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# SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** SB 782 **Hearing Date:** April 26, 2017  
**Author:** Skinner  
**Version:** March 29, 2017  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Brandon Darnell

**Subject:** School meals: California grown food

## SUMMARY

This bill would establish the California Grown Fresh School Meals Grant Program within the California Department of Food and Agriculture (CDFA) to provide grants for public schools to buy California-grown food and expand the number of freshly prepared school meals that use these food products.

## 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) Requires state and local governments to give preference to purchasing supplies grown, manufactured, or produced in California if price, fitness, and quality of similar non-California products are equal (Government Code § 4330 et seq.). However, the California Attorney General concluded that this law was unconstitutional (53 Op.Atty.Gen. 72, 2-11-70).
- 3) Establishes the Office of Farm to Fork within CDFA to increase food access and the amount of agricultural products available to underserved communities and schools in California (Food and Agricultural Code § 49000 et seq.).
- 4) Establishes the Nutrition Incentive Matching Grant Program within the Office of Farm to Fork to encourage the consumption and purchase of fresh fruits, nuts, and vegetables by connecting farmers with food assistance recipients. (FGC § 49010)

Existing federal law requires school food authorities participating in the National School Lunch Program or the School Breakfast Program to purchase, to the maximum extent practicable, domestic commodities or products. (Title 42, United States Code, § 1760(n))

## ANALYSIS

This bill would establish the California Grown Fresh School Meals Grant Program within California Department of Food and Agriculture (CDFA) to provide grants for public schools to buy California-grown food and expand the number of freshly prepared school meals that use these food products. Specifically, this bill:

- 1) Finds and declares that the State of California should advance programs that promote a safe and healthy food supply, enhance the agricultural economy, and ensure the health and well-being of all children; therefore, it is of the utmost importance that school districts provide healthy California-grown food to public school children.
- 2) Finds and declares that California participates in the National School Lunch Program and the School Breakfast Program, where more than half of California's students qualify for free or reduced-price meals.
- 3) Makes several findings and declarations in regards to relevant research studies, the value of regional sourcing of agricultural products and the benefit of reducing greenhouse gas emissions, and the impact of the agricultural sector on the state's economy.
- 4) Establishes the California Grown Fresh School Meals Grant Program (grant program) within CDFA to provide grants for public schools to buy California-grown food and expand the number of freshly prepared school meals that use these food products.
- 5) Requires CDFA, in cooperation with the Department of Education, the Department of Public Health, and other stakeholders, to establish and develop grant application criteria for the grant program.
- 6) States the intent of the legislature that the grant program creates opportunities for public and private partnerships.
- 7) Authorizes a school district or charter school to apply for the grant.
- 8) Restricts the use of grant funds to be used only for the purchase of California-grown food.
- 9) Requires that meals provided to students procured using grant money be provided at the same cost, no cost, or reduced cost as other meals prepared with foods not purchased with grant money.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Multiple studies have shown that healthy school meals improve the academic achievement of students, reduce the risks for childhood obesity and diabetes, increase attendance rates, and have positive behavioral impacts that result in better classroom environments. However, due to their large scale and limited fiscal resources, many school districts find it challenging to provide healthy school meals that are freshly prepared and made from ingredients grown in the state. Farm to school

programs demonstrate that California school districts can improve school food, but more needs to be done. California leads the nation in agriculture production and exports. With nearly one billion school breakfasts and lunches served each year in California public schools, meal that are freshly prepared and made from ingredients grown in California can provide significant economic benefits to the state overall. According to a California State University, Fresno, Center for Agricultural Business study, every one dollar spent in the agriculture sector adds two dollars and fifty-six cents (\$2.56) to the state economy. Additionally, increasing the local and regional-sourcing of agricultural products in school meals benefits the environment by reducing greenhouse gas emissions associated with the transportation and packaging required for products procured out-of-state and from abroad.”

