

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1508 (Bonta) – As Amended April 22, 2019

SUBJECT: School nutrition

SUMMARY: Establishes the Breakfast After the Bell Program (BABP) to be administered by the California Department of Education (CDE), contingent on an annual appropriation in the Budget Act. Specifically, **this bill:**

- 1) Defines “breakfast after the bell program” to mean a schoolsite providing a nutritionally adequate breakfast that is available to all students after the schoolday has begun for a majority of the pupils enrolled at the school, and the allowance of students to consume the breakfast after the schoolday has begun for a majority of pupils enrolled at the school.
- 2) Requires the CDE to award BABP grants to local education agencies (LEAs) for programs at school sites.
- 3) Specifies that in making grant awards, the CDE shall give first priority to LEAs that will use the funds to startup or expand a breakfast after the bell program at a school site where at least 60 percent of enrolled pupils are needy children.
- 4) Requires, in making grant awards, the CDE to give consideration to LEAs that meet some or all of the following criteria:
 - a) The LEA will startup or expand a BABP at a school site where less than 20 percent of pupils who are needy children were served by a school breakfast program in the school year prior to the application for grant funds.
 - b) Upon startup or expansion of a breakfast after the bell program at a school site receiving a grant award, the LEA agrees to operate that program for a period of at least three years.
 - c) In applying for the grant award, the LEA demonstrates preparedness to implement a BABP.
- 5) Specifies that grants may be used for any costs associated with the startup or expansion of BABP in accordance with allowable uses of the cafeteria fund.
- 6) Specifies that participation in this program shall not be construed to prohibit a school from also making breakfast available to all students before the schoolday begins for a majority of pupils enrolled at that school.
- 7) Requires the CDE to collaborate with stakeholders, including, but not limited to, school food service department leadership and child nutrition advocates, in the development of the grant making process.

- 8) Requires CDE to track improvement among grant-funded school sites relative to schools that do not receive grant funds, and requires the CDE to modify existing processes and systems used to collect site-level data about school nutrition programs in order to collect data about school breakfast service models at each school site operating a school breakfast program.
- 9) Specifies that the intent of the BABP is to increase the reach and efficiency of school breakfast programs in order to impart related health and academic benefits to children, particularly socioeconomically disadvantaged students.
- 10) Defines “local education agency” to mean a school district, direct-funded charter school, or county office of education.

EXISTING LAW:

- 1) Requires CDE to award grants of up to fifteen thousand dollars per schoolsite on a competitive basis to school districts, county superintendents of schools, or entities approved by the CDE for nonrecurring expenses incurred in initiating or expanding a school breakfast program or summer food service program, subject to annual appropriation in the budget act. (Education Code Section 49550.3)
- 2) Requires each school district or county superintendent of schools maintaining any kindergarten through grade 12 to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except for family day care homes that are reimbursed for 75% of the meals served. (Education Code Section 49550)
- 3) Defines "needy children" as those children who meet federal eligibility criteria for free and reduced-price meals, except for family day care homes which are reimbursed for 75% of the meals. (Education Code Section 49552)

FISCAL EFFECT: Unknown

COMMENTS: *According to the Author*, “Research shows that school breakfast supports academic achievement, attendance at school, and physical and emotional health. Yet two million of our state’s most vulnerable students miss out on the benefits of school breakfast. School meals help to shield students from struggling with hunger. Children that struggle with hunger and inadequate nutrition are more likely than their peers to experience common health conditions and chronic illnesses which may result in missed school days. Serving breakfast after the bell increases participation in the meal program by reducing stigma and barriers to showing up to school early, such as transportation and bus schedules. Breakfast after the bell supports equity, health, and academic success by providing more students access to essential, nutritious meals. Strategically investing in breakfast after the bell will help California advance equity by ensuring low-income students have the nutrition they need to succeed in school and life.”

Need For the Bill: According to The Food Policy Advocates and the author, “California requires public schools to make a nutritious, free or reduced-price meal (FRPM) available each school day to any students who meet federal eligibility criteria. Most often, the school meal provided to students is lunch. 4.3 million of California’s public school students, 2.2 million of whom are low-income and at higher risk for food insecurity, aren’t reached by the School Breakfast Program. Almost 20 percent of K-12 California public schools do not offer breakfast. The majority of schools that offer breakfast only do so early in the morning before the school

day begins. As a result, students who are unable to arrive at school early, due to unreliable transportation, hectic morning routines, or other factors, are unable to eat school breakfast. These systematic challenges reflect the fact that the School Breakfast Program reaches only half of the students served by the School Lunch Program.

