent on participation in CEP	“Reimbursement from State funds shall be available only to districts that maximize access to federal funds for the cost of the school breakfast and lunch program by participating in the Community Eligibility Provision or Provision 2 of these programs, or	<ol style="list-style-type: none"> 1. VT S.100* 2. CO H.B.22-1414* 3. NE L.B. 117 4. MD H.B.0857/ S.B.0971

<p>or other special provision.</p>	<p>any other federal provision that in the opinion of the Agency draws down the most possible federal funding for meals served in that program.” (VT S.100)</p>	
<p>4c. Establish a dedicated state fund for free school meals.</p>	<p>“The Meals for Students Fund, referred to in this section as “the fund,” is established as a nonlapsing, dedicated fund within the Department of Education to provide funds for the costs to the State to pay the difference between the federal reimbursement for a free breakfast or lunch and the full price of a breakfast or lunch for students that are ineligible for a free or reduced-price breakfast or lunch. The fund may receive money from any available state, federal or private source.” (ME H.P.156-L.D.221)</p>	<ol style="list-style-type: none"> 1. ME H.P.156-L.D.221* 2. NC H.550
<p>4d. Void CEP participation requirement without a specific appropriation (to avoid a potential unfunded mandate)</p>	<p>“If specific funding for the purposes of section 1 of this act, referencing section 1 of this act by bill or chapter number and section number, is not provided by June 30, 2022, in the omnibus operating appropriations act, section 1 of this act is null and void.”</p>	<ol style="list-style-type: none"> 1. WA H.B.1878/ S.B.5798*
<p>4e. Exempt schools from CEP participation requirement if state administering agency has insufficient funds to implement.</p>	<p>“Notwithstanding subsections (1) and (2) of this section, a school or school district is not required to provide breakfast or lunch at no charge to students if the Department of Education has insufficient funds to provide reimbursement pursuant to ORS 327.545 (2) or (3).”</p>	<ol style="list-style-type: none"> 1. OR H.B. 2536*

5. Impose notification, outreach and/or technical assistance requirements on the administering state agency for school meal programs.

<p>5a. Require the administering state agency to notify districts/LEAs if they have CEP eligible schools in their jurisdiction.</p>	<p>“Within the time frame described in paragraph (a), the department must (1) identify full-reimbursement qualifying schools; (2) provide each local educational agency with one or more full-reimbursement qualifying schools a list of those schools; and (3) notify those local educational agencies of the obligation to elect for any qualifying schools national school lunch program and national school breakfast program meal reimbursement through the community eligibility provision.” (MN H.F.1985/S.F.1902)</p>	<ol style="list-style-type: none"> 1. MN H.F.1985/ S.F.1902 2. TX S.B. 1314
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<p>5b. Require the state administering agency to conduct outreach and provide technical assistance to schools or districts/LEAs.</p>	<p>“The department must provide technical assistance to a local educational agency with one or more community-eligibility qualifying schools to assist them in meeting any state and federal requirements necessary in order to receive reimbursement through the community eligibility provision.” (MN H.F.1985/S.F.1902)</p>	<ol style="list-style-type: none"> 1. MN H.F.1985/ S.F.1902 2. CA A.B.130* 3. WA H.B. 2660*
<p>5c. Require school nutrition directors or other relevant school staff to attend one or more trainings on CEP prior to a school’s decision to elect CEP.</p>	<p>“A school nutrition director or designee shall attend at least 1 training by the department to learn about the federal Community Eligibility Provision and other federal options that may be available to a district before a vote by the school committee.”</p>	<ol style="list-style-type: none"> 1. MA H.3999/S.298*
<p>6. Establish reporting requirements for the state administering agency and/or schools or districts/LEAs.</p>		
<p>6a. Require a district/LEA with CEP eligible, non-participating schools under its jurisdiction to submit a report to the state education department detailing the specific reasons for not electing CEP.</p>	<p>“Not later than December 1, 2021, and annually thereafter, any local or regional board of education that participates in the National School Lunch Program, in which at least one school under the jurisdiction of such board qualifies for the maximum federal reimbursement for all school meals served under the federal Community Eligibility Provision, but does not implement the Community Eligibility Provision, shall submit a report to the Department of Education that notifies the department that such board is not implementing the Community Eligibility Provision and the reasons for why such board is not implementing the Community Eligibility Provision. Such report shall include, but not be limited to, a description of the specific impediments to implementing the Community Eligibility Provision, any actions that are needed to remove those impediments and a plan for implementation of the Community Eligibility Provision during the following school year, if possible.” (CT S.B.1032)</p>	<ol style="list-style-type: none"> 1. CT S.B.1032* 2. TX S.B. 1314 3. NJ A.2368/S.1677 4. MN H.F.1985/ S.F.1902
<p>6b. Require the state administering agency to <i>regularly</i> report on UFSM</p>	<p>“Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility</p>	<ol style="list-style-type: none"> 1. WA H.B. 2660* 2. CO H.B.22-1414[†] 3. NC H.1074/S.887 4. NJ A.2368/S.1677

