

AMENDED IN SENATE AUGUST 15, 2011

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 *and repeal* Section 49550.4 to of 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 that elect to apply for funds under specified categorical programs to, in the process of the school district *governing* 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 *governing* 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~~ *federal School Breakfast Program*, as specified. ~~This~~ *The* 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 repeal these provisions on January 1, 2017, or upon the occurrence of a specified event, whichever is later.*

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. 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.

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

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

6 (h) The 91 percent of public schools in California that do ~~not~~
7 offer the federal School Breakfast Program fail to reach 2.3 million
8 of the state's low-income public school pupils.

9 (i) If participation in the federal School Breakfast Program
10 matched participation in the federal ~~school lunch program~~ *National*
11 *School Lunch Program* among low-income pupils, California's
12 public schools would receive an additional \$350 million in federal
13 meal reimbursements.

14 (j) Through the state-mandated, school district *governing* board
15 ~~approval of the~~ *approved*, consolidation application, many school
16 district *governing* boards meet annually to address the number of
17 low-income pupils they serve. This process presents an excellent
18 opportunity for school district *governing* boards to discuss the
19 ~~school breakfast program~~ *federal School Breakfast Program* and
20 its potential to support these same pupils.

21 (k) Both the federal School Breakfast Program and the
22 consolidated application enable school districts to draw on funds
23 designated to serve low-income pupils. Integrating consideration
24 of the ~~school breakfast program~~ *federal School Breakfast Program*
25 into the school district ~~board~~ *governing board's* approval of the
26 consolidated application will help school districts maximize federal
27 funds harnessed through the ~~school breakfast program~~ *federal*
28 *School Breakfast Program* without delaying or undermining access
29 to categorical funds through the consolidated application.

30 (l) Given the health, academic, and fiscal benefits of school
31 breakfast, all school districts should assess the opportunities for
32 implementing school breakfast at sites not operating the federal
33 School Breakfast Program and improving school breakfast at sites
34 with low rates of participation in the federal School Breakfast
35 Program.

36 SEC. 2. Section 49550.4 is added to the Education Code, to
37 read:

38 49550.4. (a) To increase access to, and participation in, the
39 federal School Breakfast Program, school districts that elect to
40 apply for funding pursuant to Section 64000 shall, in the process

1 of the school district *governing* board approving the required
2 application, use data required in the application, specifically, the
3 number of pupils eligible for free and reduced-price meals, to
4 assess and discuss, in a regularly scheduled public school district
5 *governing* board meeting to review and consider approval of the
6 required application, each of the following that applies:

7 (a)

8 (1) Access to the federal School Breakfast Program. Specifically,
9 the school district *governing* board shall identify the number of
10 pupils who are *determined to be* eligible for free and reduced-price
11 meals and attend a school that does not operate the federal School
12 Breakfast Program. The school district *governing* board shall
13 include in the application required by subdivision (b) of Section
14 64000 a statement that does ~~at~~ *both* of the following:

15 (1)

16 (A) Affirms which schools not operating the federal School
17 Breakfast Program will continue not to operate the program and
18 articulates the reasons for continued nonoperation of the program
19 at these schools.

20 (2)

21 (B) Indicates which schools not operating the federal School
22 Breakfast Program will begin to operate the program and provides
23 a date of program implementation for each of these schools.

24 (b)

25 (2) Participation in the *federal* School Breakfast Program.
26 Specifically, the school district *governing* board shall do all of the
27 following:

28 (1)

29 (A) Use existing data that is regularly collected for ~~the~~ purposes
30 of claiming school meal reimbursements to identify schoolsites
31 within the school district that have low participation in the federal
32 School Breakfast Program. For purposes of this subdivision, school
33 sites with low participation in the federal School Breakfast Program
34 are those in which either of the following applies:

35 (A)

36 (i) Average daily participation of free- and
37 reduced-price-meal-eligible pupils in the ~~school breakfast program~~
38 *federal School Breakfast Program* is *not more than 20 percent or*
39 ~~less than~~ *of* the average daily participation of free- and

1 reduced-price-meal-eligible pupils in the *federal* National School
2 Lunch Program.

3 ~~(B)~~

4 (ii) Average daily participation of free- and
5 reduced-price-meal-eligible pupils in the ~~school breakfast program~~
6 *federal School Breakfast Program* is not more than 15 percent ~~or~~
7 less than of the number of enrolled pupils who are *determined to*
8 *be* eligible for free and reduced-price meals.

9 ~~(2)~~

10 (B) Consider options, including, but not limited to, alternative
11 service locations, service times, and payment structures for
12 operating the federal School Breakfast Program.

13 ~~(3)~~

14 (C) Include in the application required by subdivision (b) of
15 Section 64000 a statement that *does both of the following*:

16 ~~(A)~~

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

23 ~~(B)~~

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

28 (b) *This section shall remain in effect until January 1, 2017, or*
29 *three years after changes are made to the application required by*
30 *subdivision (b) of Section 64000 to include the information*
31 *regarding the federal School Breakfast Program required pursuant*
32 *to this section, whichever is later. As of that date, this section is*
33 *repealed, unless a later enacted statute that is enacted before*
34 *January 1, 2017, or three years after those changes are made,*
35 *whichever is later, deletes or extends that date.*