

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 839

Introduced by Assembly Member Brownley

February 17, 2011

An act to add Section 49550.4 to the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 839, as amended, Brownley. Pupil nutrition: federal School Breakfast Program participation.

Existing law 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. Existing law states the intent of the Legislature that the federal School Breakfast Program be made available in all schools where it is needed to provide adequate nutrition for children in attendance. Existing law requires the State Department of Education to, in cooperation with school districts and county superintendents of schools, provide information and limited financial assistance to encourage school breakfast program startup and expansion into all qualified schools. Existing law encourages school districts and charter schools that do not operate school breakfast programs to apply for funding to establish breakfast programs using funds appropriated for this purpose in the annual Budget Act.

This bill would state findings and declarations regarding the importance of breakfast to the achievement of pupils. This bill would

~~require school districts to undertake specific actions to increase access to the federal School Breakfast Program. The bill would require school districts to submit a report to the State Department of Education on each noncharter, public schoolsite within the district that did not operate a federal School Breakfast Program in the previous school year, hear and discuss the report at 2 school district board meetings, and adopt a resolution for submission to the department that indicates which schoolsites will continue not to operate the program and articulates the reason for continued nonoperation, and which schoolsites will begin to operate the program and provides a timeline for implementation of the program districts that elect to apply for funds under specified categorical programs to, in the process of the school district board approving the required application, use data required in the application, specifically, the number of pupils eligible for free and reduced-price meals, to assess and discuss, in a regularly scheduled public school district board meeting to review and consider approval of the required application, access to the federal School Breakfast Program and participation in the school breakfast program, as specified. This bill would require school districts that apply for those funds to include specified information in the application relating to school participation in the federal School Breakfast Program.~~

~~The bill would also require school districts to undertake specified actions to increase participation in the federal School Breakfast Program at sites where a breakfast program already exists. The bill would require school districts to identify noncharter, public schoolsites within the district that operate a federal School Breakfast Program but experience low participation, as defined, submit a report to the department regarding enrollment and participation in the program and considering options concerning its operation, hear and discuss the report at 2 school district board meetings, and adopt a resolution for submission to the department that indicates which schoolsites will continue to operate the program without changes, and which schoolsites will continue to operate the program with changes, and provides a timeline for implementing those changes.~~

~~Because this bill would require school districts to perform additional duties, 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~~-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) Children who eat breakfast have more healthful diets,
4 consuming more micronutrients and nutrient-rich foods like fruits,
5 vegetables, and milk, compared to children who do not eat
6 breakfast.
- 7 (b) Research shows that breakfasts served at school are often
8 more nutritious than breakfasts served at home or elsewhere.
- 9 (c) Pupils who eat breakfast demonstrate better cognitive
10 performance and improved academic achievement.
- 11 (d) Pupils who participate in the federal School Breakfast
12 Program are more likely to have a healthier body weight than
13 nonparticipants.
- 14 (e) Effective school breakfast delivery models, like Classroom
15 Breakfast, have been shown to improve the learning environment
16 for all pupils by decreasing pupil absenteeism, tardiness, reports
17 of stomachache and headache, and disciplinary issues.
- 18 (f) Alternative delivery models, such as Classroom Breakfast
19 and Second Chance Breakfast, have been shown to significantly
20 improve school breakfast participation and yield fiscal benefits.
- 21 (g) Over 750 public schools in California do not offer the federal
22 School Breakfast Program.
- 23 (h) The 91 percent of public schools in California that do not
24 offer the federal School Breakfast Program fail to reach ~~2.2~~ 2.3
25 million of the state's low-income public school pupils.
- 26 (i) If participation in ~~school breakfast programs~~ *the federal*
27 *School Breakfast Program* matched participation in ~~school lunch~~
28 ~~programs~~ *the federal school lunch program* among low-income
29 pupils, California's public schools would receive an additional
30 \$350 million in federal meal reimbursements.

