
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 2360 **Hearing Date:** June 13, 2018
Author: Rodriguez
Version: April 18, 2018
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Pupil nutrition: school district and food bank partnerships.

Note: This bill has been referred to the Committees on Education and Agriculture. A "do pass" motion should include referral to the Committee on Agriculture.

SUMMARY

This bill requires the California Department of Food and Agriculture (CDFA) to collaborate with the California Department of Education (CDE) and other entities and experts determined relevant by CDFA, to establish guidelines and best practices for food banks and school districts to create partnerships that increase students' access to fresh produce and healthy foods during holiday, intersession, vacation, and weekend periods.

BACKGROUND

Existing law:

- 1) Requires school districts or county offices of education with students in kindergarten or grades K-12 to provide one nutritionally-adequate meal to each free or reduced-price eligible student during each school day. (Education Code § 49550)
- 2) Defines "nutritionally adequate meal" as breakfast or lunch that qualifies for reimbursement under federal child nutrition program regulations. (EC § 49553)
- 3) Requires the CDE to update its guidance on the donation of leftover food, to allow public school cafeterias to donate food to food banks or other nonprofit charitable organizations for distribution to persons free of charge, or to make leftover food available to pupils during regular school meal times. (EC § 49581)
- 4) Defines "food bank" as a surplus food collection and distribution system, operated and established to assist in bringing donated food or agricultural products to nonprofit charitable organizations and individuals, for the purposes of reducing hunger and meeting nutritional needs. (Food and Agricultural Code § 58501; Health and Safety Code § 113783)
- 5) Requires food banks to be a nonprofit tax-exempt organization; maintain records for proper control of inventory; demonstrate the availability of adequate liability insurance; show local support through funding sources, letters of endorsement, and a board of directors reflective of the community served; and have access to

storage facilities and refrigeration equipment for the purpose of collecting, receiving, handling, storing, and distributing donated agricultural products. (FAC § 58503.1)

- 6) Requires a food bank that receives donated whole uncut fruits or vegetables, or unrefrigerated eggs, from a community food producer to retain records related to the food's donation for 30 days. (Health and Safety Code § 114376)
- 7) Authorizes a local educational agency (LEA) to minimize waste and reduce food insecurity by providing sharing tables, where food service staff, pupils, and faculty can return certain food items and make them available to students during regular school meal times, and by allowing sharing table food not taken by students to be donated to a food bank or other nonprofit charitable organization. (HSC § 114079)
- 8) Requires the California Department of Education (CDE) to seek federal statutory amendments that allow the Summer Food Service Program for Children to serve more children during school vacation periods, under an ongoing school lunch-breakfast program. (EC § 49548.2)
- 9) Establishes the Office of Farm to Fork within California Department of Food and Agriculture (CDFA) and requires the office to work with the agricultural industry, marketing organizations, food policy councils, public health groups, nonprofit and philanthropic organizations, academic institutions, district agricultural associations, county, state, and federal agencies, and other organizations to increase the amount of agricultural products available to underserved communities and schools. (FAC § 49001)
- 10) Requires the Office of Farm to Fork to:
 - a) Identify opportunities and provide technical assistance for collaboration between farmers, regional and local food banks, partner agencies, and nonprofit charitable organizations in the gleaning, collection, and distribution of agricultural products for the purposes of reducing hunger and increasing access to healthy foods. (FAC § 49001)
 - b) Increase access to nutrition education programs and information in schools. (FAC § 49001)
 - c) Provide tools to facilitate relationships between local producers and school food procurement personnel. (FAC § 49001)

ANALYSIS

This bill requires the CDFA to collaborate with the CDE and other entities and experts determined relevant by CDFA, to establish guidelines and best practices for food banks and school districts to create partnerships that increase students' access to fresh produce and healthy foods during holiday, intersession, vacation, and weekend periods. Specifically, this bill:

