

Date of Hearing: March 13, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 354 (Quirk-Silva) – As Introduced February 4, 2019

SUBJECT: School meals: free or reduced-price meals: annual report

SUMMARY: Requires a school district, county office of education, or charter school that voluntarily opts out of the federal National School Lunch Program to annually report to the California Department of Education (CDE) and the Legislature, identifying an alternative meal program it will follow to ensure that each needy pupil is provided with a free or reduced-price meal each schoolday.

EXISTING FEDERAL LAW:

- 1) Authorizes a universal meal service option known as Provision 2, that allows a local educational agency to certify children for free and reduced-price meals for up to 4 consecutive school years in the schools that serve meals, at no charge to all enrolled children.
- 2) Authorizes a universal meal service option known as the Community Eligibility Provision (CEP), which allows a local educational agency that directly certifies for free meals at least 40% of the students in either the district overall, a group of schools within the district, or an individual school, to receive meal reimbursement based on a formula that equates to 1.6 times the free reimbursement rate for students directly certified for free or reduced-price meals, plus the standard reimbursement rate for paid meals.

EXISTING STATE LAW:

- 1) 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. (Education Code 49550)
- 2) Requires, commencing with the 2019-2020 school year, 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. (Education Code 47613.5)
- 3) Prohibits a school district or county office of education from denying a meal to free or reduced-price eligible pupils, and requires that these pupils receive the same meal as all other students. (Education Code 49550 and 49557)

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. Charter schools and districts across California

are bound by this requirement, also known as the "State Meal Mandate," but the majority of districts 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 for federal commodities.

According to the author, "The State has not taken measures to monitor alternative school lunch programs of school districts, county offices of education, and charter schools that opt out of the Federal National School Lunch program. The California Department of Education currently does not have a way of ensuring alternative meals provided to students are adequate and nutritious. With this bill, I hope to ensure all needy pupils are provided an adequately nutritious, free or reduced price meal each school day."

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 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.

Number of Schools Not Participating in the National School Lunch Program (NSLP): According to the CDE, 530 districts with 1,775 sites do not participate in the federal NSLP and School Breakfast Program. Of these, there are 237 county office of education sites, which include 87 charter school sites, and an additional 1,538 school district sites, which include 890 charter school sites. With roughly 10,000 traditional school sites and just over 1,300 charter school sites across the state, this equates to approximately 8% of traditional school sites and 74% of charter school sites not participating in these school meal reimbursement programs.

According to the California Food Policy Advocates, more than 340,000 low-income students attend California charter schools. This bill will create a monitoring system to ensure that the neediest students have access to nutritionally appropriate school meals.

Committee Amendments: **Staff recommends** the following amendments to align the bill with the author's intent to create a compliance monitoring program for school sites that choose not to participate in the federal school meal reimbursement programs:

- 1) Require a school district, county office of education, or charter school that does not participate in the federal meal reimbursement programs to report annually to CDE, using a form developed by CDE, identifying the meal program it will follow to ensure that each needy pupil is provided with a free or reduced-price meal at each school site.
- 2) Require CDE to do on-site reviews and menu certification of these sites, similar to those conducted currently for sites that participate in the federal meal reimbursement programs, and report findings to the Legislature.

Prior Legislation: AB 1871 (Bonta), Chapter 480, Statutes of 2018, requires charter schools to provide low-income students with one nutritionally adequate free or reduced-price meal each schoolday, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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