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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2317 Session of  
2022

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INTRODUCED BY SHUSTERMAN, HILL-EVANS, SCHLOSSBERG, GUENST,  
KINSEY, SANCHEZ, MADDEN, N. NELSON, BRADFORD, DELLOSO,  
T. DAVIS AND MERSKI, JANUARY 31, 2022

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REFERRED TO COMMITTEE ON EDUCATION, JANUARY 31, 2022

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for child and adult care  
6 food supplement; and making an appropriation.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding an  
11 article to read:

12 ARTICLE XV-K

13 CHILD AND ADULT CARE FOOD PROGRAM SUPPLEMENT

14 Section 1501-K. Definitions.

15 The following words and phrases when used in this article  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Department." The Department of Education of the  
19 Commonwealth.

1 "Enrollee." An individual enrolled in a program-  
2 participating facility and defined as eligible for the program  
3 under section 17 of the National School Lunch Act (60 Stat. 230,  
4 42 U.S.C. § 1766).

5 "Facility." An eligible care center, as defined under  
6 section 17 of the National School Lunch Act, receiving  
7 reimbursements for meals served to enrollees under the program.

8 "Program." The Child and Adult Care Food Program as  
9 established in section 17 of the National School Lunch Act and  
10 administered by the Federal and state agencies as provided by  
11 law.

12 "Supplement." The Child and Adult Care Food Program  
13 Supplement established in this article, which shall constitute  
14 supplemental financial reimbursements under the program to  
15 facilities for food that they serve to enrollees.

16 Section 1502-K. Establishment and administration of supplement.

17 (a) Establishment.--The Child and Adult Care Food Program  
18 Supplement is established.

19 (b) Administration.--The department shall:

20 (1) Administer the supplement, which shall include, to  
21 every extent possible, the coordination of financial  
22 reimbursements with other State departments and agencies as  
23 necessary.

24 (2) Develop rules and regulations necessary to  
25 administer the supplement.

26 Section 1503-K. Appropriations.

27 (a) General rule.--Subject to subsection (b), the sum of  
28 \$30,000,000 is appropriated on an annual basis from the General  
29 Fund to the department for the period beginning the first  
30 October 1 after the effective date of this subsection, and each

1 October 1 thereafter, and ending on the first subsequent  
2 September 30, and each September 30 thereafter, for the purpose  
3 of administering the supplement.

4 (b) Exception.--The General Assembly may adjust the annual  
5 amount specified under subsection (a) to take into account the  
6 funding that the department projects as necessary as specified  
7 in the annual report under section 1506-K.

8 Section 1504-K. Procedures.

9 (a) Applications.--To implement the supplement during and  
10 after the initial round of funding, the department shall request  
11 applications for funding from facilities. Applications shall be  
12 provided in electronic and physical form.

13 (b) Criteria.--The department may award a supplement to a  
14 facility in accordance with the following:

15 (1) For the first round of funding for a facility, or in  
16 the case of a facility that receives reimbursements under the  
17 program but did not receive a supplement during the previous  
18 year, the department shall award funding to the facility that  
19 demonstrates the ability of the facility to:

20 (i) Better serve food to additional enrollees.

21 (ii) Do any of the following:

22 (A) If the facility is a nonprofit organization  
23 or an emergency shelter, bolster its near-term and  
24 long-term fiscal stability or provide for further  
25 care and educational opportunities for its enrollees.

26 (B) If the facility is a for-profit  
27 organization, provide for further care and  
28 educational opportunities for its enrollees.

29 (2) If the facility received reimbursements in the  
30 initial round of funding or received funding any year after

1 through the supplement, the facility must demonstrate that  
2 the supplemental financial reimbursements allowed, and will  
3 continue to allow, the facility to:

4 (i) Better serve food to additional enrollees.

5 (ii) Do any of the following:

6 (A) If the facility is a nonprofit organization  
7 or an emergency shelter, bolster its near-term and  
8 long-term fiscal stability or provide for further  
9 care and educational opportunities for its enrollees.

10 (B) If the facility is a for-profit  
11 organization, provide for further care and  
12 educational opportunities for its enrollees.

13 Section 1505-K. Priority in funding.

14 The department shall prioritize funding under the supplement  
15 in a manner, as determined by the department, that maximizes the  
16 number of enrollees who are fully nourished while in the care of  
17 the facilities.

18 Section 1506-K. Annual report.

19 (a) General requirement.--No later than the June 1 following  
20 the date of each appropriation under section 1503-K, the  
21 department shall compile an annual report on the program and the  
22 supplement.

23 (b) Submittal.--Each annual report shall be submitted to the  
24 following:

25 (1) The Governor.

26 (2) The chairperson and minority chairperson of the  
27 Aging and Youth Committee of the Senate.

28 (3) The chairperson and minority chairperson of the  
29 Appropriations Committee of the Senate.

30 (4) The chairperson and minority chairperson of the

1 Education Committee of the Senate.

2 (5) The chairperson and minority chairperson of the  
3 Aging and Older Adult Services Committee of the House of  
4 Representatives.

5 (6) The chairperson and minority chairperson of the  
6 Appropriations Committee of the House of Representatives.

7 (7) The chairperson and minority chairperson of the  
8 Children and Youth Committee of the House of Representatives.

9 (8) The chairperson and minority chairperson of the  
10 Education Committee of the House of Representatives.

11 (c) Contents.--Each annual report shall include the  
12 following:

13 (1) The number of facilities participating in the  
14 program.

15 (2) The number of those facilities participating in the  
16 supplement.

17 (3) The number of meals served through the program with  
18 and without the supplement.

19 (4) A summary of the types of meals served to enrollees.

20 (5) The amount of money projected to be necessary during  
21 the next year to allow all enrollees to receive nutritious  
22 meals and snacks.

23 Section 2. This act shall take effect in 60 days.