

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

AB 479 (Nazarian and Kalra) – As Introduced February 12, 2019

SUBJECT: School meals: plant-based food and milk options: California Climate-Friendly Food Program

SUMMARY: Establishes within the California Department of Education (CDE) the California Climate-Friendly Food Program to provide incentives for making plant-based food and beverages available to students. Specifically, **this bill:**

- 1) Authorizes, upon appropriation by the Legislature in the annual Budget Act, a local educational agency (LEA) to apply for reimbursement, in an amount that CDE shall determine, for meals that include a plant-based food option and a plant-based milk option. Specifies a single meal with both a plant-based food option and a plant-based milk option is eligible to receive reimbursement for both options, not to exceed the cost of the meal. Specifies that reimbursement for this program be in addition to any other state or federal funding or reimbursement received.
- 2) Requires an LEA applying for the funds described to provide documentation of the number of plant-based food options and plant-based milk options reimbursable under the federal National School Lunch Program (NSLP) that the LEA served in the baseline 2018–19 school year.
- 3) Authorizes meal reimbursement to LEAs that meet both of the following criteria:
 - a) The plant-based food option or plant-based milk option represents an increase from the number of reimbursable plant-based food options or plant-based milk options served in the baseline 2018–19 school year, as demonstrated by the documentation required.
 - b) If a plant-based milk option is served, the plant-based milk option is associated with a lower level of greenhouse gas emissions than cow's milk, as determined by the department in consultation with the State Air Resources Board.
- 4) Requires CDE, upon appropriation by the Legislature in the annual Budget Act, to provide competitive grants, in an amount that CDE shall determine, to LEAs for both of the following:
 - a) To contract with third parties for professional development training for schoolsite staff on serving, including preparing, marketing, procuring, menuing, and promoting, plant-based food options or plant-based milk options.
 - b) To collect the baseline data described.
- 5) Requires CDE, in consultation with the State Board of Education and the State Air Resources Board, to do all of the following:

- a) Adopt regulations, as it deems necessary, to implement the program.
 - b) Establish guidelines for the evaluation of the program.
 - c) Conduct outreach, with special attention given to the LEAs with the largest percentage of pupils eligible to receive free or reduced-price lunches.
- 6) Requires the State Air Resources Board to do both of the following:
- a) Determine the average reduction in greenhouse gas emissions associated with replacing a typical reimbursable food option that is recognized by the United States Department of Agriculture (USDA) as a meat option for purposes of the federal National School Lunch Program with a typical plant-based food option.
 - b) Submit a report each year to the Legislature that documents the estimated greenhouse gas emissions reductions achieved by the California Climate-Friendly Food Program.
- 7) Defines LEA to mean a school district, county office of education, or charter school maintaining kindergarten or any of grades 1 to 12, inclusive, that participates in the federal National School Lunch Program.
- 8) Defines plant-based food option to mean a food that contains no animal products or byproducts, including meat, poultry, fish, dairy, or eggs, and that is recognized by the USDA as a meat alternate for purposes of the federal National School Lunch Program.
- 9) Defines plant-based milk option to mean a beverage that contains no animal products or byproducts, including dairy, and that is recognized by the USDA as a nondairy fluid milk substitute for purposes of the federal National School Lunch Program.

EXISTING 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) Defines milk as a nutritious beverage, including, but not limited to, chocolate milk, soy milk, rice milk, almond milk and other similar dairy or nondairy milk. (Education Code 35182.5)
- 4) Defines “Non-dairy milk” alternative (e.g., rice milk, soy milk) to mean a beverage that:

- a) Contains Vitamin A, Vitamin D and at least 25 percent of the daily recommendation for calcium per 8 ounces;
- b) Contains no added sweeteners exceeding 28 grams of total sugars per 8 ounces;
- c) Contains no more than 5 grams of fat per 8 ounces. (CCR, Title 5, Section 15576)

FISCAL EFFECT: Unknown

COMMENTS: This bill creates an additional per-meal reimbursement to LEAs that elect to increase their offerings of plant-based food and beverages. The bill further creates a competitive grant for LEAs to support those agencies that choose to increase their offerings of plant-based food and beverages.

