
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 479 **Hearing Date:** July 3, 2019
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Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: School meals: plant-based food and milk options: California School Plant-Based Food and Beverage Program.

SUMMARY

This bill establishes the California School Plant-Based Food and Beverage Program within the California Department of Education (CDE) in order to: (1) authorize local educational agencies (LEAs) to apply for partial reimbursement for meals that include a plant-based food or milk options, and (2) require CDE to provide competitive grants of up to \$100,000 for specified plant-based food and milk related uses.

BACKGROUND

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, and 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)
- 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.
(California Code of Regulations, Title 5, § 15576)

ANALYSIS

This bill establishes the California School Plant-Based Food and Beverage Program within the CDE in order to: (1) authorize LEAs to apply for partial reimbursement for meals that include a plant-based food or milk options, and (2) require CDE to provide competitive grants of up to \$100,000 for specified plant-based food and milk related uses. Specifically, this bill:

- 1) Establishes the California School Plant-Based Food and Beverage Program within CDE.
- 2) Encourages LEAs, in making procurement decisions pursuant to California School Plant-Based Food and Beverage Program, to give preference to the purchase of plant-based food options and plant-based milk options from California producers, when commercially available.
- 3) Authorizes an LEA, upon an appropriation, to apply for reimbursement, in an amount of up to twenty cents (\$0.20) per meal for meals that include a plant-based food option and up to ten cents (\$0.10) per meal for meals that include a plant-based milk option.
- 4) Specifies that 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.
- 5) Requires CDE to pay the reimbursement amounts in quarterly installments, requires reimbursement funds to be deposited into the nonprofit food service account of the LEA, and requires reimbursement to be in addition to any other state or federal funding or reimbursement received.
- 6) Requires an LEA applying for the reimbursement to provide documentation of the number of plant-based food options and plant-based milk options reimbursable under the federal National School Lunch Program that the LEA served in the baseline 2018–19 school year, and specifies that an LEA that does not provide this documentation is not eligible for reimbursement.
- 7) Requires the reimbursement funds to be available for plant-based food options or plant-based milk options that represent 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 required documentation.
- 8) Requires the CDE, upon an appropriation, to make additional one-time payments of up to one thousand dollars (\$1,000) for the costs of collecting the 2018–19 school year baseline data, on a first-come-first-served basis, to an LEA that receives meal reimbursement.

- 9) Authorizes the CDE to limit the total amount of reimbursements and payments under the California School Plant-Based Food and Beverage Program to a total of three million dollars (\$3,000,000) per year, but specifies that the limit does not apply to funding from private sources.
- 10) Requires the CDE, upon an appropriation, to provide competitive grants, in an amount of up to one hundred thousand dollars (\$100,000), to LEAs for any of the following:
 - a) To contract with third parties for professional development training for schoolsite staff on serving, including preparing, procuring, advertising, and creating menus for plant-based food options or plant-based milk options.
 - b) To purchase cafeteria equipment to prepare plant-based food options or plant-based milk options, as needed.
 - c) To provide technical assistance and pupil engagement and education on plant-based food options and plant-based milk options, including providing taste tests, recipe development, and culinary education.
 - d) To provide additional compensation for additional work relating to serving meals that include a plant-based food option or a plant-based milk option pursuant, to the extent that funding is made available in the grant for this purpose.
- 11) Requires the CDE, in providing grants, to give priority to LEAs with the largest percentage of pupils eligible to receive free or reduced-price lunches.
- 12) Requires an LEA, before entering into a contract with a third party for professional development training funded by a grant, to complete negotiations on the training with the schoolsite staff's exclusive representative, if requested to do so by the exclusive representative.
- 13) Prohibits an employee from being required to attend professional development training funded by the grant for which the employee does not receive at least that employee's regular rate of pay or that takes place outside of that employee's normal working hours.
- 14) Requires the CDE to do all of the following:
 - a) Adopt regulations, as it deems necessary, to implement the California School Plant-Based Food and Beverage Program
 - b) Establish guidelines for the evaluation of the meal reimbursement and grant program.
 - c) Complete an evaluation of the meal reimbursement and grant program and report the results of the evaluation to the Legislature. The evaluation shall include the number of LEAs that applied for and received meal reimbursement and payments, the number of meals provided by each

LEA, the number of local educational agencies that applied for and received grant funding, and the manner in which LEAs used grant funds.

