



State of New Jersey

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To: School Business Administrators, Charter School Leads, Non Public School Administrators, and Food Service Directors of Schools Participating in the School Nutrition Programs

From: Rose Tricario, Division Director 

Date: March 28, 2020

Subject: Assembly bill A3840

On March 20, 2020, Governor Murphy signed Assembly bill A3840 (P.L. 2020, c.6), which put into law many of the procedures that school districts are already undertaking to ensure that eligible students receive food during school closures due to the COVID-19 pandemic.

P.L. 2020, c. 6 also establishes new procedures and requirements for food distribution, which apply only in certain circumstances. This includes the requirement that school districts provide meal distribution centers for students and food delivery options for students who cannot walk to established meal distribution centers. When food delivery to students' residences or along established bus stop routes is utilized, the law provides that deliveries may include "up to a total of three days' worth of food per delivery." The law also requires that school districts unable to provide school meals institute a food voucher system.

The above requirements are triggered only in certain circumstances. In order to trigger this law, school closures must be initiated by "written directive by either the New Jersey Department of Health or the health officer of the jurisdiction to institute a public health-related closure due to the COVID-19 epidemic." If schools do not close pursuant to a written directive by either of those parties, the law does not apply.

School districts throughout the State are closed pursuant to the Governor's Executive Order 104, issued on March 16, 2020, and superseded by Executive Order 107, issued on March 20, 2020. Neither the Department of Health nor any of our local health officers have directed schools to close. Because P.L. 2020, c.6 is not triggered by school closures mandated by executive order, it has not been invoked and does not apply at this time. To be clear, this means that the language that says food distribution "may include up to a total of three days' worth of food per delivery" does not apply and the food voucher system need not be created at this time.

Therefore, districts and Food Service Program Sponsors should continue their existing procedures and practices for food distribution, provided those procedures adhere to guidelines issued by the

New Jersey and United States Departments of Agriculture, such as providing up to five days' worth of meals at one time.

Ensuring that eligible students receive the nutritious meals they need during COVID-19-related school closures is a top priority of the Governor, the Legislature, and the Department of Agriculture. It is important that these meals are served as efficiently and safely as possible in the manner that best suits the needs of our individual school communities.