



HEALTHY SCHOOL MEALS FOR ALL & THE COMMUNITY ELIGIBILITY PROVISION: CURRENT LANDSCAPE OF STATE LEGISLATION

November 2023

Introduction

School meals provide the most nutritious food consumed by children on a given day and support children’s health, development, and learning.¹ Recently, numerous states have advanced policies to expand access to no-cost school meals, which research has shown can benefit students, parents, and schools. No-cost school meals can improve meal participation, student diets, food security, and physical and mental health² as well as reduce household and administrative costs, save parents time, and reduce stress and stigma.³

States have taken varied approaches. Some have sought to promote participation in federal funding streams, like the Community Eligibility Provision (CEP),⁴ which enable eligible schools to serve no-cost meals to all students while also reducing administrative burden. Others have sought to incorporate CEP promotion strategies into broader approaches to make school meals available at no cost for all students statewide, known as “Healthy School Meals for All” (HSM4A) or “School Meals for All”. An expansion of both has helped dramatically increase the number of schools participating in CEP.⁵ A recent U.S. Department of Agriculture final rule expanded the eligibility criteria for CEP and has the

¹ Liu J, Micha R, Li Y, Mozaffarian D. Trends in Food Sources and Diet Quality Among US Children and Adults, 2003-2018. *JAMA Netw Open*. 2021;4(4):e215262. doi:10.1001/jamanetworkopen.2021.5262.

² Cohen JFW, Hecht AA, McLoughlin GM, Turner L, Schwartz MB. Universal School Meals and Associations with Student Participation, Attendance, Academic Performance, Diet Quality, Food Security, and Body Mass Index: A Systematic Review. *Nutrients*. 2021;13(3):911. doi:10.3390/nu13030911; No Kid Hungry.

³ Cohen J, et al. “Implementation of Universal School Meals during COVID-19 and beyond: School Food Authority and Parent Perspectives.” Share Our Strength. September 2023.

⁴ CEP allows eligible schools to serve meals at no cost to all students without collecting applications. Federal funding is based on a formula using other data. For more information, see <http://bestpractices.nokidhungry.org/programs/community-eligibility-provision>.

⁵ Participation in CEP has increased nearly three-fold since 2014, in part because of state legislation, and some 20 million kids now attend a school that has adopted CEP. See, <https://frac.org/research/resource-library/cep-report-2023>

potential to facilitate even greater participation.⁶ Some have taken a targeted approach by expanding individual student eligibility.⁷

For this analysis, the term “Healthy School Meals for All”, or “HSM4A”, is used to describe bills that generally require most (i.e. only public) or all schools (i.e. public, private, charter) statewide to serve at least one meal daily at no cost to all students within eligible schools during one full school year.⁸ “No-cost school meals” refers more broadly to policies that support meals being available at no cost to all students within eligible schools, including both HSM4A and CEP. The term “state administering agency” refers to the specific agency that administers the National School Lunch Program and School Breakfast Program within a particular state.⁹

This resource summarizes the national landscape of state legislation to allow HSM4A and/or expand CEP participation and outlines a policy menu based on this landscape. It builds on a previous version from 2022 and includes bills from 2018 to 2023. To access the state legislative data used for this analysis, as well as data on expanding individual eligibility for no cost school meals and school breakfast programs, see the [No Kid Hungry Nutrition & Economic Assistance State Legislation Dashboard](#).

The resource is organized into three sections:

- [General Legislative Trends](#)
- [Policy Menu](#)
- [2023 Legislative Highlights](#)

The following legislation types and topics were excluded:

- Expanded individual eligibility for no-cost meals (e.g., bills that eliminate reduce-priced category or co-payments);¹⁰
- State resolutions (e.g., urging federal action on HSM4A);
- Serving no-cost school meals in pre-kindergarten or child care settings; and
- Bills that would cover the cost of serving no-cost school meals for less than a full school year.

⁶ The final rule lowers the minimum identified student percentage (ISP) from 40% to 25%. While this significantly expands the number of eligible schools, the rule did not address funding issues, which remain a challenge for schools that do not qualify for full federal reimbursement under CEP (i.e. 62.5% ISP). See, <https://www.fns.usda.gov/cn/fr-092623#:~:text=This%2Ofinal%2Orule%2Oamends%2Othe.no%2Ocost%2Owhen%2Ofinancially%2Oviable>.

⁷ See, <https://bestpractices.nokidhungry.org/resource/expanding-individual-eligibility-no-cost-school-meals-eliminating-reduced-price-co-pay-and>.

⁸ 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.

⁹ This typically refers to the state’s department of education; however, there are some exceptions. For a complete list of state administering agencies for child nutrition programs, see <https://www.fns.usda.gov/fns-contacts>

¹⁰ For more information on this topic, see <https://bestpractices.nokidhungry.org/resource/expanding-individual-eligibility-no-cost-school-meals-eliminating-reduced-price-co-pay-and>

General Legislative Trends

Between January 2018 and October 2, 2023, 37 states and the District of Columbia considered 153 bills to provide or support HSM4A and/or expand or promote CEP. Of these:

- More than one in four bills were enacted (43 of 153, or 28%).¹¹
- Some 44% included some type of funding (67 of 153, or 44%). Of those with any type of funding, three quarters included an appropriation (51 of 67, or 76%), 22% included a mandatory appropriation (15 of 67), 6% included a dedicated revenue stream (4 of 67). A small number (3 of 67) included both an appropriation and a dedicated revenue stream.
- More bills included HSM4A provisions (109 of 153, or 71%) compared to CEP provisions (92 of 153, or 60%). Roughly 30% of bills included both HSM4A and CEP provisions (see Figure 1).

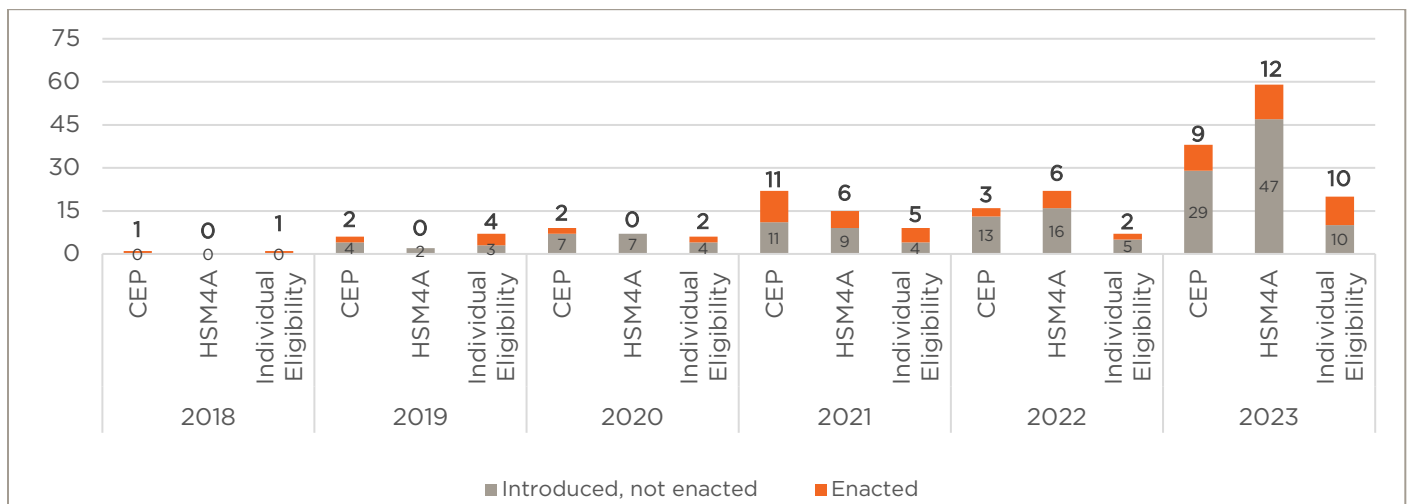
Figure 1. State Bills with HSM4A and/or CEP Provisions, 2018-2023



The number of bills with HSM4A and/or CEP provisions has steadily increased year over year, with some years seeing a roughly two-fold increase from the prior year, including from 2022 to 2023 (see Figure 2).