<p>and/or CEP implementation (either annually or every two years)</p>	<p>provision to the legislature by 31 December 1st of each year. The report shall identify: (a) Any barriers to implementation; (b) Recommendations on policy and legislative solutions to overcome barriers to implementation; (c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and (d) Approaches in other states to adopting the community eligibility provision.” (WA H.B.2660)</p>	<p>5. NC S.855 6. NC S.856</p>
<p>6c. Require the state administering agency to submit a one-time report related to UFSM and/or CEP to the legislature.</p>	<p>“The budget committees request that the Maryland State Department of Education (MSDE) submit a report on the Community Eligibility Provision (CEP)... This report shall include, but not be limited to: updated information on how this provision will be implemented by LEA in the next two school years; • cost-benefit analysis of that implementation by LEA; • documentation of equitable implementation of the CEP provision in Title I eligible schools; and • impact, if any, on federal Title I funding allocations, or any other State education funding, on CEP participation...” (MD JCR to HB588 and HB590)</p>	<p>1. MD JCR to HB 588 and HB 590* 2. VT S.100*</p>
<p>7. Improve direct certification.</p>		
<p>7a. Require the state administering agency to apply to USDA to participate in the Medicaid demonstration pilot program.</p>	<p>“As soon as practicable after the effective date of this part 2, the department shall apply to the federal secretary of agriculture to participate in the demonstration project operated pursuant to 42 U.S.C. SEC. 1758 (b)(15) for direct certification for children receiving benefits...”</p>	<p>1. CO H.B.22-1414[†]</p>
<p>7b. Require the state administering agency to promulgate rules related to SNAP promotion among students.</p>	<p>“The department...shall promulgate regulations for schools to promote the supplemental nutrition assistance program to families by either providing application assistance or a direct referral to an outreach partner identified by the department...” (MA H.714/S.314)</p>	<p>1. MA H.714/S.314 2. NY A.9518/S.9144</p>
<p>7c. Require the state administering agency to assist districts/LEAs with</p>	<p>“The department shall assist school districts with improving the direct certification process and reducing administrative burdens on school districts. The department shall</p>	<p>1. MA H.3999/S.298* 2. NJ A.2368/S.1677</p>

<p>improving direct certification.</p>	<p>consult with representatives from the School Nutrition Association of Massachusetts, Inc. and relevant stakeholders to promote best practices to maximize federal revenues.” (MA H.3999/S.298)</p>	
<p>8. Establish a task force/committee and/or require a study with results reported to the legislature.</p>		
<p>8a. Establish an entity or require an existing entity to study school meal programs and/or universal meals and CEP.</p>	<p>“There is established a committee to study school meal programs in New Hampshire’s public schools and non-sectarian schools...(3) The committee shall: (I.) Examine existing state and federal laws and regulations regarding school meal programs. (III.) Identify potential legislation intended to reduce student hunger...” (NH H.B.1229)</p>	<p>1. NH H.B.1229 2. ME S.P.540-L.D.1679*</p>
<p>8b. Require a body with a broader scope than school meals (e.g., child hunger) to incorporate UFSM and/or CEP into its inquiry and recommendations.</p>	<p>“(A) The [Maryland Food System Resiliency] Council shall: (2) Work toward the following goals: (I)(5)(A) Exploring the role of and potential for the federal Community Eligibility Provision to ensure all students in the State are fed; and (B) Making recommendations to the Maryland Department of Education and the Maryland General Assembly to implement relevant findings under item A. of this item.”</p>	<p>1. MD S.B.0723/ H.B.0831*</p>
<p>9. Create exemption or opt-out mechanism(s) for schools or districts/LEAs.</p>		
<p>9a. Allow schools/ districts to opt out of a CEP participation requirement through a waiver or similar process.</p>	<p>“This subsection may be waived by the department if an individual school is able to justify to the department that implementation will result in financial hardship to the individual school.” (MA H.3999/S.298)</p>	<p>1. MA H.3999/S.298* 2. VA H.B.5113* 3. SC H.4000*</p>
<p>9b. Require state administering agency to develop rules for issuing waivers or determining insufficient funds.</p>	<p>“The Department of Education shall develop a process and criteria for considering such waivers, including a process and criteria for conducting such CEP evaluations.” (VA H.B. 5113)</p>	<p>1. VA H.B.5113* 2. OR H.B.2536*</p>

Legislation

Enacted

UFSM and/or CEP policies have been enacted through the following bills. In cases where UFSM/CEP provisions were included as part of a broader bill, the relevant section(s) are indicated in parentheses.

