

## Assembly Bill No. 569

### CHAPTER 702

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

[Approved by Governor September 29, 2006. Filed with  
Secretary of State September 29, 2006.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 569, 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 March 31, 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 April 30, 2007.

(2) This bill would appropriate \$170,000 from the General Fund to the department for purposes of performing the specified study regarding the offering of school breakfast.

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

Appropriation: yes.

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

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

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

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

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

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

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

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

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

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

49550.2. (a) The department shall conduct a study on or before March 31, 2007, on all of the following:

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

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

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

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

(b) The department shall report the results of the study required pursuant to subdivision (a) to the Legislature on or before April 30, 2007.

(c) The department, at the discretion of the Superintendent, may contract for services required to complete the study required pursuant to subdivision (a).

(d) Notwithstanding any other provision of law, for purposes of any contracts authorized pursuant to this section, the department is exempt from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code and Part 2

(commencing with Section 10100) of Division 2 of the Public Contract Code.

SEC. 3. The sum of one hundred seventy thousand dollars (\$170,000) is hereby appropriated from the General Fund to the State Department of Education for purposes of performing the study required pursuant to Section 49550.2 of the Education Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

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