- From 2018-2021, more bills included CEP provisions each year compared to HSM4A provisions. This trend flipped in 2022 and continued in 2023. For comparison, prior to the pandemic, expanding individual eligibility for no-cost meals was a more common focus of state legislation. This changed and accelerated during the pandemic with far more bills seeking to expand access to no-cost school meals through HSM4A approaches and/or expanding CEP participation.

Figure 2. No. of Bills with HSM4A and/or CEP Provisions, 2018-2023, by year, policy type, status



¹¹ This figure includes Colorado H.B.22-1414, which is a referendum bill that passed the Legislature in 2022.

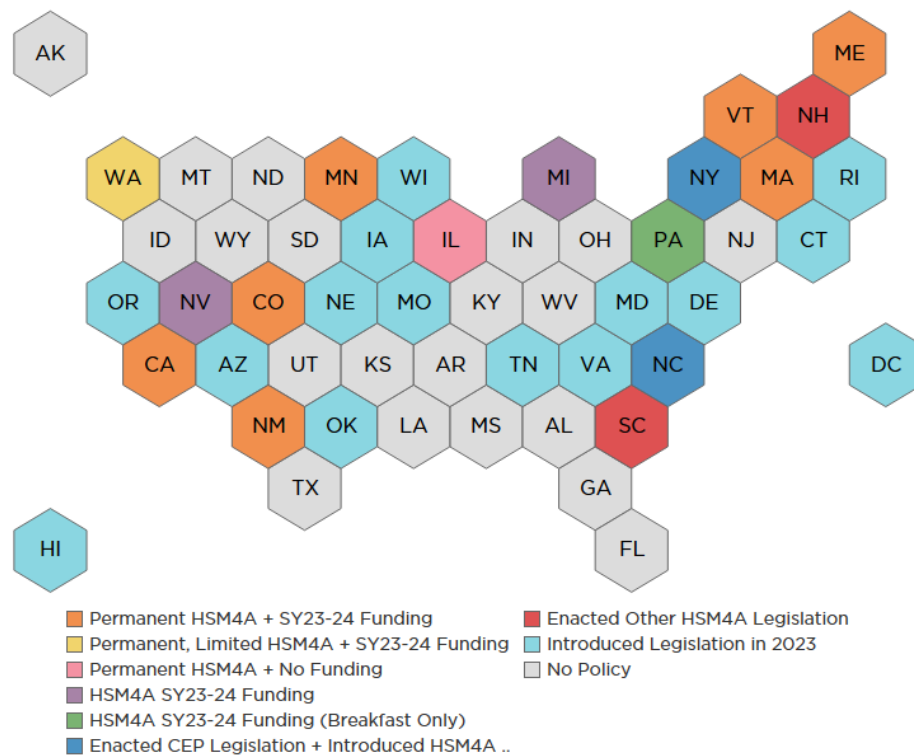
The most legislatively active states during the past six years were Massachusetts (15 bills), Minnesota (14 bills), North Carolina (11 bills), and Washington (11 bills).

- One-third of all HSM4A/CEP bills from 2018-2023 were introduced in these four states.
- 19 states considered at least four bills between 2018-2023.
- 20 states enacted at least one bill.
- Washington and Maine enacted the most bills of any state (seven and four bills respectively).
- Maine and Colorado had the highest passage rate. Maine enacted all four bills it considered, and Colorado enacted four of five bills considered.¹²

2023 was by far the most active year for state HSM4A/CEP legislation. Nearly half of all HSM4A/CEP state bills were introduced in 2023 (72 of 153, or 47%) by 28 states and DC.

- In 2023, 28 states and DC considered HSM4A bills and eight states enacted HSM4A laws, including WA, which enacted a scaled-down version and PA, which only provides for no-cost breakfast. Two additional states (NH and SC) enacted laws to study aspects of no-cost school meals for all students (see Figure 3).
- Two states, New York and North Carolina, enacted CEP incentives. They join Oregon as the only three states using such an approach to encourage CEP participation. State CEP incentives have the potential for greater impact with more schools now being eligible under new federal regulations.¹³
- Many of the most legislatively active states between 2018 and 2022 enacted legislation in 2023 (MN, MA, WA, NC, VT).

Figure 3. Landscape of HSM4A/CEP State Policy



¹² This figure includes Colorado H.B.22-1414, which is a referendum bill that passed the Legislature in 2022.

¹³ See <https://bestpractices.nokidhungry.org/resource/understanding-implications-25-isp-threshold-participation-cep>

HSM4A/CEP Policy Menu

The below menu represents potential policy options a state can take when developing HSM4A/CEP legislation. Each of the menu's 12 overarching policies has multiple sub-options, which may be included in legislation on its own or in combination with other options.

The menu is based on policies that have been included in state legislation to date (both introduced and enacted) and is organized based on broad groupings of similar policy options. *The ordering of options does not necessarily convey their level of importance.*

Governance

1. Establish a specific program within the state administering agency for providing no-cost meals to all students in the state. [[Jump to Section](#)]
2. Establish a task force/committee and/or require a study with results reported to the Legislature. [[Jump to Section](#)]

Funding

3. Establish mechanisms to allow or enable state funds to cover costs associated with providing no-cost meals to all students. [[Jump to Section](#)]
4. Create new method to determine student's economic status for state funding purposes.* [[Jump to Section](#)]

Requirements directly addressing no-cost meal access for all students

5. Require schools or districts/local education agencies (LEAs) to serve school meals at no cost to students, either as a condition for receiving state funding or otherwise. [[Jump to Section](#)]
6. Require schools or districts/LEAs to elect CEP based on eligibility or ISP. [[Jump to Section](#)]
7. Require schools or districts/LEAs to maximize participation in and/or federal reimbursement through a special provision. [[Jump to Section](#)]
8. Create exemption or opt-out mechanism(s) for schools or districts/LEAs. [[Jump to Section](#)]

Requirements supporting no-cost meals for all students

9. Impose CEP notification, outreach and/or technical assistance requirements on the administering state agency for school meal programs. [[Jump to Section](#)]
10. Establish reporting requirements for the state administering agency and/or schools or districts/LEAs. [[Jump to Section](#)]
11. Improve direct certification. [[Jump to Section](#)]