- 2) **Prioritization.** Federal law already requires schools participating in the National School Lunch Program or School Nutrition Program to buy American sourced products, to the extent practicable. The California State Auditor’s Office has approved, but not yet completed, an audit request regarding compliance with that Buy American provision. The committee may wish to consider whether funding a grant program specific to California grown food is a priority for school nutrition programs and whether those funds could be more appropriately allocated to other school nutrition needs.
- 3) **California, agriculture, and “farm to fork.”** California is the nation’s leading agricultural producer, growing over 400 different commodities and supplying 50 percent of the nation’s nuts, fruits and vegetables. California is also the most populated state, where over 38 million residents are within close proximity, yet far removed socially, from agricultural fields and agricultural producers. Rapidly gaining in popularity is the concept of “farm to fork,” a nationwide movement that seeks to bring fresh, healthy foods from farms directly to consumers, restaurants, food banks, and other retail food outlets. A broad and loosely defined term, the overarching purpose of the “farm to fork” movement is to connect consumers and farmers, create infrastructure for food distribution, and improve food access.

The Office of Farm to Fork was established within the California Department of Food and Agriculture (CDFA) to increase food access and the amount of agricultural products available to underserved communities and schools in California. Specific to schools, the office has created a farm to school program that provides classroom and hands-on nutrition and farming education and increases the availability of local, fresh foods in California school meal programs.

The United States Department of Agriculture’s Specialty Crop Block Grant Program is designed to enhance the competitiveness of specialty crops, which are defined as fruits, vegetables, tree nuts, dried fruits, horticulture and nursery crops. In 2016, CDFA was awarded over \$22 million for 73 projects. These projects included, among many others, funding for the Buy California Marketing Agreement, crop-specific marketing grants, funding for the Office of Farm to Fork, and funding for projects increasing the availability of specialty crops in schools and hospitals.

United State Department of Food and Agriculture's Farm to School Program helps schools incorporate local foods in the National School Lunch Program and other food-assistance programs through grants, training, technical assistance, and research. Grant activities include procuring local foods for schools, planting and maintaining school gardens, and purchasing equipment needed to handle and prepare fresh local foods. Awardees are primarily schools, but also include non-profits, local and state government agencies, agricultural producers, Indian tribal organizations, and University Cooperative Extension. Between 2013 and 2016, California was awarded over \$2 million in grants, making it the top state to successfully apply for and receive funds.

- 4) **Substantial author amendments.** The author would like to substantially revise the bill as follows:
- a) Revise the definition of "California grown" to mean any food or agricultural products that have been produced in the state or harvested in its surface or coastal waters.
  - b) Define qualified entity to mean public school districts, county superintendents of schools, or entities approved by the department, that operate the National School Lunch or School Breakfast Program.
  - c) Clarify that the California Grown Fresh School Meals Grant Program is established within the Department of Food and Agriculture (CDFA) for the purposes of encouraging the purchase of California-grown food by schools and expanding the number of freshly-prepared school meals offered within the state that uses California-grown ingredients.
  - d) Require CDFA to coordinate with the California Department of Education (CDE) and the California Department of Public Health (CDPH) on implementing the program.
  - e) Require CDFA to administer the program in accordance with all of the following:
    - i) CDFA shall establish minimum standards, funding schedules, and procedures for awarding grants in consultation with CDE, the CDPH, and key stakeholders relevant to school meals, agriculture, or health.
    - ii) The program shall provide grants to qualified entities for both of the following:
      - I) Purchasing California-grown food to be utilized for school meals.
      - II) Expanding the number of freshly-prepared school meals offered by a qualified entity, including but not limited to the purchase of equipment or facilities training for the offering of freshly-prepared meals.

- iii) Department of Food and Agriculture (CDFA) may give priority in awarding grants to qualified entities based on, but not limited to, the following:
  - I) The number of school children eligible for free and reduced price meals within the qualified entities.
  - II) The degree to which the qualified entity does or will implement guidelines and professional development relating to food service.
  - III) The amount of proposed matching funds or in-kind service in the application.
- f) Require the CDFA to provide technical assistance to qualified entities.
- 5) ***Farm to School Participation.*** According to the Farm to School Census, 55 percent of California school districts surveyed by the United State Department of Food and Agriculture (USDA) participate in farm to school activities and another 16 percent say that they plan to participate in the future. Nationally, 42 percent of school districts participate in these activities, which include serving and promoting locally produced foods and taking students on field trips to working farms and orchards.
- 6) ***California Thursdays.*** California Thursdays is a collaboration among a non-profit (Center for Ecoliteracy) and 71 California public school districts that seeks to increase freshly prepared, locally sourced meals in schools. As part of the California Food for California initiative, California Thursdays works to provide at least one California-grown meal a week to students in participating school districts. Funding for this program comes from CDFA, USDA's Farm to School Program, and private funds.
- 7) ***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 California Department of Education (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, and is working to create a joint powers of authority for Pittsburgh Unified School District to increase the purchasing power of Contra Costa schools.
- 8) ***Double referred.*** This bill was heard in the Senate Committee on Agriculture on April 18, 2017, where it passed with a unanimous vote, 5-0. In that hearing, the author agreed to work with the Committee on issues raised in the Committee's analysis. The proposed author's amendments included in this analysis stem from that agreement and the Senate Committee on Agriculture agrees with the proposed author's amendments.