Note: CO HB22-1414 is included in this list; however, this is a referendum bill and therefore enactment will be decided by voters in November 2022.

California [A.B. 130 \(Sec. 64\)](#)

Additional Legislative Context	AB 130 was an education finance bill and one in a series of budget bills. SB 170 , enacted on September 23, 2021, made specific appropriations to implement AB 130 (and other budget bills). This included \$650 million in ongoing funds by 2022-23 to support universal free school meals, including support for more than 30 staff FTEs, and \$150 million to improve kitchen infrastructure and nutritional training.
Enacted	July 9, 2021
Effective	July 9, 2021
Funding	Yes, through SB 170
Policy Option(s) Included	1a, 2b, 4a, 5b

Summary:

- Requires public and charter K-12 schools to serve two nutritiously adequate school meals, which may include breakfast, at no charge to all students who request a meal beginning in SY22-23.
- Requires the Department of Education to cover the difference between the free combined breakfast and lunch reimbursement rate and the reduced-price and paid meals claimed.
- Requires high poverty schools to adopt a federal universal meals provision such as CEP or Provision 2 for SY22-23. For this purpose, a high poverty school is any K-12 school that is eligible for CEP, and includes charter schools if they participate in the National School Lunch Program and/or School Breakfast Program (and meet the other two criteria).
- Requires the Department of Education to provide technical assistance to schools with the goal of maximizing CEP adoption.

Colorado [H.B.22-1414](#)

Additional Legislative Context	Passage of this bill means it is referred to the secretary of state for inclusion as a ballot measure on November 8, 2022. This referendum approach was in response to a large fiscal note for the original bill, SB22-087 .
Enacted	May 26, 2022
Effective	Varies by section
Funding	Yes, Mandatory Appropriation
Policy Option(s) Included	1a, 2a, 3b, 4a, 4b, 6b, 7a

Summary:

- Establishes the Healthy School Meals Program for All and requires participating school food authorities to provide free meals to all enrolled students served by the SFA.
- Establishes a reimbursement amount for participating SFAs equal to the federal free reimbursement rate multiplied by the total number of meals served, minus any other federal or state reimbursement the school food authority receives for providing meals.
- Requires participating SFAs to: (1) participate in CEP if eligible to maximize the amount of federal reimbursement; and (2) annually notify the Department of Education regarding their participation in the free meals program and CEP.
- Requires the Department of Education to apply to USDA to participate in the CEP Medicaid demonstration pilot program.
- Creates two grant programs to support local food purchasing: (1) a local food purchasing to award funds to SFAs participating in the healthy school meals for all program to purchase Colorado grown, raised, or processed products; and (2) a local school food purchasing technical assistance and grant program grant program to support training, technical assistance, and infrastructure improvements.
- Requires DOE to submit a report to the legislature every two years on the status of implementation.
- Requires the secretary of state to include the bill as a ballot measure on November 8, 2022.

Connecticut [S.B.1032 \(Sec. 1\)](#)

Additional Legislative Context	None
Enacted	July 13, 2021
Effective	July 1, 2021
Funding	No
Policy Option(s) Included	6a

Summary:

- Requires LEAs with at least one school under its jurisdiction that qualifies for maximum reimbursement under CEP, but does not implement it, to notify the Department of Education of its decision to not elect CEP and the reason(s) why.

Maine [H.P.156 - L.D.221](#) (Part OOOO)

Additional Legislative Context	The UFSM and CEP provisions were originally part of L.D.1679, and removed to be included in this unified appropriations bill. This UFSM provisions in this bill only pertained to public schools. H.P.1544 - L.D.2041 amended this to also include certain private schools.
Enacted	July 1, 2021
Effective	July 1, 2021
Funding	Yes, Appropriation
Policy Option(s) Included	1a, 3a, 4a, 4b

Summary:

- Requires public schools to provide breakfast and lunch to students at no cost to them.
- Requires the state to pay schools the difference between the federal reimbursement for a free and full price meal for each student ineligible for F/RP meals, and the difference between the federal reimbursement for a free and reduced price meals for each student eligible for reduced price meals.
- Establishes the Meals for Students Fund within the DOE for purposes of providing state reimbursements, and allocates one-time funds for SY2022-2023.
- Directs schools to request families to complete household income forms to determine eligibility for various state and federal food assistance programs if the information cannot be obtained directly by schools.
- Directs school administrative units to maximize participation in CEP or other federal provisions, if eligible.