According to the Author: “AB 479 will assist the state’s efforts to combat climate change, improve access to healthy food options for low-income communities, and accommodate students with religious or cultural needs. California is a global microcosm with many different needs. The state’s school meal policy should not only reflect this diversity, but also incorporate the extensive research on the environmental and health benefits of plant-based nutrition. By providing an additional incentive, schools across California will be able to increase their plant-based offerings. Additionally, financial grants will support student engagement, recipe development, and technical needs to boost participation and successfully serve plant-based options. This bill will empower schools to serve choices that have numerous positive benefits to student health and the environment, creating a lasting impact on our communities.”

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 alternate, 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 \$3.37 for free lunch and \$2.97 for reduced priced lunch. Schools that serve more than 60% low income students receive \$0.02 more for both free and reduced priced lunches. The state school lunch reimbursement rate is \$0.236 for both free and reduced priced lunch.

Costs of Plant Based Meals: The cost of plant-based meals can vary by item and by school district. As one example, Los Angeles Unified School District estimates that the average cost of a vegan option they serve is \$0.73 vs. \$0.61 for meat and vegetarian options. The difference of \$0.12 per-meal can impact the overall school nutrition program significantly. This bill would provide an increase to the state per meal reimbursement rate for LEAs that increase the number of plant-based foods and beverages offered to students, to offset this increased cost.

National School Lunch Requirements: Plant-based meals currently meet the federal NSLP requirements. Plant-based entrees may be composed of meal components such as fruits, vegetables, meat alternates, grains, and fluid milk alternates like soy milk.

The CDE is not aware of any almond milk currently on the market that meets the nutrition requirements of the NSLP, therefore almond milk would not qualify for reimbursement, other than in the case of a student with a dietary restriction.

The USDA-approved plant protein products, as shown below, include nut and seed butters, cooked beans and peas, and soy protein.

Food	Equals 1 ounce equivalent meat alternate
Cooked dry beans or peas	1/4 cup
Tofu—commercially prepared	2.2 ounces or 1/4 cup
Soy yogurt	4.0 fluid ounces or 1/2 cup
Nuts and seeds*	1 ounce
Nut and seed butters	2 tablespoons

*Nuts or seeds may be used to meet no more than one-half of the meat/meat alternate component with another meat/meat alternate to meet the full requirement.

Plant Based School Meals in California and Nationally: Several California school districts have implemented district-wide daily or weekly vegetarian meal options for students. Some districts implemented these meal options more than a decade ago. These districts include Elk Grove Unified School District, San Diego Unified School District, Oakland Unified School District, and Yuba City Unified School District. Additionally, Los Angeles Unified School District has implemented plant-based meal options for students.

Washington D.C. enacted legislation encouraging school districts to offer plant-based school meals. Legislation introduced in New York would have required schools to offer plant-based school meals, but that measure was not enacted.

According to a CDE report to the Legislature in 2011, “Schools are increasingly offering vegetarian meal options based on national data from the School Nutrition Association (SNA) and Physicians Committee for Responsible Medicine (PCRM) School Lunch Report Card. There is no data specific to California. The PCRM evaluated surveys completed by school nutrition directors from 20 school districts from all regions of the United States; many were among the 100 largest districts. According to the 2008 PCRM School Lunch Report Card, 75 percent of schools served at least one vegetarian option daily, and 65 percent served a vegan entrée. Based on biennial surveys of 1,200 school nutrition directors nationally, the SNA found that 22.3 percent of schools offered vegetarian meals in 2003; the number increased to 63.9 percent in 2009. The SNA also found that vegetarian meal options are most common in high schools and least common in elementary schools. A significant barrier to implementing vegetarian meals is cost.”

The report further notes, “Dietitians also found that all 22 of the school districts surveyed now offer an alternative to dairy milk. In 2006, 67 percent of districts offered nondairy alternatives for free or for purchase; 73 percent did so in 2007. Of the schools offering an alternative (water, juice, or soy milk), 45 percent serve beverages to students at no additional charge, and 55 percent make nondairy drinks available à la carte.”

Arguments in Support: According to San Diego Unified School District, “AB 479 would have a positive impact on student health. According to the *Dietary Guidelines for Americans (DGAs)*, on average, children are not eating enough vegetables, legumes, nuts, seeds, and other plant-based protein foods. Increased consumption of these healthy foods is associated with lower rates of obesity and type II diabetes, heart disease, and even some forms of cancer. We strive to provide the highest quality and nutritious meals possible for our students. However, a large obstacle for us is the high cost of these quality meal items.”

