

Date of Hearing: March 20, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2595 (Luz Rivas) – As Introduced February 14, 2024

SUBJECT: School nutrition: guardian meal reimbursement

SUMMARY: Establishes state reimbursement, using non-Proposition 98 General Fund dollars, for providing summer meals to guardians of pupils receiving summer meals at public libraries. Specifically, **this bill:**

- 1) Requires, to the extent authorized by federal law, the California Department of Education (CDE) to establish a pilot process for state reimbursement, adjusted annually for inflation, for federal summer meal program operators for meals served to guardians of eligible pupils receiving a meal pursuant to a summer meal program hosted at a public library.
- 2) Requires a guardian of an eligible pupil to be present at the summer meal program site hosted at a public library in order for the summer meal program operator to receive state-funded reimbursement for the meal served to a guardian, unless noncongregate rules are in place.
- 3) Requires reimbursement to commence no earlier than one year after an appropriation is made.
- 4) Requires the CDE to develop guidance for summer meal program operators participating in the federal Seamless Summer Option or the Summer Food Service Program on how to serve guardians a meal at public library summer meal program sites. Requires the guidance to be posted on the CDE's website and not be required to be mailed.
- 5) Requires the CDE to distribute information about the Summer Electronic Benefits Transfer for Children Program to guardians whose children are eligible for the Seamless Summer Option or the Summer Food Service Program.
- 6) Requires summer meal program operators participating to report to the CDE the number of meals served to guardians by meal sites hosted at a public library no later than 30 days after the end of summer meal site operations.
- 7) Requires the CDE to apply for a waiver of federal law if necessary to secure federal reimbursement for meals served to guardians.
- 8) States that this measure shall not be interpreted as to require any action by summer meal program operators.
- 9) Defines the following:
 - a) "Eligible pupil" to mean a pupil who meets the criteria for a meal pursuant to a federal summer meal program;

- b) “Guardian” to mean a parent, stepparent, grandparent, guardian, or other adult family member or caretaker who is caring for an eligible pupil’
 - c) “Public library” to mean a library, or two or more libraries, that is operated by a single public jurisdiction and that serves its residents free of charge;
 - d) “Summer meal program” to include, but is not necessarily limited to, the federal Summer Food Service Program and the Seamless Summer Option component of the federal National School Lunch Program; and
 - e) “Summer meal program operators” to include, but not necessarily be limited to, a school district, county office of education, charter school, government organization, or nonprofit entity participating in a summer meal program.
- 10) States that the implementation is contingent upon an appropriation in the annual Budget Act or another statute for these purposes. States that for each fiscal year in which an appropriation in the annual Budget Act is made, that appropriation shall be made from the General Fund and be in addition to funding appropriated for purposes of satisfying the minimum funding requirements pursuant to Section 8 of Article XVI of the California Constitution for that fiscal year. States that the amount of an appropriation made for purposes of this subdivision shall be in an amount equal to the estimated number of reimbursable guardian meals provided under this section multiplied by the federal National School Lunch Program or School Breakfast Program meal reimbursement rate for qualified pupil meals under the summer meal program.

EXISTING LAW:

- 1) Requires, by July 1, 2023, the CDE, in consultation with the State Department of Social Services, to develop guidance for local educational agencies (LEAs) that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at an LEA schoolsite. (Education Code (EC) 49495)
- 2) Requires, commencing with the 2022–23 school year, all of the following:
 - a) A school district, county superintendent of schools, or charter school maintaining kindergarten or any of grades 1 to 12, inclusive, to provide two school meals free of charge during each schoolday to any pupil who requests a meal, without consideration of the pupil’s eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period, except when it requires family daycare homes to be reimbursed for 75% of the meals served. Requires the meals provided to be nutritiously adequate meals that qualify for federal reimbursement; and
 - b) An LEA that has a reimbursable school breakfast program to not charge any pupil enrolled in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, any amount for any breakfast served to that pupil, and to provide a breakfast free of charge to any pupil who requests one, without consideration of the pupil’s eligibility for a federally funded free or reduced-price meal. Requires the meals provided free of charge to be nutritiously adequate, and shall count toward the total of two school meals required to be provided each schoolday. (EC 49501.5)

- 3) Requires a school district or charter school that offers nonclassroom-based instruction to meet the requirements for any eligible pupil on any schoolday that the pupil is scheduled for educational activities lasting two or more hours at a schoolsite, resource center, meeting space, or other satellite facility operated by the charter school. (EC 49501.5)
- 4) Designates the CDE as the state agency responsible for managing and administering the SFSP. (42 U.S.C. Sec. 1761) (EC 49547.5)
- 5) Requires a school district or COE to provide the same meal to any free or reduced-price eligible pupils as all other pupils. (EC 49557)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “In 2022, California became the first state to implement a statewide Universal Meals Program for schoolchildren. California’s Universal Meals Program (Universal Meals) provides free breakfast and lunch for all students throughout the school year.

