

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 958 (Aguiar-Curry) – As Amended April 2, 2019

[This bill was double referred from the Agriculture Committee and was heard by that Committee as the bill relates to their jurisdiction.]

SUBJECT: The California Organic-to-School Pilot Program

SUMMARY: Establishes the California Organic-to-School Pilot Program (COSPP) to provide schools with grant funds to purchase California organic food for school meals. Specifically, **this bill:**

- 1) Establishes the COSPP, administered through the California Department of Food and Agriculture's (CDFA) Office of Farm to Fork.
- 2) Requires the COSPP to do the following:
 - a) Work with the California Department of Education (CDE) to assist school food authorities that participate in federal lunch and breakfast programs, in accessing California organic food products;
 - b) Identify barriers that prevent schools from accessing California organic food products; and,
 - c) Perform other activities needed to make the COSPP successful, including the development of educational materials or programming for use by participating school food authorities.
- 3) Requires the Secretary of CDFA to expend funds made available for the COSPP to provide grants to schools that purchase California organic food products.
- 4) Requires the COSPP grant recipients to use the grant to purchase California organic food products that meet the following requirements:
 - a) Certified Organic, per current federal law;
 - b) Purchased on or after the date of receiving a COSPP grant;
 - c) Produced in California;
 - d) Whole and unprocessed or minimally processed; and,

- e) Used in meals that are part of the federal school lunch or breakfast program.
- 5) Require COSPP grant recipients to use the funds only for school meals, in amounts that equal the lesser of the following;
- a) The amount paid per school meal by the school food authority to purchase the California organic food products; or,
 - b) Fifteen cents per school meal.
- 6) Prohibits COSPP grant recipients from using the funds to supplant the purchase of food products with federal funds. Specifies that the funds may be used to pay the difference in cost between California organic food products and foods products that are federally reimbursable under the federal lunch or breakfast program.
- 7) Encourages COSPP grant recipients to purchase food that are all of the following:
- a) From socially disadvantaged farmers;
 - b) From producers who offer educational opportunities;
 - c) From local producers; and,
 - d) In season based on the local growing region.
- 8) Requires the CDFA, in consultation with the CDE, to decide the COSPP recipients and amounts of the COSPP grants, with preferences to be given to school food authorities that meet the following criteria:
- a) Serve the highest percentage of children who qualify for free or reduced-price school meals under the federal National School Lunch or Breakfast Program;
 - b) Are located in close proximity to agricultural production;
 - c) Offer universally free school meals; and,
 - d) Participate in the federal Pilot Project for Procurement of Unprocessed Fruits and Vegetables.
- 9) Requires the CDFA to award at least five COSPP grants.
- 10) Requires the CDFA to consult with the CDE to develop guidelines related to the grants.

- 11) Requires the CDFA, within 18 months after the final COSPP grant is awarded, to submit a report to the Legislature on the outcome of the program.
- 12) Requires the report to the Legislature to include, but not be limited to the following:
 - a) The number of COSPP grants awarded;
 - b) The amount of funds awarded; and,
 - c) A summary of the information school food authorities reported.
- 13) Defines “program” to mean the COSPP.
- 14) Defines “school food authority” as the same meaning as defined in federal regulations.
- 15) Defines “Secretary” to mean the Secretary of CDFA.
- 16) Defines “socially disadvantaged farmer” as the same meaning as defined in Section 512 of the Food and Agriculture Code.

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) Establishes the California Fresh Start Pilot Program, which authorizes school districts and charter schools to apply for funding for reimbursement of ten cents (\$0.10) per meal, to supplement, but not to supplant, a school breakfast program. Specifies that funding shall be used to provide one to two servings of nutritious fruits or vegetables, or both, at breakfast, and give priority to serving fresh fruits and vegetables. \$18.2 million was provided in the 2005 California state budget for this program. (Education Code Section 49565.1)

FISCAL EFFECT: Unknown**COMMENTS:** This bill creates a grant program for school districts to apply for and receive funding to provide locally sourced organic food in school breakfast and school lunch programs. The program establishes priorities for in season, locally sourced produce from socially

disadvantaged farmers. Further, the bill prioritizes school districts with high percentages of free and reduced priced meal students in the grant selection process.