- 1) Requires the California Department of Food and Agriculture (CDFA), through its Office of Farm to Fork, to collaborate with the California Department of Education (CDE) and other entities and experts determined relevant by CDFA, to establish guidelines and best practices for food banks and school districts to create partnerships that increase the access of pupils in transitional kindergarten, kindergarten, and any of grades 1 to 12, inclusive, to fresh produce and healthy foods, for the purpose of reducing pupil hunger and food insecurity during holiday, intersession, vacation, and weekend periods.
- 2) Requires the purpose of the guidelines to be to encourage the creation of those partnerships and to include, at a minimum, all of the following:
 - a) A model program for a food bank and school district that provides guidance on how to create a partnership, which shall include, but not be limited to:
 - i) Recommended responsibilities for the food bank and the school district.
 - ii) Measures to ensure accountability for food banks and school districts participating in the partnership.
 - iii) Recommendations for reducing food insecurity among pupils by promoting acceptance of CalFresh benefits among eligible families.
 - iv) Recommended methods for increasing pupil access to fresh produce and healthy foods during holiday, intersession, vacation, and weekend periods. Methods may include, but are not limited to, joint establishment of school pantries by school districts and food banks, and providing pupils with preassembled food packages prior to holiday, intersession, vacation, and weekend periods.
 - v) Information on common dietary deficiencies in food insecure children, and recommended foods that would alleviate such deficiencies.
 - vi) Information on state and federal food handling regulations.
 - vii) Information on state and federal food donation laws and protections.
 - viii) Recommendations on cost control, food safety, and food transportation.
 - ix) Information on federal, state, and local resources that could support a food bank and school district.
 - b) A model written agreement for a partnership between a local food bank and a school district.

- 3) Requires the California Department of Food and Agriculture (CDFA), the California Department of Education (CDE), and the Office of Farm to Fork to each post, by January 1, 2020, the guidelines on their respective Internet Web site.
- 4) Requires, by January 1, 2020, the CDE to disseminate the guidelines to school districts and the CDFA to disseminate the guidelines to food banks.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Existing law provides ample opportunities for schools to donate food to food banks, however the reciprocal is not the same. Existing law allows for schools to designate food sharing tables and to allow schools to donate their surplus of viable food to a food bank; extends protections to good faith food donors and makes clarifications on such protections; and promotes food donations from schools to food banks. While these laws are valuable and instrumental in the fight against food insecurity, there are currently insufficient or inadequate incentives that encourage school districts to invite food banks onto campus.

Food banks often have an excess of nutritional food which can be donated to school districts to serve food-insecure children. School districts in regions with high rates of food insecurity, such as the Inland Empire, have expressed interest in partnering with food banks but have concerns about guidance, liability, safety and funding.

This bill seeks to promote and facilitate partnerships between food banks and school districts to increase access to healthy foods to food-insecure students and families by creating appropriate provisions for such partnerships. The school environment provides first hand education models to parents and children.”

- 2) ***Office of Farm to Fork.*** The Office of Farm to Fork supports farm to school programs by participating in the California Farm to School Network, working with the CDE to help schools procure local foods, and by providing information and resources that help connect schools and farms. Specifically, the office has established the California Farmers Marketplace to remove communication barriers by allowing schools to purchase food directly from farmers. The office also conducts child nutrition workshops for school staff throughout California.
- 3) ***Share tables.*** According to federal guidance from the United States Department of Agriculture (USDA) issued in June of 2016, “share tables are tables or stations where children may return whole food or beverage items they choose not to eat, if it is in compliance with local and state health and food safety codes. These food and beverage items are then available to other children who may want additional servings.” Items that remain on the share table may also be served and claimed for reimbursement during another meal service or donated to a nonprofit organization. According to USDA, “using share tables is an innovative strategy to encourage the consumption of nutritious foods and reduce food waste in the National School Lunch Program, School Breakfast Program, Child and