- d) Conduct outreach, with special attention given to the LEAs with the largest percentage of pupils eligible to receive free or reduced-price lunches.
- 15) Authorizes the CDE to accept funding from private sources for the purpose of the California School Plant-Based Food and Beverage Program.
- 16) Provides the following definitions for purposes of the California School Plant-Based Food and Beverage Program:
- a) “Local educational agency” means 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 (NSLP).
 - b) “Nonprofit food service account” has the same meaning as defined in specified federal regulations.
 - c) “Plant-based food option” means a food that contains no animal products or byproducts, including meat, poultry, fish, dairy, or eggs, and that is recognized by the United States Department of Agriculture (USDA) as a meat alternate for purposes of the federal NSLP.
 - d) “Plant-based milk option” means 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 NSLP.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California can improve student health while reducing greenhouse house gas emissions associated with the estimated 540 million school lunches served each year by incentivizing more plant-based school meals.

Numerous school districts across the state have been increasing plant-based offerings but often face cost barriers since animal-based foods and cow’s milk are heavily subsidized by the federal government relative to plant-based foods and plant-based milk options. Additionally, school districts can ask students to rely on non-substantive side options if the student chooses not to eat meat. According to Los Angeles Unified School District, the average cost of a plant-based meal they serve is \$0.73 vs. \$0.61 for meat and vegetarian options. The vegan menu items are often more expensive because of the labor, production, and manufacturing that are involved in making an attractive product. For example, to convert tofu into strips and nuggets, the product has to be processed and manufactured, requiring a higher cost.

Aside from the additional per-meal cost associated with serving many plant-based entrees, schools require professional development and technical

assistance, including culinary training, recipe development assistance, and procurement and menuing strategies, in order to effectively scale up their healthy, plant-based offerings.”

- 2) ***Plant Based School Meals in California.*** 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.”

- 3) ***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. USDA-approved plant protein products include nut and seed butters, cooked beans and peas, and soy protein.
- 3) ***Not funded in the budget.*** This bill’s provisions are contingent upon an appropriation. The Budget Act of 2019 (AB 74, Ting), which is pending before the Governor, does not contain an appropriation for these purposes. Instead, the Budget Act of 2019 includes a \$500,000 appropriation for the Breakfast After the Bell Program, as set forth in the education omnibus trailer bill (AB 75, Committee on Budget), which would be administered by the CDE for the purpose of awarding grants to school districts, charter schools, and county offices of education for schoolsite breakfast after the bell programs that provide breakfast to pupils after the schoolday has begun.
- 4) ***Related and previous legislation.*** SB 499 (McGuire, 2019) establishes the California-Grown for Healthy Kids Program to increase the provision of universally free school meals with California-grown fruits and vegetables, which would include supplemental funds of \$0.10 per breakfast served to eligible school food authorities. SB 499 is scheduled to be heard in the Assembly Education Committee on July 10, 2019.

AB 958 (Aguiar-Curry, 2019) creates the California Organic-to-School Pilot Program (Pilot Program) within the California Department of Food and Agriculture's (CDFA's) Office of Farm to Fork. AB 958 was held in the Assembly Appropriations Committee.

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

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.

SUPPORT

Friends of the Earth (Co-Sponsor)
Physicians Committee for Responsible Medicine (Co-Sponsor)
Adventist Health
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
Animal Legal Defense Fund
Animal Welfare Institute
Balanced
Berry Good Food Foundation
Better Food Foundation
Brighter Green
California Association for Health, Physical Education, Recreation & Dance
California Food and Farming Network
California League of Conservation Voters
California School Employees Association
Center for Biological Diversity
Center for Climate Change and Health
Center for Nutrition Studies
Central California Asthma Collaborative
Conscious Kitchen
Del Norte Unified School District \ County Office of Education
Dublin Unified School District
East Bay Animal PAC
Ecology Center
Environmental Working Group
Factory Farming Awareness Coalition
Food Chain Workers Alliance
Food Commons Fresno
Food Revolution Network
Healthy Day Partners
Health Education Program for Developing Communities
HealthySelfie
Humane Society of The United States

Hungry Planet
In Defense of Animals
Johns Hopkins Center for a Livable Future
Lean and Green Kids
Moreno Valley Unified School District
Morgan Hill Unified School District
Natural Resources Defense Council
Novato Unified School District
Oak Park Unified School District
Occidental Arts and Ecology Center
Ocean View School District
One Meal A Day for the Planet
Our Children'S Earth Foundation
Oxnard Union High School District
Pacoima Charter School
Physicians Committee for Responsible Medicine
Plant Based Foods Association
Plant Pure Communities
Real Food Media
Riverside Unified School District
Robla School District
San Diego Unified School District
Santa Barbara Unified School District
Sierra Club California
Slow Food California
South Bay Union School District
Sustainable Agriculture Education
The Plantrician Project
UDW/Afscme Local 3930
Urban & Environmental Policy Institute at Occidental College
Veg Head Speaks
VEP Healthcare

OPPOSITION

None received

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