

ASSEMBLY BILL

No. 842

Introduced by Assembly Members Limón and Eggman

February 20, 2019

An act to amend Sections 8204, 49501, 49550, and 49552 of, and to add Sections 8207, 8235.1, 48000.5, and 49430.5 to, the Education Code, relating to child nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 842, as introduced, Limón. Child nutrition: school, childcare, transitional kindergarten, and preschool meals.

(1) Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, and, commencing with the 2019–20 school year, each charter school, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law sets the reimbursement rate for free or reduced-price meals served to needy pupils by family daycare homes at 75% of the meals served, and sets, for the 2018–19 fiscal year, the reimbursement a school receives for free and reduced-price meals sold or served to pupils in elementary, middle, or high schools at \$0.2368 per meal, and for meals served in childcare centers and homes at \$0.1764 per meal.

This bill would require the reimbursement rate for meals served in schools and childcare centers and homes to be set at an equivalent rate, and would repeal the provisions setting the reimbursement rate for free or reduced-price meals served to needy pupils by family daycare homes at 75% of the meals served.

(2) The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public

Instruction to administer childcare and development programs that offer a full range of services to eligible children from infancy to 13 years of age, inclusive.

This bill would require a school district, county office of education, or charter school maintaining a childcare and development program to provide each needy child that attends the childcare and development program with one nutritionally adequate free or reduced-price meal during each program day.

(3) Existing law declares the policy of the state that each childcare and development facility has an obligation to provide for the nutritional needs of the children attending that childcare and development facility

This bill would authorize a childcare and development program, in order to prevent hunger by providing nutritious meals to children, to use funds made available to the childcare and development program through any federal or state program the purpose of which includes the provision of meals to a child, or to do so at the expense of the childcare and development program.

(4) Existing law requires the Superintendent to administer all California state preschool programs, which include part-day and full-day age and developmentally appropriate programs for 3- and 4-year-old children, as provided.

This bill would require each part-day and full-day California state preschool program to provide to each child enrolled in the program access to at least one or 2 nutritious meals, respectively, per program day.

(5) Existing law authorizes a school district or charter school to maintain a transitional kindergarten program.

This bill would require each school district or charter school maintaining a transitional kindergarten program to provide each needy child with one nutritionally adequate free or reduced-price meal per program day.

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. (a) The Legislature finds and declares all of the
2 following:

1 (1) Shamefully, California’s child poverty rate is the highest in
2 the nation, which greatly harms children and hampers their health,
3 development, and opportunity for success.

4 (2) California’s extraordinarily high cost of living forces many
5 low-wage families to work long hours and make difficult choices
6 between basic needs such as housing, transportation, medicine,
7 and food.

8 (3) The first five years of life are critical for child development.
9 Proper nutrition is essential to support physical, intellectual, and
10 social-emotional growth.

11 (4) Childcare and preschool programs have a unique opportunity
12 to support California’s young children, as young children spend
13 an average of 36 hours per week in a form of childcare.

14 (5) The childcare workforce is woefully undersupported and
15 underfunded, leaving more than one-half of childcare workers
16 living at or below the poverty level themselves.

17 (6) Efforts to improve the childcare workforce’s ability to attend
18 to the nutritional needs of low-income children must include state
19 funding that leverages federal funds for nutritious food.

20 (7) Since 1975, California has ensured that low-income, K–12
21 pupils receive at least one free or reduced-price meal during the
22 schoolday to support health, growth, and learning. As California
23 continues to grow public education options to meet the needs of
24 young children and their families, the guarantee of school meals
25 should extend to public preschool pupils as well.

26 (b) Because hungry children struggle to learn, grow, and achieve,
27 it is the intent of the Legislature in enacting this measure to
28 adequately support childcare providers to provide nutrition to
29 children in care, and to ensure that every needy child attending
30 public school, including those under five years of age, are provided
31 nutritionally adequate free or reduced-price meals during each
32 program day.

33 SEC. 2. Section 8204 of the Education Code is amended to
34 read:

35 8204. (a) In recognition of the demonstrated relationship
36 between food and good nutrition and the capacity of children to
37 develop and learn, it is the policy of this state that no child shall
38 be hungry while in attendance in ~~child care~~ *childcare* and
39 development facilities as defined in Section 8208 and that ~~child~~

1 *childcare and development facilities have an obligation to provide*
2 *for the nutritional needs of children in attendance.*

3 *(b) In order to prevent hunger by providing nutritious meals to*
4 *children, a childcare and development program may use funds*
5 *made available to the childcare and development program through*
6 *any federal or state program the purpose of which includes the*
7 *provision of meals to a child, including, but not limited to, the*
8 *Child and Adult Care Food Program or the state meal program,*
9 *or may do so at the expense of the childcare and development*
10 *program.*

11 SEC. 3. Section 8207 is added to the Education Code, to read:

12 8207. (a) A school district, county office of education, or
13 charter school maintaining a childcare and development program
14 shall provide each needy child that attends the childcare and
15 development program with one nutritionally adequate free or
16 reduced-price meal during each program day.