Maine [S.P.540 - L.D.1679](#)

Additional Legislative Context	None
Enacted	May 3, 2022
Effective	May 3, 2022
Funding	No
Policy Option(s) Included	8a

Summary:

- Requires the DOE to conduct a cost analysis of providing state funding to cover the cost of free school meals for certain publicly funded students attending private schools.
- Requires the DOE to submit a report to the committee with jurisdiction over education by February 1, 2023, and allows the committee to submit legislation based on the report in 2023 (the 131st Legislature).

Maine [H.P.1544 - L.D.2041](#)

Additional Legislative Context	This bill amended Maine’s universal meals law, H.P.156 - L.D.221, enacted in 2021.
Enacted	May 12, 2022
Effective	May 12, 2022
Funding	Yes, Appropriation
Policy Option(s) Included	1a

Summary:

- Amends the state’s requirement to serve free school meals to also include private schools that enroll at least 60% publicly funded students for tuition purposes and participate in NSLP.
- Appropriates one-time funds to reimburse schools for this purpose.

Maryland [S.B.0723/H.B.0831](#)

Additional Legislative Context	None
Enacted	May 30, 2021
Effective	May 30, 2021
Funding	No
Policy Option(s) Included	8b

Summary:

- Established the Maryland Food System Resiliency Council for a two-year period, consisting of legislative, administrative, and non-governmental stakeholders, to explore various policy issues to address food insecurity, including the potential role of CEP, and report findings and recommendations to the legislature.

Maryland [JCR to H.B.588 and H.B.590](#)

Additional Legislative Context	Provision was included in the Joint Chairmen’s Report on the FY2022 State Operating Budget (HB 588) and State Capital Budget (HB 590). The JCR includes expressions of legislative intent and policy guidelines related to the budgets.
Enacted	May 18, 2021
Effective	May 18, 2021
Funding	No
Policy Option(s) Included	8a

Summary:

- Requests that the Maryland State Department of Education conduct a study on CEP, to be completed and submitted to the budget committees by November 2021, that should identify, assess the feasibility of, and determine the eligibility for, all schools that may be eligible for CEP for the next two school years (2021-2022 and 2022-2023).

Massachusetts [H.5050](#)

Additional Legislative Context	None
Enacted	August 2, 2022
Effective	August 2, 2022
Funding	Yes, Appropriation
Policy Option(s) Included	4a

Summary:

- Provides not less than \$110 million to continue making school meals available to all students at no cost for SY22-23, consistent with how they have been operating under the Families First Coronavirus Response Act (FFCRA).

Massachusetts [H.3999/S.298](#)

Additional Legislative Context	Similar legislation (H.4434 and S.2664/S.256) was introduced in the prior legislative session (191 st General Court, 2019-2021).
Enacted	October 14, 2021
Effective	October 14, 2021
Funding	No
Policy Option(s) Included	2c, 5c, 7c, 9a

Summary:

- Requires individual schools or school districts with an ISP of at least 60% to elect CEP or Provision 2, unless doing so would result in demonstrated financial hardship.
- Requires individual schools with an ISP of at least 50% to elect CEP or Provision 2, unless the district school board votes to decline participation or if doing so would result in demonstrated financial hardship.
- Requires school nutrition directors or another designee to attend at least one training on CEP before the school board votes on whether to elect CEP.
- Directs the MA Department of Education to assist schools in improving direct certification and develop a protocol to guide schools in maximizing federal reimbursement and minimizing debt on families.
- Requires school districts to determine if a student is eligible for free or reduced-priced meals within 30 days of notifying a family about unpaid meal debt and prohibits various forms of debt-shaming, such as serving a student with an unpaid meal debt an alternative meal.

Oregon [H.B.2536](#)

Additional Legislative Context	A similar bill, S.B.1520 , was introduced in 2020 that died in committee. This bill builds on H.B.3427 , enacted in 2019, which included similar funding requirements for DOE, and established the Hunger Free Schools Account.
Enacted	June 1, 2021
Effective	July 1, 2021
Funding	No
Policy Option(s) Included	4a, 4e, 9b

Summary:

- Requires schools/school districts to offer free meals to all students if they are eligible for CEP, Provision 2 or another special provision, and requires the DOE to reimburse CEP eligible schools/districts for costs not covered through federal reimbursement.
- For non-CEP eligible schools, requires schools/school districts to offer free meals to students with incomes between 130% and 300% of the federal poverty level, and requires the DOE to reimburse up to the amount that the student would have been required to pay for the meal.
- Permits exceptions for schools to not offer free school meals if the Department of Education has insufficient funds and requires the State Board of Education to adopt rules describing how this determination is made and communicated to schools.