According to the Author, “School meal programs provide important nutrition to our children, so that they have healthy bodies and minds in order to learn. Ensuring that the meals and snacks students eat during school hours are high-quality and nutrient dense is critical, and a developmental support that many families rely on. The California Organic-to-School Pilot Program will give communities that cannot regularly access organic foods the opportunity to consume these types of local and organic foods in the school setting. In addition to helping schools purchase organic food, AB 958 will identify barriers that prevent schools from accessing organic food, and facilitate activities necessary to make the shift towards serving more organic foods in our public schools.”

A literature review by the Public Policy Institute of California found, “School-based nutrition programs aim to improve nutritional outcomes to support better educational outcomes. For this reason, school meal programs are closely monitored by both state and federal governments to ensure that meals served meet dietary guidelines. Students consume about a third of their calories in school, and there is evidence that students who participate in school nutrition programs consume fewer ‘empty’ calories.”

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.

Organic Meals in California School Districts: According to the Natural Resources Defense Council, “California leads the country in organic food production, and its schools are leading organic transitions too. For example, Conscious Kitchen’s pilot school meals program at Peres Elementary in Richmond brings hundreds of all-organic meals to a diverse student body every day, with plans to eventually expand across the entire West Contra Costa Unified School District. Winters has a robust farm to school program and sources a wide range of seasonal, organic produce from Capay Valley’s Full Belly Farm. The Edible Schoolyard Project is partnering with CAFF to design an organic procurement framework that will benefit school districts throughout California; they are in early discussions on this concept with the Stockton Unified School District. And Encinitas Union School District even managed to create its own 10-acre certified organic farm to supply produce for school meals. Nonetheless, funding remains a barrier to sourcing organic for most California public schools, in part because school district food budgets, infrastructure, and staff capacity are limited.”

Cost of Organic Ingredients: According to a large, urban school district in California, the following are examples of cost differences between conventional products and organic products:

- organic milk = 0.39 per cup, conventional = 0.25
- organic ground beef = \$3.75/lb, conventional = \$2.00/lb
- organic oranges in season compared to conventional oranges = approximately the same cost

Anecdotal evidence from school districts suggest that organic prices are similar or just slightly higher than conventional prices, for seasonal produce.

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

- 1) Specify that the report be provided to the appropriate policy and fiscal committees of the Legislature.
- 2) Specify that funds for this program shall be a one-time appropriation in the Budget, from non-Proposition 98 funding.

Arguments in Support: According to the Natural Resources Defense Council, California Federation of Teachers, the Center for Food Safety and numerous other organizations, “California is the nation’s leading producer of organic food, yet these foods remain out of reach for many California residents, and too many California organic farmers lack stable markets for the healthy, sustainable food they grow. Organic food is produced without most synthetic pesticides, and organic diets have been shown to decrease pesticide levels in people’s bodies in a short amount of time. More organic food in school meals will mean less pesticide exposure for California’s most vulnerable children. It also means fewer farmworkers exposed to toxic pesticides in their workplaces, more protection for honeybees and other pollinators, more climate-friendly farms to help move California closer to reaching its climate action goals, and more opportunity for California producers.”

Related and Prior Legislation: AB 479 (Nazarian and Kalra) of this Session establishes within the CDE the California Climate-Friendly Food Program to provide incentives for making plant-based food and beverages available to students.

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 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.