Other related provisions

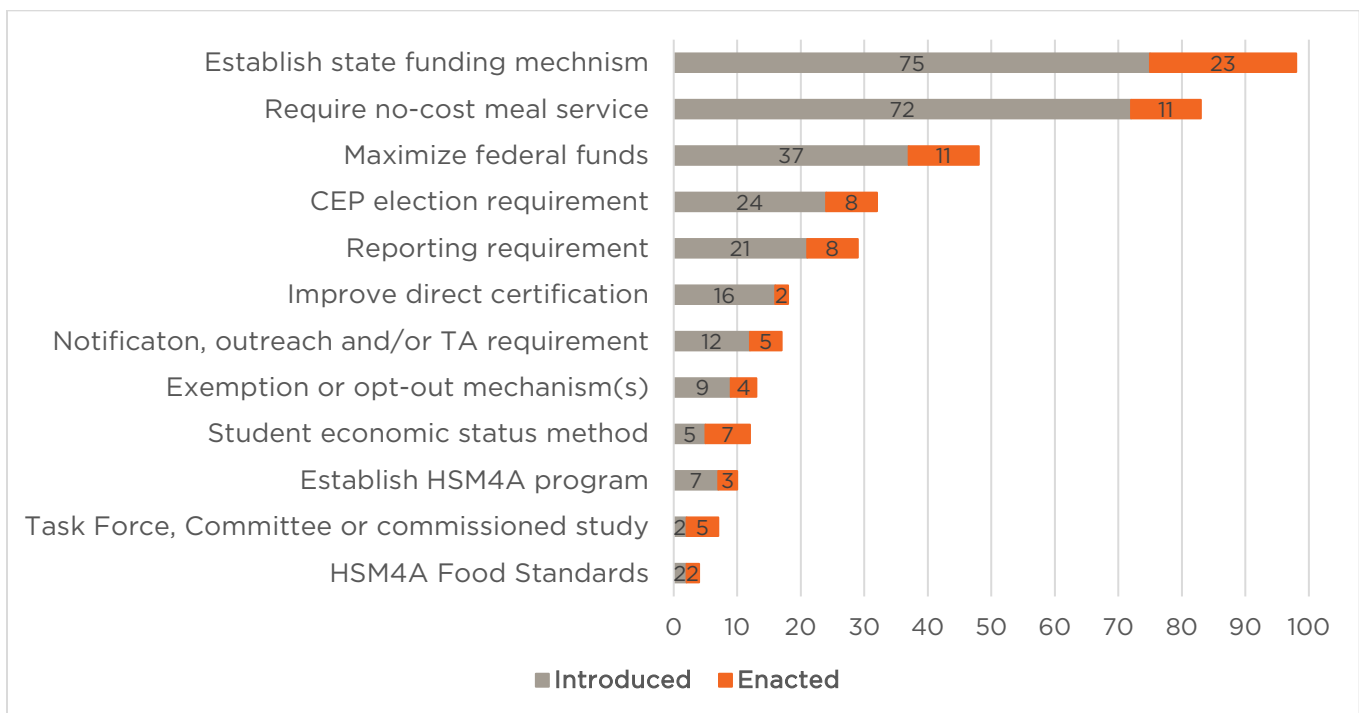
12. Establish and/or incentivize standards beyond federal regulations for foods served as part of no cost meals for all students. [[Jump to Section](#)]

* Not necessarily required for all states based on how a state determines education/other state funding allocations.

Figure 4 depicts the number of bills between 2018-2023 with each policy option, broken down by status (enacted vs. introduced).

- Establishing a state funding mechanism was the most common policy option among introduced and enacted bills. This includes bills to enact HSM4A, incentivize CEP participation, and/or create a dedicated fund to support such efforts.
- No-cost meal service requirements and directives to maximize federal funds were the second and third most common provisions.¹⁴
 - Of those bills that required no-cost meal service, it was slightly more common for bills to apply to only public schools versus public and private schools.
- While many supporting provisions were less commonly included in bills, bills with these provisions were more likely to be enacted.
 - During the past several years, more bills have sought to address methods for determining student household economic status for state funding purposes.

Figure 4. Number of State Bills with each HSM4A/CEP Policy Option, by Status, 2018-2023



Below is the full menu of options. Each option is accompanied by example bill text and a list of bills that included that option from 2023 and prior years. *Note: Example bill text does not necessarily convey endorsement by No Kid Hungry.* Listed bills are hyperlinked to the full bill text. An asterisk (*) next to a bill indicates the legislation was enacted.

In addition to these options, the following are provisions for any HSM4A legislation.

¹⁴ Some bills only provided funding to support no-cost school meals for all students but did not specifically require no-cost meal service.

Important for any HSM4A legislation:

- Maximize direct certification and ensure schools still collect applications if they do not participate in CEP; and
- Allow or require the state administering agency to promulgate rules to implement the legislation.

States may also incorporate other policies into a HSM4A bill that, when combined with no-cost meal service, have been shown to increase school meal participation, such as promoting Breakfast After the Bell.¹⁸

Governance

1. Establish a specific program within the state administering agency for providing no-cost meals to all students.

OPTION 1-a. Require all schools in the state to participate in the program.

Example Bill Text:

“(a) The free school meals program is created within the Department of Education.

(b) Each school that participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program.

(c) Each school that participates in the United States Department of Agriculture National School Lunch program and has 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 federal Community Eligibility Provision in order to participate in the free school meals program.” (MN H.F.5, Subd. 1c.)

2023	2022 and Prior
1. MN H.F.5*	5. PA H.B.2829
2. IL H.B.2471*	6. NE L.B.117
3. NM S.B.04*	
4. PA H.B.180/S.B.180	

OPTION 1-b. Allow schools the option to participate in the program.

Example Bill Text:

“(1)(a) There is created in the department the healthy school meals for all program through which each school food authority that chooses to participate in the program: (1) Offers eligible meals, without charge, to all students enrolled in the public schools served by participating school food

¹⁵ Ferris D, Jabbari J, Chun Y, Sandoval JSO. Increased School Breakfast Participation from Policy and Program Innovation: The Community Eligibility Provision and Breakfast after the Bell. *Nutrients*. 2022;14(3):511. doi:10.3390/nu14030511

authority that participate in the National School Lunch Program or National School Breakfast Program; (II) Receives reimbursement for the meals as described in Subsection (1)(b) of the section..." (CO H.B.22-1414, Sec. 22-82.9-204)

2023	2022 and Prior
1. MI S.B.0500	2. CO H.B.22-1414* 3. MD H.B.0628/ S.B.0557

2. Establish a task force/committee and/or require a study with results reported to the Legislature.

OPTION 2-a. Establish an entity or require an existing entity to study school meal programs and/or HSM4A and CEP.

Example Bill Text:

"(A) There is created the "Child Food and Nutrition Services Study Committee" to examine the advisability of transferring the administration of certain food and nutrition programs and initiatives of the Food and Nutrition Service Child Nutrition Program of the United States Department of Agriculture currently administered by the State Department of Education to the State Department of Agriculture and whether these child-related national food and nutritional programs should be provided at no cost to all South Carolina students. These programs include, but are not limited to, the school lunch program, school breakfast program, afterschool snack program, special milk program, and summer food service programs." (SC H.J.R.3312, Sec. 1)

2023	2022 and Prior
1. SC H.J.R.3312*	2. ME S.P.540-L.D.1679* 3. NH H.B.1229

OPTION 2-b. Require a body with a broader scope than school meals (e.g., child hunger) to incorporate HSM4A and/or CEP into its inquiry and recommendations.

Example Bill Text:

"(A) The [Maryland Food System Resiliency] Council shall: (2) Work toward the following goals: (1)(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." (MD H.B.0831/S.B.0723, Sec.14-1103)

2023	2022 and Prior
1. NH H.B.2* 2. ND H.B.1471	3. MD H.B.0831/ S.B.0723*

Funding

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

OPTION 3-a. Require the state to reimburse schools/districts for costs not covered by federal reimbursement and/or appropriate funds for this purpose.