South Carolina [H.B.4000 \(Part IB, Sec. 1.84\)](#)

Additional Legislative Context	The CEP provisions are included in Part IB Provisos of the 2019-2020 Appropriations Bill.
Enacted	June 25, 2019
Effective	June 25, 2019
Funding	No
Policy Option(s) Included	2b, 9a

Summary:

- Requires the local board of trustees of a district in which all schools are eligible to receive the free federal reimbursement rate under CEP to adopt a resolution indicating participation.
- If a district is unable to participate, the local board of trustees must adopt a resolution stating that it is unable to participate in CEP and demonstrate the reasons why.
- Requires resolutions to be published on a public meeting agenda concurrently with the proposed district budget as an action item and shall be approved by a majority of the board.

Vermont S.100

Additional Legislative Context	Additional provisions, such as the creation of a task force and a DOE staff position to administer school food programs, were included in earlier versions of this bill. A similar bill was introduced in the House, H.32 .
Enacted	May 31, 2022
Effective	July 1, 2022
Funding	Yes, Appropriation
Policy Option(s) Included	1a, 3b, 4a, 4b, 6c

Summary:

- Requires all public and approved independent schools to provide school breakfast and lunch at no charge to students and directs to schools to achieve the highest level of participation, including through Breakfast After the Bell.
- Requires the state to reimburse school districts and approved independent schools for the cost of making meals available at no cost only if they maximize reimbursement through CEP, Provision 2, or other federal provision.
- Appropriates \$29 million from the state Education Fund to provide reimbursement for free meals.
- Directs school districts to maximize student participation in its breakfast and lunch programs by implementing Breakfast After the Bell or other strategies.
- Requires the Agency of Education to submit a report to the legislature by January 15, 2023 summarizing the status and impact of implementation, including participation rates and strategies for minimizing use of State funds.
- Requires the Joint Fiscal Office to prepare a report regarding revenue sources to fund the universal free school meals program, including preliminary estimates.

Virginia H.B.5113

Additional Legislative Context	None
Enacted	October 13, 2020
Effective	March 1, 2021
Funding	No
Policy Option(s) Included	2a, 9a

Summary:

- Requires all CEP eligible schools to participate (with a minimum ISP of 40%).
- Allows the Superintendent of Public Instruction to offer a waiver to the CEP participation requirement, only in the event of a school or group of schools that is determined to be not financially viable.

Washington [H.B.2660](#)

Additional Legislative Context	Builds on H.B.2610 , enacted March 2018, which required OSPI to implement a plan to increase participation in CEP.
Enacted	April 2, 2020
Effective	June 11, 2020
Funding	No
Policy Option(s) Included	2b, 3a, 5b, 6b

Summary:

- Requires the office of the superintendent of public instruction, in collaboration with community-based organizations and other stakeholders, to develop and implement a plan to increase participation in CEP, including identifying and recruiting eligible schools and providing outreach and technical assistance to school districts and schools to implement CEP.
- Requires OSPI to also annually report the number of schools implementing CEP, barriers to participation, policy recommendations to overcome barriers, and lessons from other states that have implemented CEP.
- Requires schools with students in or below grade 8 and with an ISP of at least 62.5% must participate in CEP in the following year and for the duration of the CEP four-year cycle.
- Exemptions are permitted for schools that provide no-cost meals to all students.
- Allows school districts to implement Breakfast After the Bell, and deems up to 15 minutes of time spent by students consuming breakfast as instructional time.

Washington [H.B.1878/S.B.5798](#)

Additional Legislative Context	Builds upon H.B.2660 to lower ISP threshold for CEP participation requirement, and includes null and void clause without a specific appropriation. This appropriation was made in S.B.5693 (enacted 3/31/22), and included \$21.5 million for reimbursements to schools for FY23 and \$119,000 in FY2022 and \$286,000 for FY2023 to increase the number of schools participating in CEP and to support implementation of BAB.
Enacted	March 4, 2022
Effective	March 4, 2022
Funding	Yes, though S.B.5693
Policy Option(s) Included	2a, 3a, 4d

Summary:

- Requires public schools that are eligible for CEP (i.e. an ISP of 40% or higher, or lower than 40% if changed by federal law) to participate in CEP for at least one four-year cycle.
- Requires school districts to maximize the number of school eligible to participate.
- Nullifies the act if a specific appropriation is not made.