1 (j) *Through the state-mandated, school district board approval*
 2 *of the consolidation application, many school district boards meet*
 3 *annually to address the number of low-income pupils they serve.*
 4 *This process presents an excellent opportunity for school district*
 5 *boards to discuss the school breakfast program and its potential*
 6 *to support these same pupils.*

7 (k) *Both the federal School Breakfast Program and the*
 8 *consolidated application enable school districts to draw on funds*
 9 *designated to serve low-income pupils. Integrating consideration*
 10 *of the school breakfast program into the school district board*
 11 *approval of the consolidated application will help school districts*
 12 *maximize federal funds harnessed through the school breakfast*
 13 *program without delaying or undermining access to categorical*
 14 *funds through the consolidated application.*

15 ~~(j) Given these findings on~~

16 (l) *Given the health, academic, and fiscal benefits of school*
 17 *breakfast, all school districts should assess the opportunities for*
 18 *implementing school breakfast at sites not operating the federal*
 19 *School Breakfast Program and improving school breakfast at sites*
 20 *with low rates of participation in the federal School Breakfast*
 21 *Program.*

22 ~~SEC. 2. Section 49550.4 is added to the Education Code, to~~
 23 ~~read:~~

24 ~~49550.4. (a) To increase access to the federal School Breakfast~~
 25 ~~Program, each school district shall do all of the following:~~

26 ~~(1) Submit a report to the department on each noncharter, public~~
 27 ~~schoolsite within the district that did not operate a federal School~~
 28 ~~Breakfast Program in the previous school year that shall include~~
 29 ~~all of the following:~~

30 ~~(A) The number of pupils enrolled at the site who are eligible~~
 31 ~~to receive free or reduced-price meals.~~

32 ~~(B) The average daily participation in the federal National~~
 33 ~~School Lunch Program among low-income pupils at the site.~~

34 ~~(C) The reasons for not operating a breakfast program at the~~
 35 ~~site.~~

36 ~~(2) Hear and discuss the report produced pursuant to paragraph~~
 37 ~~(1) at two school district board meetings.~~

38 ~~(3) Adopt a resolution that does each of the following and submit~~
 39 ~~it to the department:~~

1 (A) Indicates which noncharter, public schoolsites that did not
2 operate a federal School Breakfast Program in the previous school
3 year will continue not to operate the program and articulates the
4 reason for continued nonoperation.

5 (B) Indicates which noncharter, public schoolsites that did not
6 operate a federal School Breakfast Program in the previous school
7 year will begin to operate the program and provides a timeline for
8 implementation of the program:

9 (b) To increase participation in the federal School Breakfast
10 Program at sites where a breakfast program already exists, school
11 districts shall do all of the following:

12 (1) Identify noncharter, public schoolsites within the district
13 that operate a federal School Breakfast Program but experience
14 low participation. For purposes of this subdivision, sites
15 experiencing low participation in the federal School Breakfast
16 Program are those in which either of the following apply:

17 (A) Average daily participation of free- and
18 reduced-price-lunch-eligible pupils in the federal School Breakfast
19 Program is 20 percent or less than the average daily participation
20 of free- and reduced-price-lunch-eligible pupils in the federal
21 National School Lunch Program:

22 (B) Average daily participation of free- and
23 reduced-price-lunch-eligible pupils in the federal School Breakfast
24 Program is 15 percent or less than the number of enrolled pupils
25 who are eligible for free and reduced-price meals:

26 (2) Submit a report to the department that includes all of the
27 following for each schoolsite in the school district:

28 (A) The number of pupils enrolled at the schoolsite who are
29 eligible to receive free or reduced-price school meals:

30 (B) The average daily participation in the federal National
31 School Lunch Program among low-income pupils at the schoolsite:

32 (C) Consideration of options including, but not limited to,
33 alternative service locations, service times, and payment structures
34 for the federal School Breakfast Program:

35 (3) Hear and discuss the report produced pursuant to paragraph
36 (2) at two school district board meetings:

37 (4) Adopt a resolution that does each of the following and submit
38 it to the department:

39 (A) Indicates which noncharter, public schoolsites within the
40 district that operate a federal School Breakfast Program will

1 ~~continue to operate the program without changes to service~~
 2 ~~locations, service times, or payment structures and articulates the~~
 3 ~~reasons and fiscal analyses for not making changes to the program.~~

4 ~~(B) Indicates which noncharter, public schoolsites within the~~
 5 ~~district that operate a federal School Breakfast Program will~~
 6 ~~continue to operate the program with changes to service locations,~~
 7 ~~service times, or payment structures and provides a timeline for~~
 8 ~~implementing those changes.~~

9 ~~SEC. 3. If the Commission on State Mandates determines that~~
 10 ~~this act contains costs mandated by the state, reimbursement to~~
 11 ~~local agencies and school districts for those costs shall be made~~
 12 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
 13 ~~4 of Title 2 of the Government Code.~~

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

16 *49550.4. To increase access to, and participation in, the federal*
 17 *School Breakfast Program, school districts that elect to apply for*
 18 *funding pursuant to Section 64000 shall, in the process of the*
 19 *school district board approving the required application, use data*
 20 *required in the application, specifically, the number of pupils*
 21 *eligible for free and reduced-price meals, to assess and discuss,*
 22 *in a regularly scheduled public school district board meeting to*
 23 *review and consider approval of the required application, each of*
 24 *the following that applies:*

25 *(a) Access to the federal School Breakfast Program. Specifically,*
 26 *the school district board shall identify the number of pupils who*
 27 *are eligible for free and reduced-price meals and attend a school*
 28 *that does not operate the federal School Breakfast Program. The*
 29 *school district board shall include in the application required by*
 30 *subdivision (b) of Section 64000 a statement that does all of the*
 31 *following:*

32 *(1) Affirms which schools not operating the federal School*
 33 *Breakfast Program will continue not to operate the program and*
 34 *articulates the reasons for continued nonoperation of the program*
 35 *at these schools.*

36 *(2) Indicates which schools not operating the federal School*
 37 *Breakfast Program will begin to operate the program and provides*
 38 *a date of program implementation for each of these schools.*

39 *(b) Participation in the School Breakfast Program. Specifically,*
 40 *the school district board shall do all of the following:*

1 (1) Use existing data that is regularly collected for the purposes
2 of claiming school meal reimbursements to identify schoolsites
3 within the school district that have low participation in the federal
4 School Breakfast Program. For purposes of this subdivision, school
5 sites with low participation in the federal School Breakfast
6 Program are those in which either of the following applies:

7 (A) Average daily participation of free- and
8 reduced-price-meal-eligible pupils in the school breakfast program
9 is 20 percent or less than the average daily participation of free-
10 and reduced-price-meal-eligible pupils in the National School
11 Lunch Program.

12 (B) Average daily participation of free- and
13 reduced-price-meal-eligible pupils in the school breakfast program
14 is 15 percent or less than the number of enrolled pupils who are
15 eligible for free and reduced-price meals.

16 (2) Consider options, including, but not limited to, alternative
17 service locations, service times, and payment structures for
18 operating the federal School Breakfast Program.

19 (3) Include in the application required by subdivision (b) of
20 Section 64000 a statement that:

21 (A) Indicates which schools within the school district that
22 operate a federal School Breakfast Program with low participation
23 will continue the program without operational changes, including,
24 but not limited to, changes in service locations, service times, or
25 payment structures, and articulates the reasons and fiscal analyses
26 for not making these changes to the program.

27 (B) Indicates which schools within the school district that
28 operate a federal School Breakfast Program with low participation
29 will implement operational changes to the program and provides
30 a date of implementation for those changes.