Arguments in Opposition: According to the Western United Dairymen (WUD) and the California Cattlemen’s Association (CCA), “Assembly bill 479 would create a new unfunded program within the BOE requiring the BOE to coordinate with the ARB to promote plant-based meals in our K-12 school system. Simply stated, this bill is unnecessary. Under current law, schools can already choose to offer a variety of meals, including animal-based proteins, vegetarian, plant-based meals and milk alternatives or other culturally-sensitive items so long as offerings meet the nutritional standards outlined in the National School Lunch & School Breakfast Program. Meals that meet federal nutritional standards, including plant-based meat and milk alternatives are eligible for reimbursement under the National School Lunch & Breakfast Program.”

Committee Amendments: *Staff recommends* the bill be amended in the following ways:

- 1) Specify that the funding for the competitive grant program shall be one time state funding.
- 2) Remove the Air Resources Board (ARB) from the bill by eliminating the requirement that CDE consult with the ARB in developing regulations, eliminate the requirement for the ARB to determine whether a plant based milk has lower greenhouse gas emissions, and eliminating the reporting requirements of the ARB.
- 3) Remove references to the environmental impacts of plant-based foods.

Related & Prior Legislation: AB 958 (Aguiar-Curry) of this Session, would create the California Organic to School Pilot Program, and provide schools up to 15 cents per meal for organic, locally grown food.

SB 499 (McGuire) of this Session would establish the California-Grown for Healthy Kids Program, administered by the CDE, to increase the provision of universally free school meals made with California-grown fresh fruits and vegetables. The bill proposes to reimburse schools an additional 10 cents for providing fresh, California grown fruits and vegetables as snacks during the school day.

SB 1138 (Skinner), Chapter 512, Statutes of 2018, requires state prisons and hospitals to serve plant-based meals.

ACR 279 (Kalra), Chapter 213, Statutes of 2018 encourages Californians to include more healthy plant-based foods in their diet.

SB 281 (Maldonado), Chapter 236, Statutes of 2005 established the California Fresh Start Pilot Program which gave additional reimbursement to schools for serving fresh fruits and vegetables.

ACR 16 (Nation), Chapter 62, Statutes of 2003, urged CDE and the Department of Public Health to develop school lunch menu plans that include a daily vegan lunch option that is nutritionally balanced.

REGISTERED SUPPORT / OPPOSITION:**Support**

Animal Welfare Institute
Agriculture & Land Based Training Association
Alliance Of Nurses For Healthy Environments
Alvord Unified School District
American Academy Of Pediatrics, California
American Cancer Society Cancer Action Network Inc.
American College Of Lifestyle Medicine
American Federation Of State, County And Municipal Employees, Afl-Cio
Animal Hope And Wellness
Balanced
Berry Good Food Foundation
Better Food Foundation
Brighter Green
Ca4health
California Association For Health, Physical Education, Recreation & Dance
California League Of Conservation Voters
California School Boards Association
Center For Biological Diversity
Center For Food Safety; The
Compassion In World Farming-Usa
Compassion Over Killing
Conscious Kitchen
East Bay Animal Pac
Ecology Center, Berkeley
Environmental Working Group
Factory Farming Awareness Coalition
Farm Sanctuary
Food Chain Workers Alliance
Food Democracy Now!
Food Revolution Network
Food Shift: A Project Of Earth Island Institute
Friends Of The Earth
Greenpeace Usa
Groundwork San Diego Chollas Creek
Humane Society Of The United States; The
Hungry Planet
Johns Hopkins Center For A Livable Future
Los Angeles Animal Save
Moreno Valley Unified School District
Morgan Hill Unified School District
Novato Unified School District
Occidental Arts & Ecology Center - California Climate & Agriculture Network
Ocean View School District
Paw Project, The

Physicians Committee For Responsible Medicine
Plant Based Foods Association
Riverside Unified School District
Sacramento City Unified School District
San Diego Unified School District
Santa Barbara Unified Department Of Food Service
Slow Food California
Social Compassion In Legislation
The PetStaurant
Urban & Environmental Policy Institute Occidental College

Opposition

California Cattlemen's Association
Western United Dairymen

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