9) ***Related legislation and previous legislation.***

## RELATED LEGISLATION:

SB 730 (Pan, 2017) would require the CDE to monitor compliance and enforce the Buy American provision of the National School Lunch Program by taking certain actions, to establish best practices for school food authorities to comply with the Buy American provision, and to establish a process for school food authorities to request an exception to the Buy American requirement before purchasing nondomestic products. SB 730 is scheduled to be heard in this Committee on April 26, 2017.

AB 822 (Caballero, 2017) would require state entities, other than universities and colleges and school districts, to give preference to purchasing agricultural products grown in California when the bid or price of the product is not more than 5 percent more expensive than a similar product grown out of state. AB 822 is scheduled to be heard in the Assembly Committee on Appropriations on April 26, 2017.

AB 1163 (Irwin, 2017) would transfer \$3 million from the General Fund to the Department of Food and Agriculture (CDFA) Fund to be used by the Buy California Program to support the federal Specialty Crop Block Grant Program through grants and other expenditures. AB 1163 would also require these moneys to be made available only if they are fully matched by non-state sources used to promote California-grown products. AB 1163 is scheduled to be heard in the Assembly Committee Agriculture on April 26, 2017.

## PREVIOUS LEGISLATION

AB 1321 (Ting, Chapter 442, Statutes of 2015) established the Nutrition Incentive Matching Grant Program in the Office of Farm to Fork within the California Department of Food and Agriculture to encourage the consumption and purchase of fresh fruits, nuts, and vegetables by connecting farmers with food assistance recipients.

AB 2413 (Perez, Chapter 583, Statutes of 2014) created the Office of Farm to Fork within CDFA to, among other things, promote food access and increase the amount of agricultural products available to underserved communities and schools within California.

AB 2602 (Eggman, 2014) would have established the Farm to School Program within CDFA to provide grants and technical assistance to school districts and county offices of education to increase the number of healthy meals in school cafeterias; improve student nutrition; and provide agriculture, health, and nutrition educational opportunities. AB 2602 was held in the Assembly Committee on Appropriations.

AB 199 (Holden, 2013) would have required state entities, other than universities and colleges and school districts, to give preference to purchasing agricultural

products grown in California when the bid or price of the product is equal to the price, fitness, and quality of a similar product grown out of state. AB 199 was vetoed by the Governor, whose veto message stated:

***This bill would require the state to implement a preference for agricultural products grown in California and offered by a California company. This preference would be difficult to comply with and quite onerous. Every purchase, even a single bag of apples, would be affected.***

***I strongly support California's agricultural industry and encourage all state-run institutions to support local farmers and businesses. In fact, state growers and processors have no trouble competing for - and winning - the state's business. Today, approximately half of all food the Department of General Services purchases for state institutions comes from California, without a preference or a mandate.***

AB 909 (Alejo, 2012) would have provided school districts with \$0.05 for every meal the district served as part of the National School Lunch or School Breakfast Program if 80 percent of a school district's expenditure on fresh produce was California grown. AB 909 was held in the Assembly Committee on Appropriations.

## **SUPPORT**

Bakersfield City School District Department of Nutrition Services  
California Alliance with Family Farmers  
Environmental Working Group  
Fresh Approach  
Los Angeles Trust for Children's Health  
San Diego Hunger Coalition  
Slow Food California  
Urban and Environment Policy Institute at Occidental College

## **OPPOSITION**

None received.

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