

ASSEMBLY BILL

No. 2555

Introduced by Assembly Member Carter

February 24, 2012

An act to amend Section 49548 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2555, as introduced, Carter. Free or reduced-price meals: summer school session: waivers.

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, except as specified. Existing law requires the State Board of Education to grant a one-year waiver from that requirement during a summer school session if specified conditions exist. Existing law requires an application for a waiver to be submitted no later than 30 days prior to the last regular meeting of the state board before the commencement of the summer school session for which the waiver is sought.

This bill would change the waiver submission deadline to no later than 60 days before the last regular meeting of the state board before the commencement of the summer school session.

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

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

1 SECTION 1. Section 49548 of the Education Code is amended
2 to read:

3 49548. (a) ~~The State Board of Education~~ *state board*, in order
4 to effect compliance with legislative findings expressed in Section
5 49547, shall restrict the criteria for the issuance of waivers from
6 the requirements of Section 49550 to feed children during a
7 summer school session. A waiver shall be granted for a period not
8 to exceed one year if either of the following conditions exists:

9 (1) (A) A summer school session serving pupils enrolled in
10 elementary school, as defined in clause (iii), shall be granted a
11 waiver if a Summer Food Service Program for Children site is
12 available within one-half mile of the schoolsite and either of the
13 following conditions exists:

14 (i) The hours of operation of the Summer Food Service Program
15 for Children site commence no later than one-half hour after the
16 completion of the summer school session day.

17 (ii) The hours of operation of the Summer Food Service Program
18 for Children site conclude no earlier than one hour after the
19 completion of the summer school session day.

20 (iii) For purposes of this subdivision, “elementary school” means
21 a public school that maintains kindergarten or any of grades 1 to
22 8, inclusive.

23 (B) A summer school session serving pupils enrolled in middle
24 school, junior high school, or high school shall be granted a waiver
25 if a Summer Food Service Program for Children site is available
26 within one mile of the schoolsite and either of the following
27 conditions exists:

28 (i) The hours of operation of the Summer Food Service Program
29 for Children site commence no later than one-half hour after the
30 completion of the summer school session day.

31 (ii) The hours of operation of the Summer Food Service Program
32 for Children site conclude no earlier than one hour after the
33 completion of the summer school session day.

34 (2) (A) Serving meals during the summer school session would
35 result in a financial loss to the school district, documented in a
36 financial analysis performed by the school district, in an amount
37 equal to one-third of net cash resources, as defined in Section 210.2
38 of Part 7 210 of Title 7 of the Code of Federal Regulations, which,

1 for the purposes of this article, shall exclude funds that are
2 encumbered. If there are no net cash resources, an amount equal
3 to the operating costs of one month as averaged over the summer
4 school sessions.

5 (B) The financial analysis required by subparagraph (A) shall
6 include a projection of future meal program participation based
7 on either of the following:

8 (i) Commencement of a meal service period after the
9 commencement of the summer school session day and conclusion
10 of a meal service period before the completion of the summer
11 school session day.

12 (ii) Operation of a schoolsite as an open Summer Seamless
13 Option or a Summer Food Service Program for Children site, and
14 providing adequate notification thereof, including flyers and
15 banners, in order to fulfill community needs under the Summer
16 Food Service Program for Children (7 C.F.R. 225.14(d)(3)).

17 (3) The entire summer school day is two hours or less in
18 duration.

19 (b) The state board and the Superintendent shall provide
20 leadership to encourage and support schools and public agencies
21 to participate in the Summer Food Service Program for Children,
22 consistent with the intent of Section 49504.

23 (c) An application for a waiver shall be submitted no later than
24 ~~30~~ 60 days ~~prior to~~ before the last regular meeting of the state
25 board before the commencement of the summer school session for
26 which the waiver is sought.