

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1178 (Luz Rivas) – As Introduced February 16, 2023

SUBJECT: School nutrition: guardian meal reimbursement

SUMMARY: Requires, subject to an appropriation, and to the extent authorized by federal law, the California Department of Education (CDE) to establish a process for state reimbursement for federal summer meal program operators for meals served to guardians of eligible pupils receiving a meal pursuant to a summer meal program. Specifically, **this bill:**

- 1) Requires, notwithstanding any other law, and to the extent authorized by federal law, the CDE to establish a process for state reimbursement for federal summer meal program operators for meals served to guardians of eligible pupils receiving a meal pursuant to a summer meal program.
- 2) Requires a guardian of an eligible pupil to be present at the summer meal program site in order for the summer meal program operator to receive reimbursement for the meal served to a guardian.
- 3) Requires the CDE to develop guidance for summer meal program operators participating in the federal Summer Seamless Option or the Summer Food Service Program on how to serve guardians a meal at summer meal program sites. Requires the guidance to be posted on CDE's internet website and shall not be required to be mailed.
- 4) Requires the CDE to apply for a waiver of federal law if necessary to secure federal reimbursement for meals served to guardians.
- 5) Authorizes the CDE to accept public or private funds in order to supplement state and federal reimbursement for meals.
- 6) States that the provisions of this bill shall not be interpreted as to require any action by summer meal program operators.
- 7) Defines "Eligible pupil" as a pupil who meets the criteria for a meal pursuant to a federal summer meal program.
- 8) Defines "Guardian" as a parent, step-parent, grandparent, guardian, or other adult family member or caretaker who is caring for an eligible pupil.
- 9) Defines "Summer meal program" as including, 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.
- 10) Defines "Summer meal program operators" as including, but are not necessarily limited to, a school district, county office of education, charter school, government organization, or nonprofit entity participating in a summer meal program.

- 11) States that implementation of this bill is contingent upon an appropriation in the annual Budget Act or another statute for these purposes.

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 a LEA schoolsite. (Education Code (EC) 49495)
- 2) Requires, commencing with the 2022–23 school year all of the following:
 - a) A school district or county superintendent of schools 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;
 - b) A charter school 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. The meals provided under this paragraph shall be nutritiously adequate meals that qualify for federal reimbursement; and
 - c) 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 through the program, 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. The meals provided free of charge pursuant to this paragraph shall be nutritiously adequate, and shall count toward the total of two school meals required to be provided each schoolday. (EC 49501.5)
- 3) Requires each school district, or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. (EC 49550)
- 4) Requires a charter school to provide each needy pupil with one nutritionally adequate free or reduced-price meal during each schoolday. Requires a 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 47613.5)
- 5) States that a school district or county office of education (COE) may use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the School Breakfast Program (SBP), the National School Lunch

Program (NSLP), the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or may do so at the expense of the school district or county office of education. (EC 49550)

- 6) Designates that the CDE is the state agency responsible for managing and administering the Summer Food Service Program (SFSP). (42 U.S.C. Sec. 1761) (EC 49547.5)
- 7) Prohibits a public school district or COE from denying a meal to any free or reduced-price eligible pupils, and requires that these pupils receive the same meal as all other pupils. (EC 49550 and 49557)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “In the 2022-23 school year, California became the first state to implement a statewide Universal Meals Program for schoolchildren. California’s Universal Meals Program (Universal Meals) provides free nutritiously adequate breakfast and lunch for all students throughout the school year. A recent SacBee article chronicled, Sara Goncalves, a teacher aide at A.M. Winn Elementary, in the Sacramento City Unified School District. Goncalves 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 that utilize the universal meal programs where she is able to save \$150 in her grocery bill per week. Unfortunately, Goncalves knows that for many students in food insecure households, these are the only meals they will have.

During the summer months, students become increasingly vulnerable to hunger. When school is not in session, free breakfast and lunch meals are not provided to students. The United States Department of Agriculture (USDA) supplements meals for children through their Summer Food Service Program (SFSP), a voluntary program for schools, libraries, community based organizations, faith based institutions, and government agencies to host and provide free meals to children ages 18 and under.

According to studies from the Institute for Policy and Research, one in four households with children in California are food insecure. California Department of Education estimates that over 269,000 K-12 students experienced homelessness in 2019. If these students are experiencing homelessness or on the brink of homelessness, it is likely that everyone in these households are food insecure and facing hunger.

SFSP mandates that only children and teens ages 18 and younger are eligible to receive free, reimbursable meals. This program does not allow for parents or caregivers to utilize the program and share a meal with their children. AB 1178 seeks to combat hunger during summer so parents or caregivers and children can eat together during the summer meal program.”

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 child care

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 child care centers, day care homes, and adult day care 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 day care 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 alternative, 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.

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 requires school districts 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 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. **The committee should consider** whether it is appropriate to use Proposition 98 funds to feed adults.

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.

Food insecurity research. According to a 2020 article 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.

Recommended Committee Amendments. *Staff recommends the bill be amended* to specify that funds appropriated for this purpose shall not come from within the Proposition 98 guarantee.

Related legislation. AB AB 558 (Nazarian, Kalra, Quirk-Silva and L. Rivas), Chapter 905, Statutes of 2022, requires, by July 1, 2023, the California Department of Education (CDE), in consultation with the State Department of Social Services, to develop guidance for 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 a LEA schoolsite.

AB 996 (Nazarian) of the 2021-22 Session would have required that the CDE develop guidance for LEAs participating in the SBP 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 guidance for LEAs participating in the SBP 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

Ceres Community Project
Food Bank of Contra Costa & Solano
Food for People, the Food Bank for Humboldt County
Food Share
Glide
Hunger Action Los Angeles INC
Redwood Empire Food Bank
Sacramento Food Bank & Family Services
San Diego Food Bank
San Diego Hunger Coalition
Second Harvest Food Bank Santa Cruz County
Second Harvest of Silicon Valley
Slo Food Bank
Yolo Food Bank

Opposition

None on file

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