Adult Care Food Program, and Summer Food Service Program (collectively, Child Nutrition Programs, or CNP).” CNP operators are required to plan, prepare, and order food with the goal of providing one meal per child at each meal service, but if a CNP has leftover or unusable foods on a frequent basis, menu planning and production practices should be adjusted to reduce leftovers or unusable foods. In addition to food on share tables being available for children to take additional helpings at no cost, United States Department of Agriculture (USDA), guidelines permit food or beverage items to be donated to a nonprofit organization, such as a community food bank or homeless shelter. The USDA requires CNP operators to comply with all local and state health and food safety codes, and recommends sharing unopened pre-packaged items, such as a bag of baby carrots or sliced apples stored in a cooling bin, whole pieces of fruit, and unopened milk, if immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below.

- 3) ***Significant numbers of children are food insecure.*** According to the USDA, food insecure households are those that are “uncertain of having, or unable to acquire, enough food to meet the needs of all their members because they [have] insufficient money or other resources for food.” USDA further categorizes food insecure households as “low food security” (households able to obtain enough food to avoid substantial disruptions to their eating patterns, or able to cope with low resources by eating less varied diets, accessing food assistance programs, etc.) or “very low food security” (households in which normal eating patterns are disrupted and food intake is disrupted, due to insufficient funds or resources). USDA reports the following statistics regarding food insecurity in US households in 2016: 12.3 percent (15.6 million) were food insecure; 7.4 percent (9.4 million) experienced low food security; and 4.9 percent (6.1 million) experienced very low food security. USDA further states that in 2016, 6.5 million children lived in food insecure households, and that rates of food insecurity were higher than the national average (12.3 percent) in several demographic groups, including households with children (16.5 percent), households with children under age 6 (16.6 percent), households with a single parent (31.6 and 21.7 percent for households headed by a single woman or man, respectively), African American and Hispanic households (22.5 and 18.5 percent, respectively), and low income households (31.6 percent). According to the California Association of Food Banks (CAFB), California has an average food insecurity rate that is similar to the national average (12.5 percent). In addition, the organization states that 4.9 million Californians (1 out of 8 people) are food insecure, of whom 1.9 million are children.
- 4) ***Food insecurity at home impacts learning at school.*** An extensive body of research suggests that food insecurity negatively impacts school performance in children. In a review of available studies, entitled *Health and Academic Achievement*, the Centers for Disease Control (CDC) indicates that insufficient nutrition in students is associated with lower grades, higher rates of absenteeism, higher rates of grade repetition, and decreased cognitive performance on a variety of measures, including alertness, attention, memory, and problem solving. Furthermore, hunger may have long-term impacts on school performance: in a 2017 study published in the journal *Child Development*, researchers report that hunger during early childhood, even before children have enrolled in school, is

associated with later cognitive, social, and emotional deficits. Furthermore, the authors found that these deficits are more profound, the earlier children are exposed to food insecurity.

- 5) ***Related and previous legislation.*** AB 1952 (Mayes, 2018) would establish the Envision a Hunger-Free California Act of 2018, which would require the California Department of Social Services (CDSS), the Department of Public Health (DPH), Department of Education (CDE), and the California Department of Food and Agriculture (CDFA) to develop a plan to end hunger and requires the plan to include identification of barriers to food access, among other things. AB 1952 is scheduled to be heard by the Senate Human Services Committee on June 12, 2018.

SB 557 (Hernandez, Chapter 285, Statutes of 2017) permits a local educational agency to provide sharing tables where faculty, staff and students can place prepackaged, non-potentially hazardous food items, uncut produce, unopened bags of sliced fruit, and unopened containers of milk that are maintained at 41 degrees Fahrenheit or below, that can be donated to a food bank or other nonprofit charitable organization.

SUPPORT

American Academy of Pediatrics
California Federation of Teachers
California Medical Association
California School Nurses Organization
Chaffey Joint Union High School District

OPPOSITION

None received

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