

AMENDED IN SENATE JUNE 27, 2006
AMENDED IN SENATE JUNE 15, 2006
AMENDED IN SENATE MARCH 1, 2006
AMENDED IN SENATE JANUARY 18, 2006
AMENDED IN SENATE JULY 12, 2005
AMENDED IN SENATE JUNE 27, 2005
AMENDED IN SENATE JUNE 15, 2005
AMENDED IN SENATE JUNE 9, 2005
AMENDED IN ASSEMBLY MAY 26, 2005
AMENDED IN ASSEMBLY MAY 11, 2005
AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 569

Introduced by Assembly Member Garcia

February 16, 2005

An act to add Section 49550.2 to the Education Code, relating to school meals, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 569, as amended, Garcia. Pupil nutrition: school meals: *school breakfast study.*

(1) Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide one nutritionally adequate free or reduced-price meal for each needy pupil during each schoolday, except as specified. Existing law permits a school district or county office of education to use funds made available through any applicable federal or state program or to use its own funds to provide the required meals.

Existing law requires the State Department of Education to award grants, as specified, to school districts and county offices of education for the initiation and expansion of school breakfast programs and summer food service programs. Existing federal law provides additional funding, the lesser of specified meal reimbursement rates or 100% of the operating costs of a breakfast program, for school districts that meet certain qualifications deemed to indicate severe need and that are operating or desire to initiate a school breakfast program.

This bill would require the department to conduct a study on or before May 1, 2007, on certain matters relating to the feasibility of requiring schools that meet the qualifications for the federal severe need reimbursement to offer breakfast. The bill would require the department to report the results of the study to the Legislature on or before June 1, 2007.

(2) *This bill would declare that it is to take effect immediately as an urgency statute.*

~~This bill would require each schoolsite that meets the qualifications for federal severe need reimbursement to offer breakfast beginning with the 2007-08 school year. The bill would authorize the department to grant waivers of this requirement if the local school governing board declares that the operation of the program is financially infeasible even with a startup or expansion grant. The bill would require the department to provide the school district or county office of education seeking a waiver with technical assistance to attempt to overcome any barriers the school district or county office of education is experiencing prior to granting the waiver. The bill would require that schools offering the federal School Breakfast Program for the first time pursuant to these provisions receive a priority for funding through the startup and expansion grant program.~~

~~By requiring all schools that meet certain conditions to provide breakfast unless they receive a waiver, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~^{no}.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) More than 8,000 schools in California participate in the
4 federal School Breakfast Program, collectively serving more than
5 182 million breakfasts each year. The schools that serve school
6 breakfast include large and small schools, schools in rural,
7 suburban and urban areas, and schools with different
8 demographics.

9 (b) National research shows that children who eat school
10 breakfast consume more fruits, vegetables, and calcium and less
11 sugar than nonparticipants.

12 (c) National studies show that eating school breakfast
13 improves test scores and classroom behavior, reduces visits to the
14 nurse’s office, and contributes to healthy weight management.

15 (d) The federal government offers schools at which a high
16 concentration of low-income pupils eat school lunch the highest
17 rate of reimbursement for school breakfast in recognition of the
18 special responsibility these schools have to offer both meals to
19 needy pupils.

20 (e) Well-tested models for serving school breakfast, including
21 Breakfast in the Classroom, Grab-N-Go, and Second Chance
22 Breakfast, have dramatically increased participation in the
23 federal School Breakfast Program in schools statewide.

1 (f) Despite the benefits of school breakfast, the extra
2 reimbursement that is available, and the availability of successful
3 implementation models, there remain schools in California that
4 do not offer breakfast.

5 (g) The pupils in these schools that do not offer breakfast are
6 being denied a critical tool for learning and health.

7 ~~SEC. 2. Section 49550.2 is added to the Education Code, to~~
8 ~~read:~~

9 ~~49550.2. (a) Commencing with the 2007-08 school year,~~
10 ~~each schoolsite that meets the qualifications for the federal severe~~
11 ~~need reimbursement, pursuant to subsection (d) of Section 1773~~
12 ~~of Title 42 of the United States Code, shall offer breakfast.~~

13 ~~(b) The department may grant a waiver of the meal~~
14 ~~requirement pursuant to subdivision (a) only if the local school~~
15 ~~governing board declares that the operation of the program is~~
16 ~~financially infeasible for the school and the school district or~~
17 ~~county office of education even with a startup or expansion grant~~
18 ~~pursuant to Section 49550.3. Prior to granting a waiver, the~~
19 ~~department shall provide the school district or county office of~~
20 ~~education seeking the waiver with technical assistance to attempt~~
21 ~~to overcome any barriers the school district or county office of~~
22 ~~education is experiencing in implementing the meal requirement~~
23 ~~pursuant to subdivision (a).~~

24 ~~(c) Schools offering the federal School Breakfast Program for~~
25 ~~the first time pursuant to subdivision (a) shall receive a priority~~
26 ~~for funding through Section 49550.3.~~

27 ~~SEC. 2. Section 49550.2 is added to the Education Code, to~~
28 ~~read:~~

29 ~~49550.2. (a) The department shall conduct a study on or~~
30 ~~before May 1, 2007, on all of the following:~~

31 ~~(1) The number of schools that meet the qualifications for the~~
32 ~~federal severe need reimbursement, pursuant to subsection (d) of~~
33 ~~Section 1773 of Title 42 of the United States Code, that do not~~
34 ~~offer school breakfast.~~

35 ~~(2) The costs associated with requiring schools described in~~
36 ~~paragraph (1) to offer breakfast.~~

37 ~~(3) The feasibility of requiring the schools described in~~
38 ~~paragraph (1) to offer breakfast.~~

1 (4) *The changes that would need to be made to existing law, if*
2 *any, to implement a program to require schools described in*
3 *paragraph (1) to offer breakfast.*

4 (b) *The department shall report the results of the study*
5 *required pursuant to subdivision (a) to the Legislature on or*
6 *before June 1, 2007.*

7 SEC. 3. *This act is an urgency statute necessary for the*
8 *immediate preservation of the public peace, health, or safety*
9 *within the meaning of Article IV of the Constitution and shall go*
10 *into immediate effect. The facts constituting the necessity are:*

11 *In order to address the health of pupils and to ensure that the*
12 *study required by this act is commenced at the earliest possible*
13 *time, it is necessary that this act take effect immediately.*