



## State of New Jersey

DEPARTMENT OF AGRICULTURE  
DIVISION OF FOOD AND NUTRITION  
PO BOX 334  
TRENTON NJ 08625-0334

PHILIP D. MURPHY  
*Governor*  
SHEILA Y. OLIVER  
*Lt. Governor*

DOUGLAS H. FISHER  
*Secretary*

To: School Superintendents, Business Administrators, Charter School Leads; Non-Public School Administrators; Food Service Directors

From: Douglas H. Fisher *dhf*  
Secretary of Agriculture

Date: August 6, 2020

Subject: Meal Service During All Phases of Reopening During the 2020-2021 Academic School Year

This memo is to inform you of the Child Nutrition Program meal service requirements for those participating public and nonpublic schools on four-hour school days and remote instruction school days during the 2020-2021 academic school year.

**All participating public schools must offer meals during days of virtual or remote instruction. Meals must be offered to all enrolled children.**

- N.J.S.A. 18A:33-4 requires each public school district to make school lunch available to all children enrolled in the district. Free and reduced-price lunches shall be offered to all children qualifying under Statewide eligibility criteria. N.J.S.A. 18A:33-5 allows public school districts with fewer than 5% of its enrolled students eligible for free and reduced-price meals to be exempt from this requirement. Additionally, N.J.S.A. 18A:33-10 requires each public school in which 20% or more of the students are eligible for free or reduced-price meals in the National School Lunch or School Breakfast Program to establish a School Breakfast Program. **Public schools meeting or exceeding the 5% or 20% free and reduced price eligibility criteria must participate in the National School Lunch Program and School Breakfast Program, respectively.**
- Pursuant to N.J.A.C. 6A:32-8.3, a full school day shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day in kindergarten. Given that four hours constitutes a full school day, **a school breakfast and school lunch must be offered by public schools participating in the Child Nutrition Programs.**
- Nondiscrimination practices mandated in 7 CFR 245.8, and the federal Free and Reduced-Price Policy, require that children eligible to receive free and reduced-price meals and free milk shall not be overtly identified. **All participating public schools required to participate in the National School Lunch and Breakfast Programs and those that voluntarily opt-in to those programs must offer required meals to all children, regardless of eligibility, even when the school day is four hours.**

- The recently enacted amendment to N.J.S.A. 18A:7F-9 provides that in the event that a school district is required to close the schools of the district for more than three consecutive school days due to certain emergent events, the district can apply to the Commissioner of Education to use one or more days of virtual or remote instruction to meet the 180-day statutory requirement. Under that provision, a day of virtual or remote instruction counts as a full day of school attendance. **Therefore, all public schools required to participate in the National School Lunch and Breakfast Programs, and those that voluntarily opt-in to these programs must offer meals during days of virtual or remote instruction.**

**All participating nonpublic schools must offer meals during school days and virtual or remote instruction. Meals must be offered to all enrolled children.**

- Non-public schools that participate in the Child Nutrition Programs must adhere to the regulatory requirements set forth in 7 CFR 210.10 and 220.8, which require meals to meet specific minimum nutritional standards over a five day school week for those meals the school has been approved to provide in the 2020-2021 Application Packet. All school days and virtual or remote instruction days are considered to be a part of the five day school week. Therefore, **non-public schools participating in the Child Nutrition Programs must provide meals during all school days and during days of virtual or remote instruction.**
- Nondiscrimination practices mandated in 7 CFR 245.8, and the federal Free and Reduced-Price Policy require that children eligible to receive free and reduced-price meals and free milk shall not be overtly identified. **Thus, all participating nonpublic schools must offer meals to all children, regardless of eligibility.**

**Individual students who have chosen to participate in virtual learning are also eligible for free and reduced-price meals on days when meals are available to other students.**

To that end, we charge our districts and schools to ensure the seamless and continuous feeding of New Jersey's approximate 1.4 million students during **all** phases of school reopening. Schools participating in the National School Lunch and Breakfast Programs must offer meals **during all school days throughout the 2020-2021 academic school year.**