

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 1871 (Bonta) – As Amended March 14, 2018

**SUBJECT:** Charter schools: free and reduced-price meals

**SUMMARY:** Requires, beginning with the 2019-20 school year, a charter school to provide each needy pupil with one nutritionally adequate free or reduced-price meal, that qualifies for reimbursement under the federal child nutrition program regulations, each schoolday.

Specifically, **this bill:**

- 1) Exempts charter schools that only offer non-classroom-based or non-site-based instruction from the requirement to provide a free or reduced-price meal each school day and, specifies that a charter school that offers both classroom-based or site-based instruction and non-classroom-based or non-site-based instruction shall not be required to provide a meal to pupils enrolled in exclusively non-classroom-based or non-site-based instruction.
- 2) Specifies that a charter school that becomes operational on or after July 1, 2019, shall implement this section when the school begins operation.
- 3) Makes findings and declarations regarding the importance of school meals in supporting the academic achievement and overall well-being of students.

**EXISTING LAW** requires all K-12 schools to provide one nutritionally adequate meal, that qualifies for reimbursement under the federal child nutrition program regulations, to all students eligible for free and reduced-price meals and exempts charter schools from this requirement. (Education Code 49550)

**FISCAL EFFECT:** Unknown

**COMMENTS:** Existing law requires all K-12 schools to provide one nutritionally adequate meal, that qualifies for reimbursement under the federal child nutrition program regulations, to all students eligible for free and reduced-price meals. Public schools and districts across California are bound by this requirement, also known as the "State Meal Mandate," but the majority also choose to participate in NSLP and the School Breakfast Program (SBP), so they can feed all their students (not just those eligible for free/reduced-price meals), and receive federal and state reimbursement for all meals served, and federal commodities. Charter schools, however, are exempt from the "State Meal Mandate" requirement. While many charter schools provide an education to students who qualify for free and reduced priced meals, many charter schools do not provide meals to the children. This bill would require charter schools, with the exception of schools that provide nonclassroom based instruction, to provide a meal during the schoolday to students who are eligible for free and reduced priced meals.

According to the Food Policy Advocates, more than 340,000 low-income students attend California charter schools. None of them are guaranteed access to school meals. Of these students, more than 81,000 attend a charter school without access to free and reduce-price school meals, or in many cases, any meals at all.

According to the author, "AB 1871 would bridge a gap in existing state law that requires "every school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive," except for charter schools, "provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday."

Public charter schools have grown rapidly in California since being authorized in 1992. California now houses the most charter schools and charter school students in the country, enrolling more than 630,000 students, including an estimated 27,000 new students in the 2017-18 school year. More than 340,000 low-income students attend California public charter schools.

School meals support the academic achievement and fundamental well-being of all students, particularly low-income students who may not otherwise have adequate access to nutritious meals. Hungry children struggle to learn, grow, and achieve at their fullest potential.

As public charter schools to continue to expand across California, so will the number of low-income, public school students who do not have equitable access to free or reduced-price school meals. Withholding such important resources exacerbates the achievement gap for low-income students, including students of color. Meanwhile public charter schools can receive federal entitlement funds and categorical state funds for the operation of school meal programs. All schools have a variety of options for operating meal programs, from preparing meals in an onsite or central kitchen to contracting with a local school district or private vendor.

School nutrition programs are a critical resource for all students in need, regardless of which public school they attend. It should be the intent of the Legislature that no student goes hungry in a California public school."

***School Meal Funding:*** All public schools, including charter schools, can participate in the federal school meal programs. Participating schools receive federal entitlement funding for each meal served. Generally, schools receive the highest reimbursement for meals served to the lowest-income students. California schools, including charter schools, can also receive categorical state funding for meals served to low-income students.

State and federal funding can be used for food, staffing, equipment, and other expenses necessary for the operation and administration of a school meal program. Public grants and loans are also available to support the startup, expansion, and improvement of school meal programs.

***Arguments in Support:*** The California Food Policy Advocates states, "We support AB 1871 because:

- We believe in food and fairness for all children. All students deserve equitable access to the basic resources that support their success, including school meals. To close the achievement gap for low-income students and students of color, we must guarantee equity of opportunity and resources;
- Hungry students struggle to learn. Research and common sense tell us that children must be well nourished in order to learn, grow, and achieve at their fullest potential. No student should go hungry in a California public school;
- This change is feasible and categorically funded. Like all public schools, charter schools are entitled to state and federal funds to operate school meal programs. From self-prep in an on-site or central kitchen to contracting with a school district or private vendor, there are many options for operating and administering school meal programs; and

- California should not make hunger a school choice. Charter schools are meant to expand choice in public education and, by law, are open to all students, including low income students. School meals are a critical resource for all students in need, no matter which public school they attend."

**Committee Amendment:** Staff recommends the following amendment: Because of any confusion that might be caused by using the term "non-classroom based charter school," amend the bill to clarify that charter schools that are exclusively virtual schools (those without a physical location and where all instruction is online) are exempt from these provisions. And clarify that a schoolday is one in which pupils are in attendance for any part of the day.

**Previous Legislation:** AB 1594 (Eng) from 2012, which was vetoed by the Governor, required a charter school to provide each needy pupil with one nutritionally adequate free or reduced-price meal, that qualifies for reimbursement under the federal child nutrition program regulations, each schoolday. The bill was vetoed with the following message:

Pupil nutrition is profoundly important, but so also is the fundamental premise of charter schools that they be free from large portions of the voluminous state Education Code. I am reluctant to erode the independence and flexibility that have well served the families and teachers who choose charter schools.

AB 2954 (Liu) from 2006, which was vetoed by the Governor, allowed charter school authorizers to require charter schools to provide free and reduced priced meals to students as a condition for approval, among other things. The bill was vetoed with the following message:

While I understand the plight of school districts faced with fiscal challenges of declining enrollment and other management issues, I cannot condone allowing them to deny parents and students their rights to petition for the establishment of a charter school. In essence, this bill would grant school districts the authority to punish charter petitioners because of problems caused by their own fiscal management issues or their unwillingness to make tough decisions, or both. In addition, allowing school districts to require, as a condition of approval, that the petition describe how the charter school will provide free and reduced-priced meals to eligible pupils would simply provide districts with another pretext on which to deny a charter. Charter schools are generally exempt from most laws and regulations governing school districts and they should continue to be exempt from this one. In sum, this bill runs counter to the intent of charter schools, which is to provide parents and students with other options within the public school system and to stimulate competition that improves the quality not only of charter schools, but of non-charter schools as well.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

American Academy of Pediatrics, California  
American Civil Liberties Union of California  
American Federation of State, County and Municipal Employees  
American Heart Association  
American Stroke Association  
Association of California School Administrators  
CA4Health  
California Association of Food Banks

California Association of School Business Officials  
California Federation of Teachers  
California Food Policy Advocates  
California Medical Association  
California School Boards Association  
California School Employees Association  
California School Nurses Organization  
California School Nutrition Association  
California State PTA  
California Teachers Association  
Child Development Associates  
Children's Defense Fund-California  
Common Sense Kids Action  
Community Bridges  
County Health Executives Association of California  
Feeding San Diego  
Food Bank of Contra Costa & Solano  
Food for People  
National Association of Social Workers, California Chapter  
Orange County Food Access Coalition  
Orange County Food Bank  
Pesticide Action Network  
Public Advocates  
River City Food Bank  
San Diego Food System Alliance  
United Ways of California  
Western Center on Law and Poverty  
Several individuals

**Opposition**

California Charter Schools Association

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