

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 839**

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**Introduced by Assembly Member Brownley**

February 17, 2011

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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.

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.

*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,

1 vegetables, and milk, compared to children who do not eat  
2 breakfast.

3 (b) Research shows that breakfasts served at school are often  
4 more nutritious than breakfasts served at home or elsewhere.

5 (c) Pupils who eat breakfast demonstrate better cognitive  
6 performance and improved academic achievement.

7 (d) Pupils who participate in the federal School Breakfast  
8 Program are more likely to have a healthier body weight than  
9 nonparticipants.

10 (e) Effective school breakfast delivery models, like Classroom  
11 Breakfast, have been shown to improve the learning environment  
12 for all pupils by decreasing pupil absenteeism, tardiness, reports  
13 of stomachache and headache, and disciplinary issues.

14 (f) Alternative delivery models, such as Classroom Breakfast  
15 and Second Chance Breakfast, have been shown to significantly  
16 improve school breakfast participation and yield fiscal benefits.

17 (g) Over 750 public schools in California do not offer the federal  
18 School Breakfast Program.

19 (h) The 91 percent of public schools in California that do not  
20 offer the federal School Breakfast Program fail to reach 2.2 million  
21 of the state's low-income public school pupils.

22 (i) If participation in school breakfast programs matched  
23 participation in school lunch programs among low-income pupils,  
24 California's public schools would receive an additional \$350  
25 million in federal meal reimbursements.

26 (j) Given these findings on the health, academic, and fiscal  
27 benefits of school breakfast, all school districts should assess the  
28 opportunities for implementing school breakfast at sites not  
29 operating the federal School Breakfast Program and improving  
30 school breakfast at sites with low rates of participation in the  
31 School Breakfast Program.

32 SEC. 2. Section 49550.4 is added to the Education Code, to  
33 read:

34 49550.4. (a) To increase access to the federal School Breakfast  
35 Program, each school district shall do all of the following:

36 (1) Submit a report to the department on each noncharter, public  
37 schoolsite within the district that did not operate a federal School  
38 Breakfast Program in the previous school year that shall include  
39 *all of the following*:

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

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

5 (C) The reasons for not operating a breakfast program at the  
6 site.

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

9 (3) Adopt a resolution that does each of the following and submit  
10 it to the department:

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

15 (B) Indicates which noncharter, public schoolsites that did not  
16 operate a federal School Breakfast Program in the previous school  
17 year will begin to operate the program and provides a timeline for  
18 implementation of the program.

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

22 (1) Identify noncharter, public schoolsites within the district  
23 that operate a federal School Breakfast Program but experience  
24 low participation. For purposes of this subdivision, sites  
25 experiencing low participation in the federal School Breakfast  
26 Program are those in which either of the following apply:

27 (A) Average daily participation of free- and  
28 reduced-price-lunch-eligible pupils in the federal School Breakfast  
29 Program is 20 percent or less, ~~or is less~~ than the average daily  
30 participation ~~in~~ of free- and reduced-price-lunch-eligible pupils in  
31 the federal National School Lunch Program.

32 (B) Average daily participation of ~~free~~ free- and  
33 reduced-price-lunch-eligible pupils in the federal School Breakfast  
34 Program is 15 percent or less than the number of enrolled pupils  
35 *who are eligible for free and reduced-price meals*.

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

38 (A) The number of pupils enrolled at the schoolsite who are  
39 eligible to receive free or reduced-price school meals.

1 (B) The average daily participation in the federal National  
2 School Lunch Program among low-income pupils at the schoolsite.

3 (C) Consideration of options including, but not limited to,  
4 alternative service locations, service times, and payment structures  
5 for the federal School Breakfast Program.

6 (3) Hear and discuss the report produced pursuant to paragraph  
7 (2) at two school district board meetings.

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

10 (A) Indicates which noncharter, public schoolsites within the  
11 district that operate a federal School Breakfast Program will  
12 continue to operate the program without changes to service  
13 locations, service times, or payment structures and articulates the  
14 reasons and fiscal analyses for not making changes to the program.

15 (B) Indicates which noncharter, public schoolsites within the  
16 district that operate a federal School Breakfast Program will  
17 continue to operate the program with changes to service locations,  
18 service times, or payment structures and provides a timeline for  
19 implementing those changes.

20 SEC. 3. If the Commission on State Mandates determines that  
21 this act contains costs mandated by the state, reimbursement to  
22 local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.