

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 777

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

Sponsors: Representatives Brockman, Autry, Quick, and Gill (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

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.