“A 2023 Sacramento Bee article chronicled a Teacher’s Aide (TA) at A.M. Winn Elementary in the Sacramento City Unified School District. The TA notes that the universal meal program provides some much-needed financial relief for her since she is on a strict budget. She has two daughters who utilize the universal meal programs, where she is able to save \$150 on her grocery bill per week during the school year. This provides much-needed relief in how she budgets for the family.

“During the summer, low-income households spend more on groceries as their children lose access to free meals at school. Parents and caregivers from food-insecure households who depend on free school meals for their children become hard-pressed to financially compensate for the lack of meals when their children are home.

“According to October 2023 data from the US Census Household Pulse survey, 28% of households with children in California are food insecure, with deep disparities for Black (49%) and Latino (33%) households. The California Department of Education estimates that over 225,000 K-12 students experienced homelessness in the 2022-23 academic year. If these students are experiencing homelessness or living on the brink of homelessness, these households are likely food insecure and experiencing hunger.

“SFSP mandates that only children and teens aged 18 and younger are eligible to receive free meals that are USDA-reimbursable. This program does not allow for parents and caregivers of those children utilizing SFSP to receive a meal. AB 2595 seeks to combat household hunger during the summer by allowing public libraries that provide children with meals to also provide participating parents and caregivers with those meals.”

USDA meal programs. The CDE Nutrition Services Division administers many of the USDA meal programs at the state level, including:

The National School Lunch Program (NSLP). The NSLP is a federally assisted meal program operating in public and nonprofit private schools and residential childcare institutions. It provides nutritionally balanced, low-cost, or free lunches to children each school day.

The School Breakfast Program (SBP). The SBP provides reimbursement to states to operate nonprofit breakfast programs in schools and residential childcare institutions. The Food and Nutrition Service of the USDA administers the SBP at the federal level.

The Child and Adult Care Food Program (CACFP). The CACFP is a federal program that provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating childcare centers, daycare homes, and adult daycare centers. The CACFP also provides reimbursements for meals served to children and youth participating in afterschool care programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in daycare facilities.

The Summer Food Service Program (SFSP). The SFSP is a federally-funded, state-administered program. The SFSP reimburses program operators who serve free healthy meals and snacks to children and teens in low-income areas.

The Seamless Summer Option (SSO). Schools participating in the NSLP or SBP are eligible to apply for the SSO. This option allows public schools to combine features of the School Nutrition Programs and the SFSP along with reduced paperwork requirements, making it easier for schools to feed children during the traditional summer vacation periods and, for year-round schools, long school vacation periods.

School meal reimbursement rates. School meal reimbursement, by both the federal government and the state, varies each year. In order to receive reimbursement, schools must follow a certain meal pattern determined by the USDA. Depending on the age range of the students served, a full meal consists of a specified amount of fruits, vegetables, grains, meat/meat alternatives, and milk. Most schools throughout the state participate in “offer versus serve,” which allows a student to pick three of the aforementioned five components in order for the school to receive full reimbursement for that student’s meal.

The federal school lunch reimbursement rates are \$4.41 for free lunch and \$4.01 for reduced-priced lunch. Schools that serve more than 60% low-income students receive \$0.02 more for both free and reduced-priced lunches, see chart below. According to the CDE, the new federal summer meal rates for 2024-25 for rural or self-prep summer sponsors is \$5.21 per meal.

National School Lunch Program

Description	Free	Free+8 cents*	Reduced-Price	Reduced-Price+8 cents*	Paid	Paid+8cents*
Agencies that served less than 60% free/reduced-price lunches in 2021–22	\$4.33	\$4.41	\$3.93	\$4.01	\$0.77	\$0.85
Agencies that served 60% or more free/reduced-price lunches in 2021–22	\$4.35	\$4.43	\$3.95	\$4.03	\$0.79	\$0.87
Commodity Value	\$0.4300	\$0.4300	\$0.4300	\$0.4300	\$0.4300	\$0.4300

Note: Payments listed for free and reduced-price lunches include both section 4 and section 11 funds of the National School Lunch Act.

(Source: CDE, 2022-23 school year)

Beginning with the 2022-23 school year, the state required school districts, COEs, and charter schools to provide two free meals per day to all students, regardless of free meal eligibility. The state reimburses school districts and charter schools for the cost of the meal, up to the federal free meal reimbursement rates for all students who are not eligible for federal free or reduced-priced meals.