After-the-bell breakfast models are fiscally viable strategies that bring the benefits of breakfast to more students; these models integrate breakfast into the school day during periods such as extended passing periods, mid-morning breaks, or at the start of homeroom. Once after-the-bell models were implemented, Los Angeles Unified School District increased breakfast participation from 30 to 80% of students eligible for FRPMs.”

School Breakfast Program/Summer Food Service Program Start-up and Expansion Grants:

In recent years, the Legislature has appropriated funding for grants of up to \$15,000 per school site for nonrecurring expenses. In 2016, Governor Brown signed SB 828 (Committee on Budget) into law, which provided an additional \$2 million in grant funds for two years for sites that want to start-up or expand Breakfast After the Bell service models. The funds, which were available in 2017–18 and 2018–19 school years, prioritized grants for BABPs in schools that have at least 60% of enrolled students approved for free or reduced-price meals.

The table below shows the number of grant applications submitted and awarded, and the number of dollars requested and awarded over the last five years.

School Breakfast Program and Summer Food Service Program Start-up and Expansion Grant History					
	2013–14	2014–15	2015–16	2016–17	2017–18
Amount Requested	\$1,811,542	\$1,628,544	\$1,882,195	\$956,658	\$2,403,862
Amount Awarded	\$1,017,000	\$1,017,000	\$1,017,000	\$956,658	\$2,253,862
Applications Received	46	44	34	24	46
Applications Awarded	31	20	17	24	45

How Breakfast Impacts Student Achievement: Research has shown that breakfast, particularly school breakfast, improves student participation in school, gives students energy so that they can pay better attention, and may even improve behavior. In a 2014 study by the Journal of Public Economics, David Frisvold from the University of Iowa found gains in student math achievement using National Assessment of Educational Progress (NAEP) data. The study concludes that "Overall, these results suggest that the persistent exposure to the relatively more nutritious breakfast offered through the School Breakfast Program (SBP) throughout elementary school can yield important gains in achievement."

Free and reduced-price meal (FRPM) programs. Existing law requires local educational agencies to provide one nutritiously adequate FRPM to needy children once a day during each schoolday. A needy child is defined as a child who meets the federal eligibility for FRPM. For the free meal category, household income must be at or below 130% of the federal poverty guidelines. For the reduced-price category, household income must be between 130% and 185% of federal poverty guidelines. Current law also establishes a direct certification process, whereby children who are enrolled in certain public benefits programs such as CalWORKs and CalFresh are automatically enrolled in the FRPM program, and a categorically eligible process, whereby migrant, homeless and foster care children are also automatically enrolled.

School meal programs are funded predominantly by the United States Department of Agriculture through its National School Lunch and School Breakfast Program and supplemented by state funds. These programs are federal entitlement programs, which mean that allocations are not fixed; federal funds will be provided as long as recipients meet income eligibility criteria. The federal government also offers a higher reimbursement rate for schools enrolling higher levels of eligible students, which enables those schools to provide meals to all pupils.

Different Types of BABPs. Some school districts are experiencing low participation for school breakfast programs, possibly due to students not arriving at school early enough for breakfast and students' reluctance to go to the cafeteria for fear of being identified as a student eligible for FRPM. This bill attempts to provide other strategies for when and how to offer breakfast to increase breakfast participation. The USDA promotes alternative delivery models such as grab 'n go breakfast (also called breakfast carts), typically served in a bag from carts that students can pick up on their way to their first class; second chance breakfast (also called nutrition break breakfast), which enables students to grab breakfast during morning recess; breakfast on the bus, where students get a bagged breakfast on the bus; and breakfast in the classroom.

In the breakfast in the classroom model, hot or cold breakfasts are packed in insulated bags or coolers and brought to the classrooms in carts or wagons. While the teacher is taking attendance, collecting homework, or making announcements, students are eating their breakfasts. According to the sponsor, there are a number of school districts that have implemented breakfast in the classroom, including Adelante Unified, Alum Rock Union Unified, Chula Vista Unified, Clovis Unified, Compton Unified, El Monte Unified, Hawthorne Unified, Lemon Grove Unified, Los Angeles Unified, Oakland Unified, Oceanside Unified, Pajaro Valley Unified, Riverside Unified, San Diego Unified, and Sanger Unified. Los Angeles Unified School District has been offering "breakfast after the bell" since 2012, and in its first three years, breakfast participation rose from 30 percent of low-income students to 80 percent.

