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# A BILL FOR AN ACT

RELATING TO SCHOOL MEALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the community  
2 eligibility provision is a federal program that provides federal  
3 funds to state boards of education to make free breakfasts and  
4 lunches available to all students in participating schools.

5           The legislature further finds that according to a recent  
6 study released by the National Bureau of Economic Research,  
7 schools that participated in the community eligibility provision  
8 had lower school suspension rates. Free student meal programs  
9 also reduce child hunger and food insecurity, improve student  
10 health and well-being, and prepare children to learn.

11           The legislature believes that students should be provided  
12 access to free nutritional meals and that participation in the  
13 community eligibility provision can improve this access.  
14 Additionally, the benefits of free meals include reducing the  
15 amount of staff time spent on processing paperwork, reducing  
16 debt associated with delinquent meal accounts, and ensuring that



1 any student requesting a meal can receive a meal regardless of  
2 their ability to pay.

3 The purpose of this Act is to maximize the receipt of  
4 federal funds available for free school meals by requiring  
5 eligible schools to participate in the community eligibility  
6 provision.

7 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
8 amended by adding a new section to part II, subpart C, to be  
9 appropriately designated and to read as follows:

10 "§302A- Free meals for all students; federal community  
11 eligibility provision. (a) Through the department, each  
12 qualified public school that has an identified student  
13 percentage equal to or greater than the minimum identified  
14 student percentage shall elect the reimbursement option of the  
15 community eligibility provision; provided that if all public  
16 schools as a collective entity would qualify, the department  
17 shall elect the reimbursement option of the community  
18 eligibility provision for all public schools.

19 (b) The department shall provide technical assistance to  
20 schools to comply with the requirements of this section and to



1 assess qualifications for participation in the community  
2 eligibility provision.

3 (c) In compliance with 7 C.F.R. section 245.9(f)(4)(vii),  
4 the department shall reimburse any cost differential.

5 (d) It is the intent of this section not to jeopardize the  
6 receipt of any federal aid. To the extent necessary to  
7 effectuate this intent, the governor may modify the strict  
8 provisions of this section but shall promptly report any such  
9 modification, with the governor's reasons therefor, to the  
10 legislature for review before the next succeeding session.

11 (e) For purposes of this section:

12 "Community eligibility provision" means the federal program  
13 created by 42 U.S.C. section 1759a(a)(1)(F) and 7 C.F.R. section  
14 245.9(f) that allows local educational agencies to choose to  
15 receive federal special assistance payments for school meals in  
16 exchange for providing free school meals to all students  
17 enrolled in all or selected schools of the local educational  
18 agency.

19 "Local educational agency" shall have the same meaning as  
20 in 7 C.F.R. section 245.2.



1        "Minimum identified student percentage" means the  
2 percentage established by 7 C.F.R. section 245.9(f)(3)(i)."

3        SECTION 3. Section 302A-405, Hawaii Revised Statutes, is  
4 amended by amending subsections (a) and (b) to read as follows:

5        "(a) [~~The~~] Unless required for participation in any  
6 federal program, the price for school meals shall be set by the  
7 department to ensure that moneys received from the sale of the  
8 meals shall be not less than one-half of the cost of preparing  
9 the meals. The prices for school meals may be adjusted annually  
10 based on the previous year's costs rounded to the nearest five  
11 cents; provided that the department by rule shall provide a  
12 lower rate or free meals to children based on their economic  
13 need.

14        (b) All moneys received by or for the public school  
15 cafeterias from the sale of meals, the sale of services, the  
16 federal government, or any other source, shall be deposited in  
17 one special school [~~lunch~~] meal fund. Except as otherwise  
18 provided by the legislature, all expenditures for the operation  
19 of public school cafeterias shall be made from this fund."

20        SECTION 4. In accordance with section 9 of article VII, of  
21 the Constitution of the State of Hawaii and sections 37-91 and



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1 37-93, Hawaii Revised Statutes, the legislature has determined  
 2 that the appropriations contained in this Act will cause the  
 3 state general fund expenditure ceiling for fiscal year 2024-2025  
 4 to be exceeded by \$ , or per cent. The reasons  
 5 for exceeding the general fund expenditure ceiling are that the  
 6 appropriations made in this Act are necessary to serve the  
 7 public interest and to meet the needs provided for by this Act.

8 SECTION 5. There is appropriated out of the general  
 9 revenues of the State of Hawaii the sum of \$ or so much  
 10 thereof as may be necessary for fiscal year 2024-2025 for  
 11 payment of any cost differential under 7 C.F.R.  
 12 245.9(f) (4) (vii).

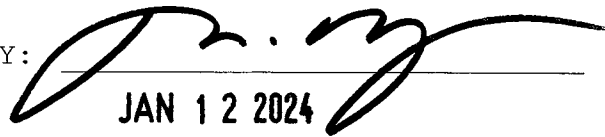
13 The sum appropriated shall be expended by the department of  
 14 education for the purposes of this Act.

15 SECTION 6. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect on July 1, 2024.

18

INTRODUCED BY:



JAN 12 2024



# H.B. NO. 1540

**Report Title:**

Public Schools; Lunches; Breakfasts; Department of Education;  
Community Eligibility Provision; Federal Funds; Appropriation

**Description:**

Requires eligible schools to participate in the federal Community Eligibility Provision, which provides federal funds to help schools offer free meals to all students. Appropriates moneys for any difference between federal funds amounts and costs of providing free meals. Declares that the general fund expenditure ceiling will be exceeded.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

