

Date of Hearing: March 23, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AJR 8 (Luz Rivas) – As Introduced February 25, 2021

SUBJECT: School meals: federal National School Lunch Program

SUMMARY: Urges the federal government to provide school lunches free of charge to all elementary, middle school, and high school students in the United States. Specifically, **this resolution:**

- 1) Makes the following findings:
 - a) The federal National School Lunch Program provides free and reduced-cost meals to tens of millions of children across the United States, and subsidizes more than 30 million meals each day; and
 - b) The intent of the federal National School Lunch Program is to help improve the nutrition of millions of low-income children; and
 - c) The children participating in the federal National School Lunch Program are more likely to consume milk, fruits, and vegetables at lunch, and less likely to have nutrient inadequacies; compared to children not participating in the federal National School Lunch Program; and
 - d) Experts suggest that participating in the federal National School Lunch Program can reduce student obesity rates by at least 17%, and reduce poor health by at least 29%; and
 - e) Research shows that providing students with adequate nutrition at school significantly improves their academic performance, especially among underperforming students and students who qualify for free lunch; and
 - f) Children and adolescents struggling with inadequate nutrition and food insecurity are at higher risk of behavioral, emotional, and mental health issues; and
 - g) Research suggests that increased participation in the federal National School Lunch Program can reduce food insecurity by at least 3.8%; and
 - h) Recent findings suggest that the coronavirus pandemic will lead to increased rates of food insecurity, particularly among Native American, Latino, and African American communities; and
 - i) Providing free school lunches to all students may reduce stigma that reduces participation in the federal National School Lunch Program, enhance student academic performance, and lead to better health outcomes; and
 - j) Vice President Kamala Harris and the Second Gentleman of the United States, Douglas Emhoff, have repeatedly highlighted their determination to end food insecurity in our

country, and demonstrated their commitment on Martin Luther King, Jr. Day by volunteering at food banks.

- 2) Resolves that the Legislature urges the federal government to provide school lunches free of charge to all elementary, middle school, and high school students in the United States.
- 3) Resolves, that the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to the Majority Leader of the United States Senate, to each Senator and Representative from California in the Congress of the United States, and to the author, for appropriate distribution.

EXISTING LAW:

- 1) Requires, commencing with the 2022–23 school year all of the following:
 - a) A school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide two school meals free of charge during each schoolday to any pupil who requests a meal, without consideration of the pupil’s eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period, except when it requires family daycare homes to be reimbursed for 75% of the meals served. The meals provided under this paragraph be nutritiously adequate meals that qualify for federal reimbursement.
 - b) A charter school to provide two school meals free of charge during each schoolday to any pupil who requests a meal, without consideration of the pupil’s eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period. The meals provided under this paragraph shall be nutritiously adequate meals that qualify for federal reimbursement.
 - c) An LEA that has a reimbursable school breakfast program to not charge any pupil enrolled in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, any amount for any breakfast served to that pupil through the program, and to provide a breakfast free of charge to any pupil who requests one, without consideration of the pupil’s eligibility for a federally funded free or reduced-price meal. The meals provided free of charge pursuant to this paragraph shall be nutritiously adequate, and shall count toward the total of two school meals required to be provided each schoolday. (Education Code (EC) 49501.5)
- 2) 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. (EC 49550)
- 3) Requires 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. (EC 47613.5)

- 4) States that a school district or county office of education (COE) may use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the SBP, the NSLP, the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or may do so at the expense of the school district or county office of education. (EC 49550)
- 5) Requires that the CDE, in cooperation with school districts and county superintendents of schools, provide information and limited financial assistance to encourage the SBP startup and expansion into all qualified schools. (EC 49550.3)
- 6) Designates that the CDE is the state agency responsible for managing and administering the Summer Food Service Program (SFSP). (42 U.S.C. Sec. 1761) (EC 49547.5)
- 7) Prohibits a public school district or COE from denying a meal to any free or reduced-price eligible pupils, and requires that these pupils receive the same meal as all other pupils. (EC 49550 and 49557)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the resolution. According to the author, “Research continuously shows that schoolchildren learn better when they are well-fed. With food insecurity on the rise because of the COVID-19 pandemic, the state and federal government have a responsibility to ensure all children have access to nutritious meals in school. AJR 8 calls on the federal government to step up to the challenge and provide universal free meals to all students in our country.”

USDA meal programs. The CDE, Nutrition Services Division administers many of the USDA meal programs at the state level:

The National School Lunch Program (NSLP). The NSLP is a federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. It provides nutritionally balanced, low-cost or free lunches to children each school day.