Example Bill Text:

“The department must provide to every Minnesota school participating in the free school meals program state funding foreach school lunch and breakfast served to a student, with a maximum of one breakfast and one lunch per student per school day. The state aid equals the difference between the applicable federal reimbursement rate at that school site for a free meal, as determined annually by the United States Department of Agriculture, and the actual federal reimbursement received by the participating school for the breakfast or lunch served to the student.” (MN H.F.5, Subd. 1d)

2023		2022 and Prior	
1. IL H.B.2471*	14. MI S.B.0500	26. CA A.B.130*	36. NC H.550
2. MA H.4040*	15. NE L.B.627	27. OR H.B. 2536*	37. NC H.1074/
3. MI S.B.0173*	16. NC H.777	28. ME H.P.156-	S.887
4. MN H.F.5*	17. NY A.1941/	L.D.221*	38. NC S.855
5. VT H.165*	S.1678-A	29. VT S.100*	39. NC S.856
6. AZ H.B.2238	18. PA H.B.180/	30. MA H.5050*	40. NE L.B. 117
7. CT H.B.5209	S.B.180	31. CO H.B.22-1414*	41. NY A.9518/
8. DC B25-0035	19. OK H.B.1885	32. NJ A.2368/	S.9144
9. DE H.B.125	20. RI H.B.5639	S.1677*	42. PA H.B.2829
10. HI H.B.620	21. RI S.B.71	33. MA H.714/S.314	43. TN H.B.1744/
11. IA S.F.303	22. SC S.B.0148	34. MN H.F.1729	S.B.1897
12. IA H.F.363	23. SD H.B.1221	35. MN H.F. 4782/	44. WI A.B.805
13. MA H.603/	24. TN H.B.0255/	S.F. 4477	
S.261	25. WI A.B.43/S.B.70		

OPTION 3-b. Explicitly make eligibility for state reimbursement contingent on participation in CEP or other special provision.

Example Bill Text:

“...each school food authority, as a condition of participating in the program, must maximize the amount of federal reimbursement by participating in the Community Eligibility Provision for all schools that qualify for the Community Eligibility Provision and that the participating school food authority serves.” (CO H.B.22-1414, 22-82.9-204(3))

2023	2022 and Prior
1. IL H.B.2471 *	6. VT S.100 *
2. MI S.B.0173 *	7. CO H.B.22-1414 *
3. VT H.165 *	8. NE L.B. 117
4. MD H.B.0857 / S.B.0971	9. MD H.B.0857 / S.B.0971
5. PA H.B.180 / S.B.180	10. PA H.B.2829

OPTION 3-c. Provide state funding specifically to schools or districts/LEAs that are eligible for and elect CEP to fully offset costs of providing no-cost meals.

Example Bill Text:

“Community eligibility provision state subsidy. Notwithstanding any provision of law, rule or regulation to the contrary, in the two thousand twenty-three--two thousand twenty-four school year and thereafter, for each breakfast and lunch meal that is served at a school participating in the federal community eligibility provision program and that is reimbursed at the federal reimbursement rate for a paid meal the department shall reimburse the school food authority the difference between (1) the combined state and federal reimbursement rate for a paid meal for the current school year and (2) the combined state and federal reimbursement rate for a free meal for the current school year, provided that the total reimbursement rate for each meal served shall equal the combined state and federal reimbursement rate for a free meal for the current school year.” (NY A.3006C, § 3-a)

2023	2022 and Prior
1. NY A.3006C / S.4006C *	3. OR H.B.2536 *
2. WV H.B.3296	

OPTION 3-d. Provide state funding specifically to schools or districts/LEAs that are eligible for and elect CEP to partially offset costs of providing no-cost meals.

Example Bill Text:

“The Department shall issue State reimbursements to participating public school units and schools to supplement federal reimbursements of school meals. State reimbursement shall equal the difference between the federal free rate and the federal paid rate for the number of meals served at the participating schools equal to a 0.2 multiplier of the ISP for the participating schools. State and federal reimbursements shall not exceed one hundred percent (100%) of the federal free rate of meals served. Schools utilizing the incentive shall offer breakfast after the bell and in the classroom. (NC H.259 Sec.7.59(e))

2023	2022 and Prior
1. NC H.259 *	
2. NC H.885	

OPTION 3-e. Establish a prioritization scheme for awarding state funding.

Example Bill Text:

“By April 30, 2024, the Department shall determine whether each applicant is eligible to participate in the incentive program. The Department shall then award grants to all eligible public school units and schools. If there are insufficient funds to award grants to all eligible public school units or schools, the Department shall first prioritize awarding grants to public school units and schools with an Identified Student Percentage (ISP) of greater than or equal to fifty-five percent (55%) and then prioritize awarding grants to those schools that will draw the greatest federal match.” (NC H.259 Sec.7.59(e))

2023	2022 and Prior
<ol style="list-style-type: none"> NC H.259* IL H.B.2471* 	

OPTION 3-f. Establish a dedicated state fund for no-cost school meals.

Example Bill Text:

“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, Sec. 0000-6)

2023	2022 and Prior
<ol style="list-style-type: none"> CO S.B.23-221* MI S.B.0173* MO H.B.977/S.B.321 PA H.B.180/S.B.180 OR H.B.3030 	<ol style="list-style-type: none"> ME H.P.156-L.D.221* NC H.550 PA H.B.2829

OPTION 3-g. Subject HSM4A/CEP requirement(s) to a specific appropriation.

Example Bill Text:

“If specific funding for the purposes of section 1 of this act, referencing section 1 of this act bybill 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.” (WA H.B.1878/S.B.5798, Sec. 2)

2023	2022 and Prior
<ol style="list-style-type: none"> WA H.B.1238* MO H.B.977 	<ol style="list-style-type: none"> WA H.B.1878/S.B.5798*

OPTION 3-h. Subject HSM4A program to annual appropriation.

Example Bill Text:

“Subject to appropriation, the State Board of Education shall establish the Healthy School Meals for All Program to begin on July 1, 2023.” (IL H.B.2471, Sec. 2.3(b))

2023	2022 and Prior
1. IL H.B.2471 *	

4. Create new method(s) to determine student’s economic status.

OPTION 4-a. Expand methods for collecting household information for purposes of determining student eligibility for school meal programs.

Example Bill Text:

“The department shall contract for the development and implementation of an Internet-based application for free or reduced-price meals under the National School Lunch Program under 7 Code of Federal Regulations, Part 210 and the School Breakfast Program under 7 Code of Federal Regulations, Part 220...A public school may make the Internet-based application available for school meal applications on the public school’s publicly accessible website. All public schools shall continue to distribute paper applications for school meals to all students. A public school is solely responsible for processing that school’s online applications. Data submitted through the Internet-based application may not be visible to the department and must be transmitted directly to the applicable public school. All public schools shall accept data submitted through the Internet-based application.” (ME S.P.540-L.D.1679, Sec. 1)

2023	2022 and Prior
	1. ME S.P.540-L.D.1679 * 2. MD S.B.0913

OPTION 4-b. Establish new metric(s) to determine student or student household economic status.