Introduced

The following bills were introduced in previous legislative sessions or are currently pending.

Note: for legislation that have companion bills, the two “Introduced” dates are listed in the same order in which the bills are listed.

Maryland [H.B.0857/S.B.0971](#)

Additional Legislative Context	The introduced bill text pertains only to providing free lunch. However, the intent was for the bill to also pertain to breakfast, which would be corrected through a future amendment.
Introduced	February 2022
Funding	Yes, Mandatory Appropriation
Policy Option(s) Included	1b, 4b

Summary:

- Creates a Free Feeding Program and Concentration of Poverty School Grant Program to provide free school meals to qualifying schools.
- All grant program recipients, which can be public or charter schools, must (1) provide free school lunch to each student at the school; and (2) must maximize federal reimbursement by applying to participate in CEP, if eligible, and other federal programs, to cover the associated costs.
- Requires the state to provide funds to county boards of education to cover the cost of meals for all students in FY23.
- Beginning in FY24, prohibits county boards of education from charging students for school lunch.
- Requires the State superintendent to annually determine the amount of State money required to carry out the free meal program and requires the governor to include in the budget an appropriation to cover the cost of free school lunches (minus any federal funds available to meet the requirements).

Massachusetts [H.714/S.314](#)

Additional Legislative Context	A competing bill, H.3999/S.298 , was enacted in October 2021.
Introduced	February 2021
Funding	No
Policy Option(s) Included	1a, 3b, 4a, 7b

Summary:

- Requires all schools participating in the NSLP or SBP to make breakfast and lunch available to students at no charge.
- Requires schools to maximize “access to federal funds” by adopting CEP, Provision 2, or other special provision.

- Requires the Department of Primary and Secondary Education to cover any non-federally reimbursed costs associated with providing free meals.
- Requires the Department to promulgate regulations related to SNAP promotion and outreach in schools.

Minnesota [H.F.1985/S.F.1902](#)

Additional Legislative Context	The CEP provisions from a previous bill, S.F.1901 , were included in S.F.1902, along other education funding provisions.
Introduced	March 8, 2021
Funding	No
Policy Option(s) Included	2b, 5a, 5b,

Summary:

- Requires that schools that are eligible for full reimbursement through CEP (i.e. 62.5% ISP) to participate for at least the duration of one CEP cycle, beginning in the 2022-2023 school year.
- Schools that provide meals to all students for no cost are exempt from the CEP requirement.
- The Department of Education is required to notify school districts with at least one CEP eligible school and provide technical assistance to help them participate to receive reimbursement through this provision.
- School districts with eligible, noncompliant schools must submit a report to DOE detailing the obstacles to participation and plans for complain for the following year.

Minnesota [H.F.1729](#)

Additional Legislative Context	Most provisions of this bill are included in a subsequent, broader education finance bill, H.F.4782/S.F.4477. It is unclear what this bill is referencing when it describes the state reimbursement amount as the difference between the federal reimbursement and “the average cost of a school meal as annually defined by the United States Department of Agriculture.” (Subd.1a.(b))
Introduced	March 1, 2021
Funding	Yes, Appropriation
Policy Option(s) Included	1a, 2b, 4a

Summary:

- Requires schools participating in the SBP to provide a federally reimbursable breakfast to all students each school day for students in grades K-12, as well as students in an approved voluntary prekindergarten program or early childhood special education program.
- Requires schools participating in the NSLP to provide a federally reimbursable lunch to all students each school day.
- Requires schools with an ISP of 62.5% or higher to elect CEP.

- Requires the Department of Education to provide funding to schools equal to the difference between the federal reimbursement and “average cost of a school meal as annually defined” by USDA for both breakfast and lunch.
- Prohibits schools from denying a school meal to any student whether or not that student has outstanding meal debt.

Minnesota [H.F. 4782/S.F. 4477](#)

Additional Legislative Context	Incorporates many of the provisions from H.F.1729. It is unclear what this bill is referencing when it describes the state reimbursement amount as the difference between the federal reimbursement and “the average cost of a school meal as annually defined by the United States Department of Agriculture.” (Subd.1a.(b))
Introduced	April 7, 2022/April 6, 2022
Funding	Yes, Appropriation
Policy Option(s) Included	1a, 2b, 4a

Summary:

- Requires schools participating in the NSLP or SBP to provide a federally reimbursable breakfast and lunch each day to all enrolled students at no cost.
- Requires the Department of Education to providing funding to participating schools equal to the difference between the federal reimbursement and “the average cost of a school meal as annually defined by the United States Department of Agriculture.”
- Requires any school that participates in the NSLP and has an ISP that would allow all meals to be federally reimbursed at the free rate (i.e. an ISP of 62.5%) to participate in CEP.
- Provides \$11.9 million and \$16.7 million for school breakfast and lunch respectively in 2022, and \$28.8 million and \$185.0 million for 2023.

