
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2019 - 2020 Regular

Bill No: AB 354 **Hearing Date:** June 12, 2019
Author: Quirk-Silva
Version: March 20, 2019
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: School meals: free or reduced-price meals.

SUMMARY

This bill: (1) requires school districts, county offices of education, and charter schools, that do not participate in federal school meal programs, to provide adequate space for pupils to consume meals, (2) requires those local educational agencies (LEAs) to report to the California Department of Education (CDE) the alternative meal program each of its schoolsites will follow to ensure that each needy pupil is provided with a free or reduced-price meal, and (3) commencing with the 2021–22 school year, requires CDE to conduct onsite reviews of schoolsites of those LEAs to verify compliance with federal nutrition requirements.

BACKGROUND

Existing state law:

- 1) Requires each 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) Defines needy children as those who meet federal eligibility criteria for free and reduced-price meals (for the 2018-19 school year, a family of four with an annual income of \$32,630 is eligible for free meals and a family of four with an annual income of \$46,435 is eligible for reduced-price meals). (EC § 49552)
- 3) Provides that a nutritionally adequate meal for this purpose is a breakfast or lunch that qualifies for reimbursement under the federal child nutrition program regulations. (EC § 49553)
- 4) Authorizes a school district or county office of education to use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program, the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or do so at its own expense. (EC § 49550)
- 5) Requires charter schools, commencing with the 2019-2020 school year, to provide each needy pupil with one nutritionally adequate free or reduced-price meal during each schoolday. Charter schools that offers nonclassroom-based

instruction must meet this requirement 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)

ANALYSIS

This bill: (1) requires school districts, county offices of education, and charter schools, that do not participate in federal school meal programs, to provide adequate space for pupils to consume meals, (2) requires those local educational agencies (LEAs) to report to the California Department of Education (CDE) the alternative meal program each of its schoolsites will follow to ensure that each needy pupil is provided with a free or reduced-price meal, and (3) commencing with the 2021–22 school year, requires CDE to conduct onsite reviews of schoolsites of those LEAs to verify compliance with federal nutrition requirements. Specifically, this bill:

- 1) Requires school districts, county offices of education, and charter schools, that do not participate in the federal National School Lunch Program and the federal School Breakfast Program, to do both of the following:
 - a) Provide adequate space for needy pupils to consume one nutritionally adequate free or reduced-price meal during each schoolday.
 - b) Report to the department by October 1 of each year the alternative meal program each of its schoolsites will follow to ensure that each needy pupil is provided with the required free or reduced-price meal.
- 2) Requires the CDE, beginning of the 2020–21 school year, to provide a form for a school district, county office of education, or charter school to submit its alternative meal program report.
- 3) Requires a school district, county office of education, or charter school to include the following information for each of its schoolsites in the report:
 - a) School district or county office of education name, or in the case of a charter school, the name of either the chartering authority or the entity managing the charter school.
 - b) Schoolsite name.
 - c) Whether the LEA is a school district, county office of education, or charter school.
 - d) County-District-School (CDS) Code.
 - e) Total pupil enrollment at the schoolsite.
 - f) Total number of pupils eligible to receive free or reduced-price meals at the schoolsite.

- 4) Requires the California Department of Education (CDE) to complete a menu certification and nutrient analysis of menus to verify the compliance of a school district, county office of education, or charter school that submits a report with the federal meal pattern regulations under the federal National School Lunch Program and the federal School Breakfast Program.
- 5) Requires the CDE, commencing with the 2021–22 school year, the CDE to conduct onsite reviews of schoolsites of school districts, county offices of education, and charter schools that submit a report to verify compliance with federal meal benefit issuance requirements and federal meal pattern regulations under the federal National School Lunch Program and the federal School Breakfast Program. The onsite review must adhere to the federal administrative review requirements and review schedule under the federal National School Lunch Program and the federal School Breakfast Program.
- 6) Requires the CDE, on or before March 15, 2022, and annually thereafter, to submit to the Legislature a report containing the results of that school year's onsite reviews and a list of noncompliant schoolsites.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “School districts, county offices of education, and charter schools may voluntarily opt out of the National School Lunch program, but are by the State meal Mandate to provide at least one free or reduced price meal a day to eligible pupils in lieu of the waived national meal. Nonetheless, we have not taken any measures to monitor alternative programs and ensure eligibility students at all California public schools are being captured.

All students deserve equitable access to the resources that will ensure their success and proper nutrition is one of them. Research shows that students need to be well nourished in order to learn. Thus, not ensuring low-income students have these critical resources could exacerbate achievement gaps.”

- 2) ***School Meal Funding.*** As noted by the Assembly Education Committee, “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.”
- 3) ***State meal program meals must meet federal nutrition standards.*** As noted above, existing law requires local educational agencies (including charter schools commencing with the 2019-2020 school year) to provide each needy pupil with at least one nutritionally adequate meal. Existing law further defines nutritionally adequate meals to be a breakfast or lunch meeting specified requirements that qualifies for reimbursement under the federal child nutrition program regulations,

which must meet federal school meal nutrition standards. According to the California Department of Education (CDE), “On January 26, 2011, the U.S. Department of Agriculture published the Nutrition Standards in the National School Lunch and School Breakfast Programs final rule outlining nutrition standards for sponsors participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). The nutrition standards align with the Dietary Guidelines for Americans to reflect evidence-based nutrition science.”

- 3) ***Number of Schools Not Participating in the NSLP.*** As noted by the Assembly Education Committee, “according to the CDE, 530 districts with 1,775 sites do not participate in the federal NSLP and SBP. 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 percent of traditional school sites and 74 percent of charter school sites not participating in these school meal reimbursement programs.”

- 4) ***School Nutrition Programs Administrative Review.*** Federal law required CDE to review school food authorities at least once during a three-year review cycle, including any new participants. According the CDE, “the administrative review process consists of four phases: prereview, on-site review, off-site review, and post-review. The CDE and the school food authority (SFA) collaborate to complete the administrative review to ensure program integrity and increase overall compliance, with the following objectives:
 - a) Determine if the SFA is meeting all federal and state SNP requirements.
 - b) Provide focused technical assistance to assist the SFA with correcting any findings.
 - c) Secure necessary corrective action documentation demonstrating the SFA’s permanent corrections.
 - d) Assess fiscal action and, when applicable, recover improperly paid funds.”

- 5) Related and previous 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.

SUPPORT

American Diabetes Association
 California Federation of Teachers
 California Teachers Association

OPPOSITION

None received

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