Example Bill Text:

“(3) Beginning in the 2023-24 budget year, there is created a new at-risk measure in the public school funding formula for identifying students who are at risk of below-average academic outcomes because of socioeconomic disadvantage or poverty. The new at-risk measure replaces the at-risk measure in effort for the 2022-2023 budget year. The new at-risk measure is designed to allocate financial resources to public schools to serve the needs of at-risk students. The new at-risk measure includes: (a) A district’s or institute charter school’s identified student percentage, supplemented by students identified through Colorado’s participation in the demonstration project operated pursuant to 42 U.S.C. Sec. 1758 (b)(15) for direct certification for children receiving benefits through Medicaid and the Children’s Basic Health Plan; and (b) Student needs that are weighted based on at least five socioeconomic-status neighborhood factors, linked to each student’s census block group.” (CO H.B.22-1202, Sec. 1)

2023	2022 and Prior
	1. CO H.B.22-1202 *

OPTION 4-c. Initiate process for evaluating the potential to use alternative metrics (instead of F/RP applications) to determine student’s economic status.

Example Bill Text:

“By January 15, 2024, the Department of Education must report to the education committees of the legislature whether free and reduced-price meals information obtained through parents submitting paper eligibility forms can be eliminated for all school nutritional programs, Title 1 funding, e-rate funding, and any other federal or state programs that require the determination of family income for eligibility.” (MN H.F.1547, Sec. 6)

2023	2022 and Prior
	1. MN H.F.1547/S.F.2017 2. CO H.B.21-1325 *

Requirements directly addressing no-cost meal access for all students

5. Require schools or districts/LEAs to serve school meals at no cost to students, either as a condition for receiving state funding or otherwise.

OPTION 5-a. Breakfast and lunch (or two meals), and all public and private K-12 schools

Example Bill Text:

“(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 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, Sec. 62(a)(1))

2023		2022 and Prior	
1. IL H.B.2471 *	6. MA H.603/S.261	12. CA A.B.130 *	17. MN H.F.1729
2. MA H.4040 *	7. MD H.B.0628/ S.B.0557	13. CO H.B.22-1414 *	18. MN H.F. 4782/ S.F. 4477
3. MN H.F.5 *	8. MO H.B.977/ S.B.321	14. VT S.100 *	
4. DC B25-0035	9. NE L.B.627	15. NY A.9518/ S.9144	
5. DE H.B.125	10. NY A.1941/ S.1678-A	16. MA H.714/S.314	
	11. SC S.B.0148		

OPTION 5-b. Breakfast and lunch (or two meals), and all public K-12 schools

Example Bill Text:

“(2) In order to receive funding from this section, a participating entity must participate in the National School Lunch Program and must do all of the following: (a) Provide reimbursable breakfasts and reimbursable lunches at no cost to all students for any school breakfast program or school lunch program operated by the participating entity.

...

(6)(b) “Participating entity” means a district, intermediate district, or the Michigan Schools for the Deaf and Blind. (MI S.B.0173, Sec.30d)

2023		2022 and Prior
1. MI S.B.0173*	7. NC H.777	13. ME H.P.156-
2. CT S.B.929	8. PA H.B.180/	L.D.221*
3. HI H.B.620	S.B.180	14. NE L.B.117
4. IA S.F.303	9. RI H.B.5639	15. NC H.550
5. MI S.B.0500	10. RI S.B.71	16. PA H.B.2829
6. MI H.B.5042	11. SD H.B.1221	17. TN H.B.1744/
	12. TN H.B.0255/	S.B.1897
	S.B.0208	

OPTION 5-c. Some schools based on other criteria.

Example Bill Text:

“(1)(a) In accordance with (b) and (c) of this subsection, beginning with the 2023-24 school year, each school district shall provide breakfast and lunch each school day to any student who requests a breakfast, lunch, or both. The school district must provide the meals at no charge to the student and without consideration of the student’s eligibility for a federally reimbursed free or reduced-price meal...

(b) The requirements in (a) of this subsection apply to public schools in which: (i) Educational services are provided to students in any of the grades of kindergarten through four; and (ii) 30 percent or more of the enrolled students meet federal eligibility requirements for free or reduced-price lunches. (c) The obligation to provide breakfast and lunch to students under this subsection (1): (i) Begins in the 2023-24 school year for schools in which 40 percent or more of the enrolled students meet federal eligibility requirements for free or reduced-price lunches; (ii) Begins in the 2024-25 school year for schools in which the percentage of enrolled students that meet federal eligibility requirements for free or reduced-price lunches is at least 30 percent and less than 40 percent;...” (WA H.B.1238, Sec. 2)

2023	2022 and Prior
1. WA H.B.1238*	3. ME H.P.1544-L.D.2041 ^{*16}
2. MD H.B.0628/S.B.0557	4. MD H.B.0857/S.B.0971
	5. NC H.1074/S.887
	6. NC S.855
	7. NC S.856

OPTION 5-d. Only breakfast or lunch.

Example Bill Text:

No bill text available.

2023	2022 and Prior
1. PA H.B.611*	

6. Require schools or districts/LEAs to elect CEP based on eligibility or ISP.

OPTION 6-a. If eligible for CEP

Example Bill Text:

“...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, Sec. 1(1)(a))

2023	2022 and Prior
1. IN S.B.231	5. WA H.B.1878/S.B.5798 [*]
2. MI S.B.0500	6. VA H.B. 5113 ^{*17}
3. WV H.B.3296	7. CA A.B.130 [*]
4. WV H.B.3263	8. CO H.B.22-1414 [*]

¹⁶ This bill expanded the state’s no-cost meal service requirement ([ME H.P.156-L.D.221](#)) to certain private schools. As such, ME effectively used two separate bills for achieving the goal of covering both public and private schools under its HSM4A program.

¹⁷ This bill required public schools with an ISP of 40% or higher to apply to participate in CEP, which at the time of the bill’s enactment, was the minimum ISP to be eligible. For simplicity, this bill is included here despite the wording of the bill specifying 40% ISP rather than if a school is eligible for CEP.

OPTION 6-b. If eligible for full reimbursement under CEP or 62.5% ISP

Example Bill Text:

“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, Art. 5, Subd. 1a.(a))

2023	2022 and Prior
1. MN H.F.5*	2. MN H.F. 4782/ S.F. 4477 3. CA A.B.130* 4. WA H.B. 2660* 5. SC H.4000* 6. MN H.F.1985/ S.F.1902
	7. MN H.F.1729 8. NE L.B. 117

OPTION 6-c. Another ISP threshold

Example Bill Text:

“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, Sec. 1(b)(i))

2023	2022 and Prior
	1. MA H.3999/S.298*

7. Require schools or districts/LEAs to maximize participation in and/or federal reimbursement through a special provision.

OPTION 7-a. Participation in CEP

Example Bill Text:

“School districts, to the extent practicable, shall group public schools for purposes of maximizing the number of public schools eligible to participate in the community eligibility provision.” (WA H.B.1878/S.B.5798, Sec. 1(1)(b))

2023	2022 and Prior
	1. WA H.B.1878/ S.B.5798* 2. WA H.B. 2660* 3. ME H.P.156-L.D.221*

OPTION 7-b. Federal reimbursement through CEP or other special provision

Example Bill Text:

“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)

2023		2022 and Prior	
1. IL H.B.2471*	10. MD H.B.0628/S.B.0557	18. MA H.3999/S.298*	24. PA H.B.2829
2. MA H.4040*	11. MI S.B.0500	19. VT S.100*	
3. MI S.B.0173*	12. NE L.B.627	20. CO H.B.22-1414*	
4. NM S.B.04*	13. NY A.1941/S.1678-A	21. MA H.714/S.314	
5. VT H.165*	14. PA H.B.180/S.B.180	22. NE L.B. 117	
6. WA H.B.1238*	15. RI H.B.5639	23. NY A.9518/S.9144	
7. DC B25-0035	16. WV H.B.3296		
8. HI H.B.620	17. WV H.B.3263		
9. MA H.603/S.261			

OPTION 7-c. Both federal reimbursement and participation

Example Bill Text:

“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, Sec. 0000-7)

2023	2022 and Prior
	1. ME H.P.156-L.D.221*
	2. NJ A.2368/S.1677*

8. Create exemption or opt-out mechanism(s) for schools or districts/LEAs.

OPTION 8-a. Allow schools/ districts to opt out of a CEP participation requirement through a waiver or similar process.