REGISTERED SUPPORT / OPPOSITION:

Support

Agriculture & Land Based Training Association
 Agrothrive, Inc.
 Alliance Of Nurses For Healthy Environments
 Association Of Compost Producers

Bartimaeus Cooperative Ministries
Berry Good Food Foundation
Boulder Ridge Vineyard
Breast Cancer Prevention Partners
California Certified Organic Farmers
California Environmental Health Initiative
California Federation Of Teachers
California Food And Farming Network
California Health Coalition Advocacy
California Institute For Rural Studies
California League Of Conservation Voters
California League Of United Latin American Citizens
California Rural Legal Assistance Foundation
California State Grange
Californians For Alternatives To Toxics
Californians For Pesticide Reform
Castro Valley Unified School District
Center For Biological Diversity
Center For Environmental Health
Center For Food Safety; The
Central California Asthma Collaborative
Central Coast Alliance United For A Sustainable Economy
Chiatri De Laguna,
Community Alliance For Agroecology
Community Alliance With Family Farmers
Community Health Improvement Partners
Conscious Kitchen
Democratic Moms Of Camarillo
Dolores Huerta Foundation
Driscoll'S
Dublin Unified School District
Earl'S Organic Produce
Edible Education Nv
Educate. Advocate.
Empower Family California
Engage Encinitas
Environmental Protection Information Center
Environmental Working Group
Fairyella Ice Pops
Faith In The Valley
Farmworker Justice
Food Chain Workers Alliance
Food Commons Fresno
Food Shift: A Project Of Earth Island Institute
Food Systems
Frey Vineyards
Friends Committee On Legislation Of California
Friends Of The Earth
Frog Hollow Farm

Front Porch Farm
Full Belly Farm
Gmo Free California
Goleta Union School District
Good Earth Natural Foods
Grove Street Brokers
Harmony Union School District
Healthy Day Partners
Indivisible Conejo
Indivisible Ventura
Inland Mendocino Farmer's Guild, University Of Ca Cooperative Extension
Jefferson Elementary School District
Klamath Forest Alliance
Leadership Council For Justice And Accountability
Los Angeles Food Policy Council
Lost Coast Camp
Lymphoma Foundation Of America
Mi Familia Vota
Moms Across America
Moms Advocating Sustainability
Monterey Bay Central Labor Council, Afl-Cio
Monterey Peninsula Unified School District
Moreland School District
Mountain View School District
Napa Valley Unified School District
Natural Resources Defense Council
Natural Source Foodservice
Neighbors To Preserve Rural Sonoma County
North Bay Leadership Council
Novato Unified School District
Oak Slough Farm
Occidental Arts And Ecology Center
One Fresh Meal/Eat Your Veggies
Orchard School District
Our Children's Earth Foundation
Oxnard Public Library
Pajaro Valley Federation Of Teachers, Aft 1936
Patterson Progressive Alliance
Pesticide Action Network
Physicians For Social Responsibility - Los Angeles
Planned Parenthood Mar Monte
Poison Free Malibu
Promotores Comunitarios Del Desierto
Quail Flower Gardens
Real Food Real Stories
Roots Of Change
Sacramento City Unified School District
Safe Ag Safe Schools
San Diego Unified School District

San Francisco Bay Area Physicians For Social Responsibility
San Francisco Baykeeper
San Francisco Unified School District
Santa Barbara County Food Action Plan
Santa Clara Unified School District
Santa Cruz City Schools
School Garden
Sierra Harvest
Sierra Orchards
Sjaaks Organic Chocolates
Soil Born Farms
Soul Of Photography
Source Organic
South San Francisco Unified School District
Straus Family Creamery
Studio Channel Islands
Sunridge Farms
Swanton Berry Farm
The Abundant Table
The Edible Schoolyard Project
The Human Nature Center
The Leap Institute
Transition To Organics
Uc Davis
Ufcw Local 5
United Food And Commercial Workers, Western States Council
University Of California Cooperative Extension (Ucce)
West Contra Costa School District
Western Fare
Wine & Water Watch
Women's International League For Peace & Freedom, Earth Democracy Issues

Opposition

None on file

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