

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 777
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10287-NHa-76

Short Title: Universal No-Cost School Meals. (Public)

Sponsors: Representative Brockman.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE BREAKFAST AND LUNCH IN PUBLIC SCHOOLS AT NO COST
3 TO STUDENTS THROUGH AN ALLOCATION BASED ON SCHOOL FOOD
4 AUTHORITY EVALUATIONS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 115C-263 reads as rewritten:

7 "§ 115C-263. School nutrition services.

8 "(a) As a part of the function of the public school system, ~~local boards of education~~ public
9 school units shall have a school food authority to provide to the extent practicable school nutrition
10 services in the schools under their jurisdiction. The school food authority shall offer students two
11 meals per day, breakfast and lunch, at no cost to the student. All school nutrition services made
12 available under this authority shall be provided in accordance with federal guidelines established
13 by the Food and Nutrition Service of the United States Department of Agriculture.

14 (b) ~~The~~ To the extent that funds are made available for the purpose, the State Board of
15 Education shall allocate funds to school food authorities at public school units for the purpose of
16 providing healthy nutrition services at no cost to students. In issuing the allocation, the Board
17 shall do the following:

18 (1) Determine the amount to allocate to each school food authority based on an
19 evaluation of the authority's nutrition services. The Board shall develop the
20 method and criteria for the evaluation, which, at a minimum, shall account for
21 the following:

- 22 a. The size of the schools served by the school food authority as
23 determined by Average Daily Membership.
24 b. The number of students that are eligible for free or reduced-price lunch
25 and the estimated receipts from the National School Lunch Program.
26 c. The funds actually expended in the prior year, which may be waived
27 if the school food authority was not in operation in the year prior.
28 d. The extent to which the nutrition services promote health and wellness
29 by providing food that is of high quality and nutrient content.
30 e. The extent to which the school food authority uses locally sourced
31 food and products.
32 f. Any other information the Board deems relevant to the cost and
33 operation of the nutrition services.

34 (2) Ensure the funds are distributed on a fair and equitable basis.



1 (3) Issue the allocation at the beginning of each fiscal year, except that the Board
2 may reserve for future allocation a reasonable amount, not to exceed ten
3 percent (10%) of the total funds available for providing nutrition services.

4 (c) The State Board of Education may adopt rules regulating the provision of school
5 nutrition that impose additional restrictions that are not inconsistent with the federal guidelines.

6 (d) Funds allocated pursuant to this section shall supplement and not supplant funds from
7 any other source provided for the same purpose."

8 **SECTION 1.(b)** G.S. 115C-218.75 is amended by adding a new subsection to read:

9 "(k) A charter school shall provide school nutrition services in accordance with
10 G.S. 115C-263 and G.S. 115C-264."

11 **SECTION 1.(c)** G.S. 115C-238.72(b) reads as rewritten:

12 "(b) Food Service. – The local school administrative unit identified by resolution shall
13 ~~provide, to the extent practicable, school food~~ provide school nutrition services to the regional
14 ~~school.~~ school in accordance with G.S. 115C-263 and G.S. 115C-264. For purposes of federal
15 funding through the National School Lunch Program or other federally supported ~~food~~ nutrition
16 service programs, the local school administrative unit identified by resolution shall be permitted
17 to include eligible students enrolled in the regional school. Other participating units shall not
18 include students enrolled in the regional school for purposes of federally supported ~~food~~ nutrition
19 service programs."

20 **SECTION 1.(d)** G.S. 115C-150.14 is amended by adding a new subsection to read:

21 "(a1) A school governed by this Article shall provide school nutrition services in
22 accordance with G.S. 115C-263 and G.S. 115C-264."

23 **SECTION 1.(e)** G.S. 116-239.8(b)(4)c. reads as rewritten:

24 "c. Food-Nutrition services. – Laboratory schools shall provide school
25 nutrition services in accordance with G.S. 115C-263 and
26 G.S. 115C-264. Upon request, the local school administrative unit in
27 which the laboratory school is located shall administer the National
28 School Lunch Program for the laboratory ~~school in accordance with~~
29 ~~G.S. 115C-264.school."~~

30 **SECTION 2.** There is appropriated from the General Fund to the Department of
31 Public Instruction the sum of one hundred forty-eight million eight hundred thousand dollars
32 (\$148,800,000) in recurring funds for the 2023-2024 fiscal year to provide nutrition services to
33 students in public school units at no cost to the students in accordance with this act. Should this
34 appropriation not be sufficient to fulfill the provisions of this section for the 2023-2024 fiscal
35 year, the State Board of Education may use funds appropriated to State Aid for Public Schools
36 for this purpose.

37 **SECTION 3.** The State Board of Education has authority to adopt temporary rules
38 to enact the provisions of this act until such a time as permanent rules can be adopted.

39 **SECTION 4.** This act becomes effective July 1, 2023.