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Office of the Governor

June 16, 2023

The Honorable Francisco Aguilar
Nevada Secretary of State
101 North Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 319 of the 82nd Legislative Session

Dear Secretary of State Aguilar:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 319 ("AB 319"), which is titled as follows:

AN ACT relating making an appropriation to the State Department of Agriculture for the purpose of awarding grants of money to Nevada school districts to provide universal free breakfast and lunch for Nevada pupils; and providing other matters properly relating thereto.

Ensuring students have proper nutrition in order to facilitate learning is an important goal. So, too, is reducing the stigma sometimes associated with students who receive free or reduced-price school lunches. However, subsidizing those who can afford to provide their children with lunch and addressing food waste in school cafeterias are also good policies.

Studies have shown that up to 73 percent of food provided through school lunch programs ends up in the trash. Based on the U.S. Department of Agriculture (USDA) nutrition guidelines, certain foods purchased are things kids are not likely to eat. Providing universal-free lunch will increase the amount of food purchased and, unfortunately, ultimately thrown away.

Prior to the COVID-19 pandemic, free school meals were available only to students meeting income requirements for free or reduced-price lunches or attending schools that qualified under an alternative school-specific exception. During the first two full school years of the pandemic, the USDA issued waivers allowing schools to be reimbursed for meals to all students. This waiver expired at the start of the 2022-2023 school year. As the pandemic has ended, most states have reverted to pre-pandemic school breakfast and lunch programs where those who can afford to pay for their children's meals while those who qualify for free and reduced-price meals submit applications to the school districts.

Of the almost 490,000 students enrolled in Nevada schools during the 2022-2023 school year, more than 201,000 students are eligible to enroll in the free or reduced lunch program through the USDA – Food and Nutrition Service’s National School Lunch Program. If a school district meets the criteria under the USDA’s Community Eligibility Program, up to 100% of their schools within a district will have access to free and reduced-price meals for students – approximately 660 schools statewide meet the USDA’s criteria for free meals for all their students.

This is also a responsibility that should be determined at a district level to properly recognize the differences amongst the school districts throughout the state. Districts have access to a record amount of resources, including the funding available through SB 231, to implement the school food programs that are right for them in the upcoming biennium while they work with parents and the community to design a permanent, sustainable program for following biennium.

Districts also need to ensure annual applications are submitted by eligible students to maximize federal funding under the National School Lunch and School Breakfast Programs. Districts should also look to the U.S. Department of Education Community Eligibility Program to determine if additional federal funding may be available through that program.

Universal free lunch programs were subsidized while responding to the impacts of COVID-19, and were always paid through federal funding sources. These funding sources are no longer available, and district officials should build programs appropriate to their needs. With COVID-19 behind us, it is time to return to the normalcy of pre-pandemic operations.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,



JOE LOMBARDO
Governor of Nevada

Enclosure

- cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Steve Yeager, Speaker of the Assembly (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel Bureau, Director (without enclosure)
Bryan Fernley, Esq., Legislative Counsel (without enclosure)