

**ASSEMBLY BILL**

**No. 92**

---

---

**Introduced by Assembly Member Garcia**

December 18, 2006

---

---

An act to add Section 49550.4 to the Education Code, relating to school meals.

LEGISLATIVE COUNSEL'S DIGEST

AB 92, as introduced, Garcia. Pupil nutrition: school meals.

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 each schoolsite that meets the qualifications for federal severe need reimbursement to offer breakfast beginning with the 2008–09 school year. The bill would authorize the State Department of Education to consider granting 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, and requires 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. This 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, this bill would impose a state-mandated local program.

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. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*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
- 5 182,000,000 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 demographics.
- 8 (b) National research shows that children who eat a school
- 9 breakfast consume more fruits, vegetables, and calcium and less
- 10 sugar than nonparticipants.
- 11 (c) National studies show that eating a school breakfast improves
- 12 test scores and classroom behavior, reduces visits to the nurse's
- 13 office, and contributes to healthy weight management.
- 14 (d) The federal government offers schools at which a high
- 15 concentration of low-income pupils eat a school lunch the highest
- 16 rate of reimbursement for school breakfast in recognition of the

1 special responsibility these schools have to offer both meals to  
2 needy pupils.

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

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

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

13 SEC. 2. Section 49550.4 is added to the Education Code, to  
14 read:

15 49550.4. (a) Commencing with the 2008–09 school year, each  
16 schoolsite that meets the qualifications for the federal severe need  
17 reimbursement, pursuant to subsection (d) of Section 1773 of Title  
18 42 of the United States Code, shall offer breakfast.

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

29 (c) Schools offering the federal School Breakfast Program for  
30 the first time pursuant to subdivision (a) shall receive a priority  
31 for funding through Section 49550.3.

32 SEC. 3. If the Commission on State Mandates determines that  
33 this act contains costs mandated by the state, reimbursement to  
34 local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.