Example Bill Text:

“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, Sec. 2)

2023	2022 and Prior
	1. MA H.3999/S.298*
	2. VA H.B.5113*
	3. SC H.4000*

OPTION 8-b. Exempt schools from CEP participation requirement if state administering agency has insufficient funds to implement.

Example Bill Text:

“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).” (OR H.B. 2536, Sec. 1(3))

2023	2022 and Prior
	1. OR H.B. 2536*

OPTION 8-c. Require state administering agency to develop rules for issuing waivers or determining insufficient funds.

Example Bill Text:

“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, Sec. 1(D))

2023	2022 and Prior
	1. VA H.B.5113* 2. OR H.B.2536*

Requirements supporting no-cost meals for all students

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

OPTION 9-a. Require schools or districts/LEAs to notify the state administering agency of their intent to participate in a HSM4A program.

Example Bill Text:

“A participating school board shall annually give notice to the State Board of Education of the intention to participate in the Healthy School Meals for All Program. At a minimum, if it is eligible to participate, the notice must include evidence that it is participating in the Community Eligibility Provision or another special assistance alternative, as set forth in subsection (b) of this Section.” (IL H.B.2471, Sec.2.3(e))

2023	2022 and Prior
1. IL H.B.2471*	

OPTION 9-b. Require the administering state agency to notify districts/LEAs if they have CEP eligible schools in their jurisdiction.

Example Bill Text:

“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, Sec. 1, Subd. 3(c))

2023	2022 and Prior
1. IL H.B.2471 *	2. MN H.F.1985/S.F.1902 3. TX S.B. 1314

OPTION 9-c. Require the state administering agency to conduct outreach and/or provide technical assistance to schools or districts/LEAs.

Example Bill Text:

“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, Sec. 1, Subd. 3(d))

2023	2022 and Prior
1. IL H.B.2471 * 2. DC B25-0035	1. MN H.F.1985/S.F.1902 2. CA A.B.130 * 3. WA H.B. 2660 *

OPTION 9-d. 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.

Example Bill Text:

“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.” (MA H.3999/S.298, Sec. 1(b)(iii))

2023	2022 and Prior
	1. MA H.3999/S.298 *

10. Establish reporting requirements for the state administering agency and/or schools or districts/LEAs.

OPTION 10-a. 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.

Example Bill Text:

“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, Sec. 1)

2023	2022 and Prior
	<ol style="list-style-type: none"> 1. CT S.B.1032* 2. NJ A.2368/S.1677* 3. TX S.B. 1314 4. MN H.F.1985/S.F.1902

OPTION 10-b. Requires districts/LEAs or schools to report on HSM4A implementation.

Example Bill Text:

“Beginning January 1, 2024, and each school year thereafter, each public school entity shall report data to the department regarding the program. Each public school entity shall report the following:
(1) *The number of students who qualify as eligible for federally funded free or reduced-price meals.*
(2) *The total reimbursement to the public school entity from the United States Department of Agriculture through the National School Lunch Program and the School Breakfast Program.”* (PA H.B.180, Sec.1403-C)

2023	2022 and Prior
<ol style="list-style-type: none"> 1. PA H.B.180/S.B.180 	<ol style="list-style-type: none"> 2. PA H.B.2829 3. NE L.B.117

OPTION 10-c. Require the state administering agency to regularly report on HSM4A and/or CEP implementation (either annually or every two years)

Example Bill Text:

“Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility 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, Sec. 2(3))

2023	2022 and Prior
1. HI H.B.620	2. WA H.B. 2660* 3. CO H.B.22-1414* 4. NJ A.2368/S.1677* 5. NC H.1074/S.887 6. NC S.855 7. NC S.856

OPTION 10-d. Require the state administering agency to submit a one-time report related to HSM4A and/or CEP to the Legislature.

Example Bill Text:

“...and provided further, that not later than January 15, 2024, the department of elementary and secondary education shall submit a report to the house and senate committees on ways and means, the joint committee on education and the executive office for administration and finance that shall include: (i) data on any change in utilization of school lunch services in districts receiving funding under this item, delineated by free, reduced and full- pay students as defined by the National School Lunch Program; (ii) the distribution of funding paid through this item and, for the purpose of universal free school meals in fiscal year 2023, item 7053-1925 delineated by school district; and (iii) options to reform, modify or extend the program in a manner that promotes equity, maximizes federal funds and improves predictability and sustainability of funding.” (MA H.4040, 1596-2422)

2023	2022 and Prior
1. HI H.B.620	2. WA H.B. 2660* 3. CO H.B.22-1414* 4. NJ A.2368/S.1677* 5. NC H.1074/S.887 6. NC S.855 7. NC S.856

11. Improve direct certification.

OPTION 11-a. Require the state administering agency to apply to USDA to participate in the Medicaid demonstration pilot program.

Example Bill Text:

“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 Medicaid benefits, with the intent that the demonstration project is implemented statewide to the extent allowable under federal law.” (CO H.B.22-1414, Sec. 22-82.9-204(4)(a))

2023	2022 and Prior
1. NH H.B.601/S.B.242	2. CO H.B.22-1414*

OPTION 11-b. Require the state administering agency to promulgate rules related to SNAP promotion among students.

Example Bill Text:

“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.603/S.261, Sec. 1)

2023	2022 and Prior
1. MA H.603/S.261	2. MA H.714/S.314 3. NY A.9518/S.9144

OPTION 11-c. Require the state administering agency to assist districts/LEAs with improving direct certification.

Example Bill Text:

“The department shall assist school districts with improving the direct certification process and reducing administrative burdens on school districts. The department shall 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, Sec. 1(c))

2023	2022 and Prior
	1. MA H.3999/S.298* 2. NJ A.2368/S.1677*

Other related provisions

12. Establish, incentivize, or encourage standards beyond federal regulations for foods served through HSM4A program.

OPTION 12-a. Based on nutritional content.

Example Bill Text:

“(b) The board shall establish minimum nutritional standards for all school food services 710 in all public elementary, secondary and vocational-technical schools. Standards and regulations 711 of the board promulgated pursuant to this subsection shall be adopted in the following manner.” (MA H.4040, Sec. 34)

2023	2022 and Prior
<ol style="list-style-type: none"> MA H.4040* MI S.B.0500 	

OPTION 12-b. Based on level of processing.

Example Bill Text:

“The department shall promulgate rules necessary for implementation of this section, including rules providing for: (1) meal quality improvement requirements for the program, which may include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development; and (2) procedures for annual certification.” (NM S.B.4, Sec. 3(E))

2023	2022 and Prior
<ol style="list-style-type: none"> NM S.B.4* 	

OPTION 12-c. Based on sourcing.