Feeding parents and guardians of students. The Seamless Summer Option (SSO) is a federal and state funded program that encourages school food authorities (SFA) participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) to provide meals in low-income areas during the summer. The SSO combines features of the NSLP, SBP, and Summer Food Service Program. Program Operators of the SSO may operate at community or recreational centers, libraries, camps, schools, and other eligible summer meal sites. Participating in the SSO reduces paperwork, administrative burdens, and makes it easier for SFAs to feed children in low-income areas during traditional summer vacation periods and during school vacation periods of longer than ten days for year-round schools.

The federal government does not allow for reimbursement of meals provided to the parents/guardians of children served through this program. Likewise, these services to parents/guardians are not authorized for reimbursement under state nutrition funding. This bill establishes a process for state reimbursement for federal summer meal program operators for meals served to guardians of eligible pupils receiving a meal during a summer meal program at a library.

Feeding siblings through either the SBP or CACFP. Current law requires the CDE to issue guidance for how a school district, COE, or charter school could voluntarily serve younger siblings a federally reimbursable meal at a school site that their older sibling attends.

Current law does not prohibit serving younger siblings of school-age children a morning snack through the CACFP at the same time and location as school-aged children receive their federally reimbursed SBP. However, because there are specific rules for each program, LEAs that operate both programs have been hesitant to offer this option to younger siblings for fear of becoming ineligible for reimbursement.

How many libraries serve summer meals? According to the CDE, during the summer of 2023, 167 libraries served as summer meal sites. Below is a table with the number of eligible breakfasts and lunches served at public library sites in summer 2023 through the SFSP and SSO.

2023 SFSP Meals Served at Libraries		2023 SSO Meals Served at Libraries	
Breakfast	805	Breakfast	1,836
Lunch	42,913	Lunch	146,469
TOTAL	43,718	TOTAL	148,295

(Source: CDE)

Food insecurity research. According to a 2020 article in the American Journal of Public Health, *Food Insecurity During COVID-19: An Acute Crisis With Long-Term Health Implications*, as of March and April 2020, national estimates of food insecurity more than tripled to 38%. Among adults with incomes less than 250% of the 2020 federal poverty level (based on thresholds from the US Census), 44% of all households were food insecure including 48% of Black households, 52% of Hispanic households, and 54% of households with children.

According to a 2021 Centers for Disease Control research brief in Preventing Chronic Disease: Public Health Research, Practice, and Policy, *Very Low Food Security Among Low-Income Households With Children in California Before and Shortly After the Economic Downturn From COVID-19*, low-income households with children in California were surveyed before and during the pandemic for levels of very low food security (VLFS). From April 27 to July 21, 2020, 14% of mothers reported VLFS versus 19.3% from November 21, 2019, to March 14, 2020, suggesting that existing systems to quickly obtain food assistance benefits in California and new federal benefits available in response to COVID-19 may have reduced VLFS.

Research related to participation in school meal programs. According to the American Public Health Association, “Participation in food assistance programs declined in 2018 because of fear that using government assistance could lead to immigration repercussions, yet household food insecurity has been on the rise— 9.9 percent in 2007 to 17.8 percent in 2018 among immigrant families in the U.S.”

According to the USDA, the NSLP and other USDA child nutrition programs provide nutritious foods that help reduce the harmful impact of food insecurity and improve outcomes for children. In 2014 and 2015, 84% of low-income food-insecure households with school-age children accessed free or reduced-price lunches through the NSLP, either in combination with USDA’s Supplemental Nutrition Assistance Program (SNAP) benefits (46%), which provide food and nutrition assistance to low-income Americans, or alone (38%). An estimated 6% of low-income food-insecure households with school-age children received SNAP benefits, but not free or reduced-price school lunches, and 10% did not participate in either program.”

Related legislation. AB 1178 (Luz Rivas) of the 2023-24 Session was substantially similar to this measure and would have required the CDE to establish a state reimbursement process for federal summer meal program operators to serve a meal to guardians of eligible pupils in a federal summer meal program. This bill was held in the Senate Appropriations Committee.

AB 558 (Nazarian), Chapter 905, Statutes of 2022 requires that the CDE develop guidance by July 1, 2023, for LEAs participating in the federal School Breakfast Program that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at an LEA schoolsite.

AB 996 (Nazarian) of the 2021-22 Session would have required that the CDE develop guidance for LEAs participating in the federal School Breakfast Program that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at an LEA schoolsite. This bill was held in the Assembly Education Committee.

AB 2527 (Nazarian) of the 2019-20 Session would have required the CDE to develop and guidance for LEAs participating in the federal School Breakfast Program on how to serve eligible nonschoolaged children breakfast or a morning snack at a schoolsite. This bill was held in the Assembly Education Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

Analysis Prepared by: Chelsea Kelley / ED. / (916) 319-2087