17 (b) In order to comply with subdivision (a), a school district,
18 county office of education, or charter school may use funds made
19 available to it through any federal or state program the purpose of
20 which includes the provision of meals to a child, including, to the
21 extent applicable, the federal School Breakfast Program, the federal
22 National School Lunch Program, the federal Summer Food Service
23 Program, the federal Seamless Summer Option, the state meal
24 program, or the Child and Adult Care Food Program, or may do
25 so at the expense of the school district, county office of education,
26 or charter school.

27 SEC. 4. Section 8235.1 is added to the Education Code, to
28 read:

29 8235.1. (a) Each part-day California state preschool program
30 shall provide to each child enrolled in the program access to at
31 least one nutritious meal per program day.

32 (b) Each full-day California state preschool program shall
33 provide to each child enrolled in the program access to at least two
34 nutritious meals per program day.

35 (c) For purposes of this section, “nutritious meal” includes a
36 nutritionally adequate breakfast or lunch, as described in Section
37 49531.

38 SEC. 5. Section 48000.5 is added to the Education Code, to
39 read:

1 48000.5. (a) Notwithstanding any other law, each school
2 district or charter school maintaining a transitional kindergarten
3 program pursuant to Section 48000 shall provide each needy child
4 with one nutritionally adequate free or reduced-price meal per
5 program day.

6 (b) In order to comply with subdivision (a), a school district or
7 charter school may use funds made available to it through any
8 federal or state program the purpose of which includes the
9 provision of meals to a child, including, to the extent applicable,
10 the federal School Breakfast Program, the federal National School
11 Lunch Program, the federal Summer Food Service Program, the
12 federal Seamless Summer Option, the state meal program, or the
13 Child and Adult Care Food Program, or may do so at the expense
14 of the school district or charter school.

15 SEC. 6. Section 49430.5 is added to the Education Code, to
16 read:

17 49430.5. (a) The reimbursement a school or child development
18 program receives for free and reduced-price meals sold or served
19 to pupils included within a school district, charter school, or county
20 office of education, or to children in childcare centers or homes,
21 shall be established in the annual Budget Act or another statute at
22 an equivalent reimbursement rate.

23 (b) To qualify for the reimbursement for free and reduced-price
24 meals provided to pupils, or to children in childcare centers or
25 homes, a school or child development program shall follow the
26 United States Department of Agriculture meal pattern.

27 (c) The reimbursement rates set forth in this section shall be
28 adjusted annually for increases in cost of living in the same manner
29 set forth in Section 42238.1.

30 SEC. 7. Section 49501 of the Education Code is amended to
31 read:

32 49501. The governing board of ~~any a~~ school district may, for
33 purposes of Section 49500, establish rules by which to determine
34 which pupils are ~~needy except for family day care homes which~~
35 ~~shall be reimbursed for 75 percent of the meals served.~~ *needy*. For
36 purposes of this article, ~~any a~~ pupil within the category of children
37 eligible for aid or services under Chapter 2 (commencing with
38 Section 11200) of Part 3 of Division 9 of the Welfare and
39 Institutions Code shall be deemed needy.

1 The amendments to this section enacted by the Legislature in
2 the 1981 portion of the 1981-82 Regular Session of the Legislature
3 shall apply retroactively to July 1, 1981, to the extent that they
4 may legally do so.

5 SEC. 8. Section 49550 of the Education Code is amended to
6 read:

7 49550. (a) Notwithstanding any other provision of law, each
8 school district or county superintendent of schools maintaining
9 any kindergarten or any of grades 1 to 12, inclusive, shall provide
10 for each needy pupil *with* one nutritionally adequate free or
11 reduced-price meal during each schoolday, except for family day
12 care homes that shall be reimbursed for 75 percent of the meals
13 served: schoolday.

14 (b) In order to comply with subdivision (a), a school district or
15 county office of education may use funds made available through
16 any federal or state program the purpose of which includes the
17 provision of meals to a pupil, including the federal School
18 Breakfast Program, the federal National School Lunch Program,
19 the federal Summer Food Service Program, the federal Seamless
20 Summer Option, or the state meal program, or may do so at the
21 expense of the school district or county office of education.

22 SEC. 9. Section 49552 of the Education Code is amended to
23 read:

24 49552. For the purposes of this article, ~~needy children shall be~~
25 ~~defined as those children who meet~~ “*needy pupil*” means a pupil
26 *who meets* federal eligibility criteria for free and reduced price
27 *reduced-price* meals as defined referenced in Section 49531, except
28 for family day care homes which shall be reimbursed for 75 percent
29 of the meals: 49531.

30 The amendments to this section enacted by the Legislature in
31 the 1982 portion of the 1981-82 Regular Session of the Legislature
32 shall apply retroactively to July 1, 1981, to the extent that they
33 may legally do so.