Nebraska [L.B. 117](#)

Additional Legislative Context	None
Introduced	January 7, 2021
Funding	Yes, Mandatory Appropriation
Policy Option(s) Included	1a, 2b, 3b, 4a, 4b,

Summary:

- Creates the Hunger-Free Schools Program, which requires participating schools to (1) offer breakfast and lunch at no cost to all students; and (2) maximize federal reimbursement by participating in CEP if they have an ISP of at least 62.5%.
- Requires the Department of Education to reimburse participating schools for costs not otherwise covered through federal reimbursement if they are following the requirements of the

Hunger-Free Schools Program (i.e. serve meals at no cost, and participating in CEP if they have an ISP of 62.5% or higher).

- Allows the DOE to promulgate additional rules and regulations to implement the law.

New Hampshire [H.B.1229](#)

Additional Legislative Context	None
Introduced	January 5, 2022
Funding	No
Policy Option(s) Included	8a

Summary:

- Establishes a special committee to study school meal programs in New Hampshire’s public schools and non-sectarian schools to “examine existing state and federal laws and regulations regarding school meal programs” and “identify potential legislation intended to reduce student hunger.”

New Jersey [A.2368/S.1677](#)

Additional Legislative Context	A competing bill, S.1508 , included similar provisions.
Introduced	February/March 2022
Funding	No
Policy Option(s) Included	1b, 3c, 4a, 6a, 6b, 7c

Summary:

- Requires all public schools (pre-K-12) to establish a school breakfast program by September 1, 2023, and requires schools to provide breakfast to all students if 20% or more of students are eligible for free and reduced price (F/RP) meals.
- Requires school districts to make free school lunch available to all enrolled students, exempt for schools where less than five percent of students are eligible for free or reduced-price meals.
- Requires the state to reimburse public schools for the cost of serving reduced price breakfast and lunch.
- Requires public schools to establish a Breakfast after the Bell program if 70% or more of students are eligible for F/RP meals, and directs the Department of Agriculture to assist schools with implementing BAB and increasing participation in the SBP.
- Requires the DOE to reimburse school districts for the cost of providing free lunches to students who are ineligible for free or reduced-price meals.
- Requires schools that are eligible for CEP to, the greatest extent possible, participate in the program and maximize reimbursement, and requires school districts with at least one CEP eligible school that does not participate to report the reasons to the Department of Agriculture.

- Requires the department to annually report to the governor and legislature on the format being used to serve breakfast and the number and percentage of low-income students that are participating.
- Directs the Department of Agriculture to improve meal certification processes and requires the department to annually submit a report to the governor and legislature regarding methods used to certify students for F/RP lunch.

New York [A. 9518/S.9144](#)

Additional Legislative Context	None
Introduced	March 16, 2022/May 11, 2022
Funding	No
Policy Option(s) Included	1a, 3b, 4a, 7b

Summary:

- Requires all public schools/districts and charter schools that participate in NSLP or SBP to serve breakfast and lunch at no cost to students.
- Requires schools/districts to maximize “access to federal funds” for the cost of providing free meals.
- Requires the Department of Education to reimburse schools/districts for costs not federally reimbursed (i.e. the difference between their federal reimbursement and the federal free rate).
- Directs DOE to promulgate any rules or regulations necessary to promote SNAP to students or parents for the purpose of improving the number of students directly certified.

North Carolina [H.1074/S.887](#)

Additional Legislative Context	This bill contains similar free lunch provisions as S.856 , except for a higher appropriation. This bill includes \$159.3 million for FY22-23, or \$80.4 million more than was included in S.856. An earlier bill, H.550 , introduced April 2021, included similar provisions; however, was more expansive in covering both breakfast and lunch and established a dedicated fund to support free school meals.
Introduced	May 26, 2022/May 27, 2022
Funding	Yes, Appropriation
Policy Option(s) Included	1b, 4a, 6b

Summary:

- Requires public schools to make lunch available at no cost to students as part of its school nutrition services and in compliance with standards recommended by the Superintendent of Public Instruction.
- Requires the Department of Public Instruction to cover costs of providing free school lunch that are not otherwise covered through federal reimbursement.