Example Bill Text:

“The department shall promulgate rules necessary for implementation of this section, including rules providing for: (1) meal quality improvement requirements for the program, which may include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development; and (2) procedures for annual certification.” (NM S.B.4, Sec. 3(E))

2023	2022 and Prior
<ol style="list-style-type: none"> NM S.B.4* WA H.B.1238* 	

2023 Legislative Highlights

This section summarizes the nine notable enacted state laws in 2023 to expand CEP or provide HSM4A.¹⁸

Illinois

[H.B.2471](#) (Enacted: 8/11/2023, Effective: 8/11/2023)

Bill Summary

- Subject to an appropriation, establishes the Healthy School Meals for All Program in the State Board of Education to begin July 1, 2023.
- Public school districts or nonpublic schools may opt into the program, which requires that they offer meals to all students without charge and annually give notice of their intent to participate in the program.
- Requires the State Board of Education to reimburse a participating school board and makes this reimbursement contingent upon maximizing federal funding by participating in CEP or another special provision, if eligible.
- Outlines funding distribution protocol if state funding is insufficient to reimburse all school boards participating in the HSM4A Program.
- Requires the State Board of Education to notify each participating school of their eligibility for CEP and state reimbursement.

Funding

- The entire HSM4A program is subject to an appropriation, which has not yet been provided. As such, the program has been created, but is currently unfunded.
 - This provision was [added in the Senate](#) after the [House-passed version](#) did not include any funding contingencies for the entire program (though it made the state's reimbursement to allow for no-cost meals for all subject to an appropriation).

Additional Context

- The first no-cost school meals for all legislation was introduced in 2020. [S.B.3819](#) would have required every public school in the state to have a free breakfast and lunch program.
- IL has a longstanding breakfast incentive program ([P.A. 096-0158](#)) which requires all public schools where at least 40% of students are eligible for free or reduced-priced lunches to provide breakfast and provides grants to school boards to support breakfast programs, which may include implementing Breakfast After the Bell models.
- IL law ([P.A. 099-0850](#)) also requires a school to operate a Breakfast After the Bell program if 70% or more of students are eligible for free or reduced-price lunches.

¹⁸ For more information about all HSM4A state laws, see this No Kid Hungry HSM4A State Laws Quick Guide, <https://bestpractices.nokidhungry.org/resource/healthy-school-meals-all-state-laws-quick-guide>

Massachusetts

[H.4040](#) (Enacted: 8/9/2023, Effective: 8/9/2023)

Bill Summary

- Establishes requirement that all schools that provide breakfast or lunch through SBP or NSLP make meals available at no cost to all attending students.
- Requires schools to maximize federal reimbursement for the cost of breakfast and lunch by adopting CEP or other special provisions.
- Requires the state to reimburse each school the difference between the amount paid by USDA and the current annual free rate for each meal served.
- Requires schools to implement Breakfast After the Bell if 60% or more of their students are eligible for free or reduced-price meals, and requires the DOE to issue guidance or regulations to implement the requirement.

Funding

- Appropriated \$171.5 million for FY24 to implement HSM4A in SY23-24, a \$61.5 million increase from the \$110 million appropriated in 2022 ([H.5050](#)).
 - Of these, \$102.5 million came from the General Fund and \$69 million came from the Education and Transportation Fund, a newly created, dedicated fund to hold money collected through the [Fair Share Amendment](#), which, enacted by voters in 2022, levies a 4% surtax on taxable income over \$1 million.
- The MA legislature is also considering other funding mechanisms for HSM4A. Introduced in 2023, [H.2859](#) would create a tiered sugary drink tax with moneys deposited into a newly created Health Promotion Fund, which could be used to fund the state's HSM4A program (among other purposes).

Additional Context

- MA enacted [H.5050](#) in 2022, which appropriated \$110 million to provide HSM4A for SY22-23 only without establishing a permanent requirement.
- Competing HSM4A bills were also introduced in 2023 ([H.603/S.261](#)). These included slightly differently provisions from H.4040 and mirrored bills that were introduced in 2021 ([H.714/S.314](#)).
- Enacted legislation in 2021 ([H.3999](#)) to require schools above a certain ISP to elect CEP unless they were granted a waiver through established opt-out mechanisms.
- MA also considered legislation in 2020 ([H.4434/S.2664](#)) and 2019 ([S.256](#)) to eliminate copayments for reduced-price meals and require certain schools to elect CEP.

Michigan

[S.B.0173](#) (Enacted: 7/20/2023, Effective: 7/20/2023)

Bill Summary

- As part of the state's FY23-24 budget bill (see Sec.30d-e), appropriated \$160 million and allocated \$25 million from the school meals reserve fund to support public schools in providing no-cost breakfast and lunch to public school students in grades PreK to 12.
- To receive state funding for no-cost meals, schools must:
 - Participate in NSLP;
 - Provide no-cost meals to all students;

- Maximize federal reimbursement by participating in CEP, if eligible, and grouping schools accordingly; and
- Maximize and implement policies that require parents/guardians to fill out relevant family income information; and
- Forgive all school meal debt by February 1, 2024. (A separate appropriations bill provided funding for this purpose.)
- Requires the Department of Education to reimburse participating schools the federal rate paid per student per meal multiplied by the number of reimbursable meals, minus any federal reimbursement.
- Creates a school meals reserve fund to cover school meal costs.

Funding

- For FY23-24, appropriated \$160 million in new funding and allocated \$25 million from the school meals reserve fund.

Additional Context

- S.B.0173 only provides HSM4A for a single school year (SY23-24). [H.B.5042/S.B.500](#) were introduced in September 2023 to create a permanent HSM4A program.

Minnesota

[H.F.5](#) (Enacted: 3/17/2023, Effective: 3/18/2023)

Bill Summary

- Established the Free School Meals Program within the Department of Education.
- Requires schools to participate in the Free School Meals Program if they participate in NSLP and have an ISP of less than 62.5%.
- Requires schools that participate in NSLP and have an ISP of 62.5% to participate in CEP in order to participate in the Free School Meals Program.
- Requires schools participating in the Free School Meals Program to participate in SBP and NSLP and provide all students with a federally reimbursable breakfast and lunch each school day.
- Requires DOE to reimburse each school participating in the Free School Meals Program the difference between the current annual federal reimbursement rate for a free meal and the actual reimbursement rate received for each meal served.
- Specifies meal reimbursement appropriations for FY24 and FY25, and administrative cost appropriations for FY23-FY25.

Funding

- The state’s education finance bill ([H.F.2497](#)) appropriated funds to support H.F.5., including \$216.8 million in FY24 and \$224.7 million in FY25 for meal reimbursements, and \$400,000 in FY23 for administrative costs associated with implementing the program.

	FY24	FY25
Breakfast	\$25,912,000	\$26,719,000
Lunch	\$190,897,000	197,936,000

- The final appropriations amounts were about \$27 million higher than originally projected for H.F.5 in its [fiscal note](#).

Additional Context

- Prior to H.F.5, MN provided reimbursement to eliminate reduced-price co-pays for breakfast and lunch and supported no-cost breakfast for students in Pre-K and Kindergarten. (2022 Minn. Stat. [Sec. 124D.1158](#) and [Sec. 124D.111](#))
- The MN legislature considered several bills during the past several years to expand CEP participation ([H.F.1985/S.F.1902](#)) and provide for HSM4A ([H.F.1729](#)). The bill text in H.F.5 mirrors many of the provisions found in these bills.
- The legislature has also considered several bills to explore potential modifications to how the state determines student's household income for education funding purposes. [H.F.3891/S.F.3793](#) (introduced, 2022) sought to establish a legislative working group on the topic and [H.F.1547/S.F.2017](#) (introduced, 2023) would have required DOE to report on the feasibility of eliminating paper meal eligibility forms as a means of determining household income for eligibility.