The School Breakfast Program (SBP). The SBP provides reimbursement to states to operate nonprofit breakfast programs in schools and residential childcare institutions. The Food and Nutrition Service of the USDA administers the SBP at the federal level.

The Child and Adult Care Food Program (CACFP). The CACFP is a federal program that provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating child care centers, day care homes, and adult day care centers. The CACFP also provides reimbursements for meals served to children and youth participating in afterschool care programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in day care facilities.

The Summer Food Service Program (SFSP). The SFSP is a federally-funded, state-administered program. The SFSP reimburses program operators who serve free healthy meals and snacks to children and teens in low-income areas.

The Seamless Summer Option (SSO). Schools participating in the NSLP or SBP are eligible to apply for the SSO. This option allows public schools to combine features of the School Nutrition Programs and the SFSP along with reduced paperwork requirements, making it easier for schools to feed children during the traditional summer vacation periods and, for year-round schools, long school vacation periods.

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.

During the 2021-22 school year, due to the COVID-19 pandemic, the federal government provided meal reimbursements to school districts and charter schools to provide free lunch to all students, regardless of free meal eligibility.

Beginning with the 2022-23 school year, the state requires school districts and charter schools to provide two free meals per day to all students, regardless of free meal eligibility. The state reimburses school districts and charter schools for the cost of the meal, up to the federal free meal reimbursement rates for all students who are not eligible for federal free meals.

Research related to participation in school meal programs. According to the American Public Health Association, “Participation in food assistance programs declined in 2018 because of fear that using government assistance could lead to immigration repercussions, yet household food insecurity has been on the rise— 9.9 percent in 2007 to 17.8 percent in 2018 among immigrant families in the U.S.”

According to the USDA, the NSLP and other USDA child nutrition programs provide nutritious foods that help reduce the harmful impact of food insecurity and improve outcomes for children. In 2014 and 2015, 84% of low-income food-insecure households with school-age children accessed free or reduced-price lunches through the NSLP, either in combination with USDA’s Supplemental Nutrition Assistance Program (SNAP) benefits (46%), which provide food and nutrition assistance to low-income Americans, or alone (38%). An estimated 6% of low-income food-insecure households with school-age children received SNAP benefits, but not free or reduced-price school lunches, and 10% did not participate in either program.”

Food insecurity during the COVID-19 pandemic. According to a 2020 article the American Journal of Public Health, *Food Insecurity During COVID-19: An Acute Crisis With Long-Term Health Implications*, as of March and April 2020, national estimates of food insecurity more than tripled to 38%. Among adults with incomes less than 250% of the 2020 federal poverty level (based on thresholds from the US Census), 44% of all households were food insecure including 48% of Black households, 52% of Hispanic households, and 54% of households with children.

According to a 2021 Centers for Disease Control research brief in Preventing Chronic Disease: Public Health Research, Practice, and Policy, *Very Low Food Security Among Low-Income Households With Children in California Before and Shortly After the Economic Downturn From COVID-19*, low-income households with children in California were surveyed before and during the pandemic for levels of very low food security (VLFS). From April 27 to July 21, 2020, 14% of mothers reported VLFS versus 19.3% from November 21, 2019, to March 14, 2020, suggesting that existing systems to quickly obtain food assistance benefits in California and new federal benefits available in response to COVID-19 may have reduced VLFS.

Related legislation. AB 508 (L. Rivas) of the 2021-22 Session would have required a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide a pupil, eligible to receive a reduced-price meal, an eligible meal free of charge. This bill was held in the Assembly Education Committee.

SB 364 (Skinner) of the 2021-2022 Session would have required local educational agencies (LEAs) to provide two free nutritiously adequate school meals each school day, regardless of the pupil's eligibility for free or reduced-price meals. This bill also would have required the California Department of Education (CDE) to administer a noncompetitive grant for LEAs to cover costs incurred in purchasing food produced or grown in California and award competitive grants of up to \$30,000 per schoolsite every year for their nonrecurring expenses incurred. Further, the bill would have established the Better Out of School Time (BOOST) Nutrition EBT Program to provide benefits to students during school breaks and campus closures during a state of emergency.

AB 130 (Committee on Budget) Chapter 44, Statutes of 2021, requires, commencing with the 2022-23 school year, a school district, county superintendent of schools or charter school maintaining kindergarten or any of grades 1 to 12, inclusive, to provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal.

REGISTERED SUPPORT / OPPOSITION:

Support

San Diego Unified School District

Opposition

None on file

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