



TO: The Honorable Members of the Board of Regents

FROM: Angelique Johnson-Dingle *Angelique Johnson-Dingle*

SUBJECT: Proposed Addition of Section 114.6 to the Regulations of the Commissioner of Education Relating to Outreach for the Supplemental Nutrition Assistance Program (SNAP)

DATE: December 31, 2025

AUTHORIZATION(S): *Dom N. B.* *Beth A. M.*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed addition of section 114.6 to the Regulations of the Commissioner of Education relating to outreach for the Supplemental Nutrition Assistance Program (SNAP)?

Reason for Consideration

Required by State statute (Education Law §915-a, as added by Part B of Chapter 56 of the Laws of 2025).

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the January 2026 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

The proposed amendment was presented to the P-12 Education Committee for discussion at the September 2025 meeting of the Board of Regents. A Notice of Proposed Rule Making was published in the State Register on September 24, 2025, for a 60-day public comment period. Following publication in the State Register, the Department received comments on the proposed amendment. An Assessment of Public Comment (Attachment B) is attached. No changes to the proposed amendment are recommended at this time.

If adopted at the January 2026 meeting, a Notice of Adoption will be published in the State Register on January 28, 2026. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

The Enacted State Budget for the 2025-2026 fiscal year (Part B of Chapter 56 of the Laws of 2025) added a new section 915-a to the Education Law, effective July 1, 2025, which directs the Commissioner to require all school districts, charter schools, and non-public schools in the State that participate in the National School Lunch or School Breakfast programs to serve breakfast and lunch at no cost to the student. Additionally, the law requires the Department, in consultation with the Office of Temporary and Disability Assistance (OTDA), to promulgate rules and regulations for school districts, charter schools, and non-public schools to promote the Supplemental Nutrition Assistance Program (SNAP).

The proposed rule provides that participants should develop procedures that include one of three strategies: (1) direct referrals to local SNAP outreach providers that provide eligibility pre-screening, application assistance and program education, as designated by OTDA; (2) distribution of SNAP educational materials during school registration, or at other appropriate venues accessible to families; or (3) direct referrals to local social services districts.

Consistent with Education Law §915-a, and after consultation with OTDA, the Department proposes to add a new section 114.6 to the Commissioner's regulations to implement the new legislation described above.

Related Regents Items

[September 2025: Proposed Addition of Section 114.6 to the Regulations of the Commissioner of Education Relating to Outreach for the Supplemental Nutrition Assistance Program \(SNAP\)](https://www.regents.nysed.gov/sites/regents/files/925p12d1.pdf)

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Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 114.6 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 28, 2026.

Timetable for Implementation

If adopted at the January 2026 meeting, the proposed amendment will become effective as a permanent rule on January 28, 2026.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, and 915-a of the Education Law, and Part B of Chapter 56 of the Laws of 2025

1. Section 114.6 of the Regulations of the Commissioner of Education is added to Part 114 to read as follows:

Section 114.6. Supplemental Nutrition Assistance Program (SNAP) Outreach

(a) Pursuant to section 915-a of the Education Law, all public-school districts, charter schools, and non-public schools participating in the State's Universal Free Meals program shall develop and implement procedures designed to inform low-income households about the availability and eligibility requirements for SNAP and the process to enroll in SNAP for the purpose of maximizing direct certification for free school meals.

(b) Such procedures shall include at least one of the following strategies:

(1) direct referrals to local SNAP outreach providers that provide eligibility pre-screening, application assistance, and program education, as designated by the Office of Temporary and Disability Assistance;

(2) distribution of SNAP educational materials during school registration, or at other appropriate venues accessible to families; or

(3) direct referrals to local social services districts.

ASSESSMENT OF PUBLIC COMMENT

Following publication of the Notice of Proposed Rule Making in the State Register on September 24, 2025, the Department received the following comments on the proposed amendment:

1. COMMENT: Commenters recommend requiring schools to distribute SNAP educational materials at least three times per school year (at the beginning, middle, and end) to align with key reporting and outreach periods.

DEPARTMENT RESPONSE: While the Department supports the intent of this comment, the Department declines to require schools to distribute SNAP educational materials in this manner. However, the Department acknowledges the value of repeated outreach to maximize SNAP enrollment and, as a result, will develop additional guidance recommending that schools align outreach with existing school communication cycles. No changes to the proposed rule are necessary.

2. COMMENT: Commenters recommend that the Department mandate School Food Authorities (SFAs) to make SNAP information publicly available through websites, social media, and other easily accessible platforms.

DEPARTMENT RESPONSE: While the Department supports the intent of this comment, the Department declines to require SFAs to provide SNAP information on specific platforms. The Department believes that maintaining flexibility for local implementation is consistent with Education Law §915-a. However, the proposed rule encourages broad dissemination of educational materials, and the Department supports efforts to reduce stigma and improve access to SNAP information. Therefore, the Department will develop additional guidance that encourages the availability of SNAP

materials and referral information on public-facing platforms (e.g., district websites, parent portals). No changes to the proposed rule are necessary.

3. COMMENT: Commenters suggested that schools should be required to provide direct referrals to SNAP outreach providers and recommended expanding efforts through targeted outreach, warm handoffs, and online tools.

DEPARTMENT RESPONSE: The Department agrees that these tools enhance outreach effectiveness. The Department will provide additional guidance encouraging schools to integrate these tools into their outreach strategies. No changes to the proposed rule are necessary.

4. COMMENT: One commenter encouraged schools to use existing data and technology to help maximize SNAP enrollment and direct families to available self-screening tools, given the lack of dedicated funding at the school level for implementing this rule and the already limited staff capacity.

DEPARTMENT RESPONSE: The Department agrees with the commenter that the use of efficient tools and strategies could reduce administrative burdens and strengthen school outreach. However, this comment does not directly address the proposed rule or provide additional recommendations regarding the proposed rule. As a result, no further response is necessary.

5. COMMENT: One commenter recommends that schools provide SNAP information in other languages common within their community and encourage culturally responsive outreach efforts.

DEPARTMENT RESPONSE: This comment is unrelated to this regulation, which is to ensure the development and implementation of procedures designed to inform low-income households consistent with Education Law §915-a. Nevertheless, the

Department acknowledges the importance of ensuring equitable access to information about federal child nutrition programs. Moreover, in accordance with Title VI of the Civil Rights Act and its implementing regulations, SFAs are required to take reasonable steps to ensure that individuals with Limited English Proficiency (LEP) have meaningful access to all information and services related to federally assisted child nutrition programs. No changes to the proposed rule are necessary.

6. COMMENT: Commenters recommend requiring schools to submit annual updates of their SNAP outreach procedures to the Department for review; the commenters also recommend that districts be allowed to submit consolidated plans to ensure compliance and enable technical assistance.

DEPARTMENT RESPONSE: While the Department agrees that maintaining current procedures is important, the intent of the proposed rule is to provide schools and SFAs the flexibility to implement outreach efforts in a manner that meets local needs without creating additional administrative burden, consistent with Education Law §915-a. As a result, the Department does not believe that creating additional steps for the submission and review of outreach procedures is necessary at this time.

With respect to the use of consolidated plans, any decision by schools within a district to utilize the same or similar procedures is left to the discretion of school and district leaders. No changes to the proposed rule are necessary.

7. COMMENT: Commenters recommend continued investment in data matching systems and expanding direct certification to include foster and homeless youth.

DEPARTMENT RESPONSE: While the Department recognizes the importance of robust data systems for direct certification, this recommendation is outside the scope of the current rulemaking. Therefore, no further response is necessary.