A national survey of 1,000 K-8 public schools in 2013 found that serving breakfast after the bell (after instruction has begun) increased breakfast participation by 35% in one year. This bill requires, for schools enrolling at least 60% of students eligible for FRPM, breakfast to be provided after instruction has begun for a majority of the students at the school. The bill does not dictate when after the bell breakfast must be served or how breakfast will be served. Therefore, a school could implement a breakfast in the classroom model or a second chance breakfast model during morning recess.

School Breakfast Report: AB 569 (Garcia), Chapter 72, Statutes of 2006 required the CDE to submit a report to the Legislature regarding the feasibility of providing breakfasts at schools that meet the requirements for the federal severe need reimbursement (schools where 40% or more of

the lunches that were served two years earlier were provided free or at a reduced-price). The CDE contracted with WestEd to conduct the report. The report found that while a majority of the severe need schools participated in the SBP, many students were still not eating breakfast. The report recommended support for a state requirement that severe need schools provide breakfast, but suggested that a waiver process be available. The report also suggested encouraging schools to try a variety of proven strategies to increase participation in the SBP, including the strategies proposed by this bill.

Implementation Challenges: According to a 2015 policy brief written by the Food Research and Action Center and the National Association of Secondary School Principals, “Most principals (61 percent) did not encounter logistical challenges with implementing the BABP. Principals who did encounter issues reported teacher resistance (nine percent), post breakfast cleanup (seven percent), and instructional time interruptions (five percent) as top concerns. According to principals, key components of successfully launching a breakfast after the bell program and addressing these potential logistical challenges include engaging diverse stakeholders during the initial planning stages, and providing cleaning supplies and additional trashcans to classrooms.”

Committee Amendment: *Staff recommends* the bill be amended to:

- 1) Specify that the program is contingent on a one-time budget appropriation.
- 2) Change the reference to school nutrition advocates to school nutrition experts.
- 3) Authorize all charter schools to apply for this grant funding.

Arguments in Support: According to No Kid Hungry, “This program has a proven track record of success in California. The 2016-17 Budget included funding that allowed the CDE to award over \$1.2 million in ‘breakfast after the bell’ funding that went to 160 school sites, which enroll over 115,600 students, to implement breakfast after the bell programs in the first year. The vast majority of funds went to high-poverty schools. Thanks to these Breakfast After the Bell expansion grants, those students gained improved access to a nutritious school breakfast to support their learning. The 2017 Breakfast After the Bell Expansion grant awardees used these funds to establish a variety of effective school breakfast models.”

Prior Legislation: AB 3043 (Berman), Chapter 593, Statutes of 2018, made changes to the allowable expenditures from the school cafeteria fund, as specified; required schools that choose to provide universal school breakfast using cafeteria funds, to agree to cover any costs of providing free meals to all students above the amount provided in federal assistance; and, required the CDE to maintain nutrition guidelines in alignment with the federal National School Lunch Program and the School Breakfast Program. An early version of this bill increased the grant amount for school breakfast after the start of the school day and the federal summer meals program.

SB 828 (Committee on Budget), Chapter 29, Statutes of 2016, appropriated funds for the breakfast after the start of the school day program.

AB 1240 (Bonta), from 2015, which was held in the Assembly Appropriations suspense file, would have required each school district or county office of education maintaining any kindergarten through grade 12 to offer breakfast at schools where at least 40% of the pupils enrolled at the school are considered "needy."

AB 839 (Brownley), from 2011, which was held in the Senate Appropriations suspense file, would have required a local governing board to consider specified data regarding the federal School Breakfast Program in the process of approving the consolidated application for specified categorical program funding.

AB 1966 (Garcia), from 2008, which was held in the Assembly Appropriations Committee suspense file, would have required schoolsites that enroll more than 400 pupils and meet the qualifications of federal severe need reimbursement to offer breakfast, beginning with the 2010-11 school year.

AB 92 (Garcia) from 2007, which was held in the Assembly Appropriations Committee suspense file, would have required each schoolsite that meets the qualifications of the federal severe need reimbursement to offer breakfast, beginning with the 2008-09 school year.

AB 569 (Garcia), Chapter 72, Statutes of 2006, required the CDE to conduct a study on or before March 31, 2007 regarding the feasibility of providing breakfasts at schools that meet the requirements for the federal severe need reimbursement and to report the results of the study to the Legislature.

AB 1916 (Garcia), from 2006, which was held in the Assembly Appropriations Committee, would have required each schoolsite that meets the qualifications of the federal severe need reimbursement to offer breakfast.

REGISTERED SUPPORT / OPPOSITION:**Support**

No Kid Hungry

Opposition

None on file

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