New Mexico

S.B.4 (Enacted: 3/27/2023), Effective: 7/1/2023)

Bill Summary

- Requires public and charter schools participating in SBP and NSLP to establish a program to offer breakfast and lunch at no cost to all students each school day.
- Allows Bureau of Indian education schools, tribally controlled schools and private schools participating in SBP and NSLP to also create programs to offer no cost meals.
- Requires state funding to schools that establish a program based on whether they meet specified meal quality improvement requirements.
- Requires SFAs to maximize access to federal funds, which includes adopting CEP if they have an ISP of 40% or higher and grouping schools to maximize the number of schools participating.
- Provides an additional incentive (the greater of \$1,000 or \$0.10*number of qualifying lunches) for SFAs to purchase local and unprocessed/minimally processed products.
- Requires SFAs to seek to achieve lowest level of food waste by July 1, 2025, including by allowing up to 20 minutes of seated lunch time for students in kindergarten through grade 5.

Funding

- [H.B.2](#), the general appropriations bill for 2023, appropriated \$22.6 million to implement S.B.4.
 - This figure is about \$6.6 million shy of the lower end of the cost projection (\$29.2-40.2 million) included in the S.B.4 [fiscal note](#).

Additional Context

- NM eliminated reduced-price copayments for breakfast and lunch in 2020 ([H.B.10](#)).

New York

[A.3006C/S.4006C](#) (Enacted: 5/3/2023, Effective: 5/3/2023)

Bill Summary

- For SY2023-24 and thereafter, requires the state to reimburse any eligible schools participating in CEP for each breakfast and lunch served at the federal paid reimbursement rate.
- Specifies the state reimbursement amount to be the difference between the combined state and federal reimbursement rate for a paid meal and the combined state and federal reimbursement rate for a free meal.

Funding

- Provides \$134 million in new funding, which also takes into consideration USDA's proposed rule to lower the ISP eligibility threshold to participate in CEP from 40% to 25%.

Additional Context

- Since 2019, NY has provided \$2.3 million in its "aid to localities budget" to eliminate reduced price copays for breakfast and lunch. This funding was included in: [A.2003D](#) (2019) [S.7503C](#) (2020), [S.2503C](#) (2021), [S.8003D](#) (2022), and [A.3003D](#) (2023).
- The NY legislature also considered broader HSM4A legislation in 2023 ([A.1941/S.1678-A](#)) and 2022 ([A.9518/S.9144](#)).

Pennsylvania

[H.B.611](#) (Enacted: 8/3/2023, Effective: 8/3/2023)

Bill Summary

- As part of the state's FY23-24 budget bill, provides \$92.5 million in total funding for school food services, a portion of which will be used to fund no-cost breakfast service for public school students. (Subpart A, Sec. 215)

Funding

- Increased the school food service [budget line item](#) by \$46.5 million from FY22-23 to a total of \$92.5 million.

Additional Context

- H.B.611 also provides funding to eliminate reduced price copays for lunch.

Vermont

[H.165](#) (Enacted: 6/14/2023, Effective: 7/1/2023)

Bill Summary

- Requires public schools participating in SBP and NSLP to offer breakfast and lunch at no charge to all students.
- Requires approved independent schools to also offer school meals at no charge to qualify for state funding.

- Requires the state to reimburse public schools and participating approved independent schools for each breakfast and lunch offered the difference between the federal free rate and paid rate as set annually by USDA and makes this state funding contingent on schools maximizing access to federal funds through CEP or Provision 2.
- Directs public schools and approved independent schools to seek to maximize student participation in breakfast and lunch programs by implementing Breakfast After the Bell and other measures.
- Removes ability of a school district to seek an exemption from participation.
- Expands eligibility for participation in the local foods incentive grant program.

Funding

- Appropriated \$29 million for FY24 for meal reimbursements.

Additional Context

- H.165, passed by a Democratically controlled legislature, became law without the governor's signature.¹⁹ In a [letter to legislators](#), Gov. Scott, a Republican, expressed concerns about the bill's cost and approach, though acknowledged a veto would likely be overridden.
 - The bill's [fiscal note](#) estimated the cost in FY24 to be \$29 million. This figure was \$8 million less than the \$37 million previously projected in the [fiscal note](#) for the state's prior HSM4A bill (S.100).
- Vermont enacted [S.100](#) in 2022, which appropriated \$29 million to provide HSM4A for a single year. It included many of the same provisions as H.165.
- In 2022, the state also enacted [S.287](#), which changed the state's education funding formula to, among other changes, rely on data from a new statewide electronic universal income declaration form and direct certification to determine the number of students below 185% of the Federal Poverty Level. The bill appropriated \$200,000 to create the new form.

Washington

[H.B.1238](#) (Enacted: 5/9/2023, Effective: 7/23/2023)

Bill Summary

- Requires no-cost, federally reimbursable meals to students in kindergarten to grade four who attend public schools with $\geq 40\%$ of students who qualify for free and reduced-price meals for SY23-24, and $\geq 30\%$ for SY24-25 and thereafter.
- Requires the Office of the Superintendent of Public Instruction to reimburse school districts for meals not reimbursed at the USDA free rate.
- Requires school districts to continue collecting free and reduced-price meal eligibility applications and directs them to continue other eligibility determination measures specified in [existing law](#).
- Encourages schools to purchase Washington produced food whenever practicable.
- Requires a breakfast program in all schools providing no-cost meals.
- Provides compensation incentive for staff in an instructional assignment in a school providing no-cost meals.

¹⁹ Under the Vermont Constitution, if the governor fails to act on a bill that passes the legislature within five days (except Sundays), the bill becomes law (Chapt. 2, Sec. 11).

- Amends existing CEP requirement to apply only to public schools with at least a 40% ISP, instead of also including schools with less than 40% if authorized by federal law.
- Requires a specific appropriation otherwise the provisions are null and void.

Funding

- [S.B.5187](#), the state's FY23-25 appropriations bill, provided \$23.4 million for the purposes of implementing H.B.1238.

Additional Context

- The [introduced version](#) of H.B.1238 applied to all public schools (i.e. all public schools were required to serve breakfast and lunch at no-cost to all students and the Department of Education was required to reimburse all public schools). This was subsequently scaled back in the [second substitute bill](#), which became the final bill text, to only a subset of public schools.
 - This change in scope reduced the bill's [estimated cost](#) in FY23-25 from \$197.1 million to \$23.8 million.
- In 2006-07, Washington eliminated the reduced-price co-pay for breakfast for all public school students in grades K-12, and for lunch for public school students in grades K-3. ERP for lunch was expanded in 2021 ([H.B.1342](#)) to include Pre-K and grades 4-12.
- In 2020, Washington established a CEP participation requirement for schools with grade 8 and under with an ISP of 62.5% ([H.B.2660](#)). This requirement was amended in 2022 to include all public schools with an ISP of at least 40% and accompanied by a clause to null and void the provision if there were not state funds appropriated to pay schools the difference between the paid rate and the free rate for each meal served. ([H.B.1878](#)).