- Requires the Department of Public Instruction to annually report to the legislature the number of free lunches served and the cost of implementing the program.
- Appropriates \$159.3 million for FY22-23 for costs associated with schools serving free lunch.

North Carolina [S.855](#)

Additional Legislative Context	An earlier bill, H.550 , introduced April 2021, included similar provisions; however, was more expansive in covering both breakfast and lunch and established a dedicated fund to support free school meals.
Introduced	May 27, 2022
Funding	Yes, Appropriation
Policy Option(s) Included	1b, 4a, 6b

Summary:

- Requires public schools to serve breakfast at no cost to students.
- Requires the Department of Public Instruction to cover costs of providing free school breakfast that are not otherwise covered through federal reimbursement.
- Requires the Department of Public Instruction to annually report to the legislature the number of free breakfasts served and the cost of implementing the program.
- Appropriates \$14.7 million for FY22-23 for costs associated with schools serving free breakfast.

North Carolina [S.856](#)

Additional Legislative Context	An earlier bill, H.550 , introduced April 2021, included similar provisions; however, was more expansive in covering both breakfast and lunch and established a dedicated fund to support free school meals.
Introduced	May 27, 2022
Funding	Yes, Appropriation
Policy Option(s) Included	1b, 4a, 6b

Summary:

- Requires public schools to serve lunch at no cost to students.
- Requires the Department of Public Instruction to cover costs of providing free school lunch that are not otherwise covered through federal reimbursement.
- Requires the Department of Public Instruction to annually report to the legislature the number of free lunch served and the cost of implementing the program.
- Appropriates \$78.7 million for FY22-23 for costs associated with schools serving free lunch.

North Carolina [H.550](#)

Additional Legislative Context	A later bill, H.1074/S.887 , introduced May 2022, included similar provisions, except the bill only supports free lunch and does not include the establishment of a dedicated fund. An identical bill (H.947) was introduced in the previous legislative session.
Introduced	April 14, 2021
Funding	Yes, Appropriation; Dedicated Revenue
Policy Option(s) Included	1a, 4a, 4c

Summary:

- Requires public schools to serve breakfast and lunch at no cost to students.
- Requires the Department of Public Instruction to cover costs associated with providing free school meals that are not otherwise reimbursed through federal funds up to the federal free meal reimbursement rate, and appropriates \$200 million for FY2021-2022 and \$200 million for FY2022-2023.
- Establishes the North Carolina School Breakfast and Lunch Fund and requires the Department to allocate to the fund a portion from income taxes paid each year.
- If the money in the Fund is insufficient to fully fund all breakfasts and lunches for all students electing to receive those meals over the course of the year, the State must use additional State funds to cover the shortfall.

Tennessee [H.B.1744/S.B.1897](#)

Additional Legislative Context	None
Introduced	January 19, 2022/January 26, 2022
Funding	No
Policy Option(s) Included	1a, 4a

Summary:

- Requires LEAs to establish programs to provide free school meals to each student enrolled in schools under the LEA's jurisdiction.
- Requires the state to pay for costs of serving free breakfast and lunch not otherwise covered by federal reimbursement (through the NSLP, SBP, or "any other federal program").

Texas S.B. 1314

Additional Legislative Context	None
Introduced	March 7, 2019
Funding	No
Policy Option(s) Included	5a, 6a

Summary:

- Require, in each odd year, the Department of Education to determine and notify the school districts and open-enrollment charter schools that are eligible for CEP.
- Require each eligible, notified district/school that does not participate in CEP at a majority of their eligible schools to perform an economic analysis and report the results to the DOE. Eligible, non-participating schools that would have cost savings by participating in CEP must also state the reason(s) why they did not elect CEP.
- Require the DOE to submit a report to the legislature in each even year.

Wisconsin A.B.805

Additional Legislative Context	None
Introduced	January 4, 2022
Funding	No
Policy Option(s) Included	4a

Summary:

- Requires the state to reimburse schools for the cost of serving free breakfast and lunch that are not covered by federal reimbursement if (1) the school participates in the NSLP and SBP; and (2) provides one breakfast and one lunch at no cost to students that meet federal meal requirements.



No child should go hungry in America. But millions of kids in the United States live with hunger. No Kid Hungry is working to end childhood hunger by helping launch and improve programs that give all kids the healthy food they need to thrive. This is a problem we know how to solve.

No Kid Hungry is a campaign of Share Our Strength, an organization committed to ending hunger and poverty.