

ASSEMBLY BILL

No. 95

Introduced by Assembly Member Torlakson

January 6, 2009

An act to amend Section 49430.5 of the Education Code, relating to school meals, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 95, as introduced, Torlakson. School meals: reimbursement.

Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one free or reduced-price meal during the schoolday, as specified. Existing law establishes the reimbursement rate a school receives for free and reduced price meals sold or served to pupils.

This bill would specify that, if the Superintendent of Public Instruction determines that the appropriation set forth in the Budget Act of 2008–09 is insufficient to fully fund all free and reduced price meal reimbursement claims, the State Department of Education shall notify the Legislature of the statutory funding amount necessary to reimburse school districts at the prescribed rate. The bill would appropriate \$19,500,000 to reimburse claims pursuant to those provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. 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) Despite California's commanding role in food cultivation
4 and production, over five million Californians are hungry,
5 experience food insecurity, or live in fear of hunger, and many of
6 these Californians are children.

7 (b) As the economy worsens, more families face food insecurity
8 and stretched household food budgets. Federal food assistance
9 programs, food banks, food pantries, and the emergency food
10 system cite an increased demand for their services.

11 (c) The United States Department of Labor has reported that
12 the cost of food at home increased by 6.1 percent in 2008. Families
13 are struggling with skyrocketing food and other rising living costs
14 that are placing pressure on already tight budgets.

15 (d) Every day in schools across California, millions of children
16 rely on state and federally subsidized school meals for a significant
17 portion of their daily nutritional needs.

18 (e) Over three million California children participate in the
19 National School Lunch Program every day, and California's school
20 meal programs serve more than two out of every five pupils in our
21 state throughout the year.

22 (f) The United States Congress created and expanded our school
23 meal programs in response to times of economic distress to address
24 the economy's impact on nutrition, hunger, and the health of our
25 agricultural communities, and the California Legislature
26 supplements the National School Lunch program to offset the
27 increased costs of serving a healthy meal in California.

28 (g) Children who consume a school breakfast have better test
29 scores, better attendance, are tardy less often, and have better
30 classroom behavior and fewer visits to the nurse's office than
31 children who do not.

32 (h) California schools served a record 770.6 million school
33 meals in the 2007–08 school year, an increase of 4.5 percent over
34 the prior school year, despite a slight decline in the number of
35 pupils enrolled in public schools, and the increase in the number
36 of school meals served has continued to dramatically accelerate.

1 (i) A November 2008 California Department of Education
2 sample survey has reported a 12 percent increase in school meals
3 served when compared to September and October 2008.

4 (j) The unprecedented demand for school meals in California
5 indicates how the state's economic downturn is causing many
6 families in California to turn to nutritious school meals for their
7 children to prevent hunger.

8 (k) The State of California has a responsibility to ensure that
9 students have access to nutritious meals because hungry children
10 cannot learn, and proper nutrition for children is a matter of the
11 highest state priority.

12 (l) State law requires school districts in California to provide a
13 nutritious meal to every eligible student each schoolday.

14 SEC. 2. Section 49430.5 of the Education Code is amended to
15 read:

16 49430.5. (a) The reimbursement a school receives for free and
17 reduced price meals sold or served to pupils in elementary, middle,
18 or high schools included within a school district, charter school,
19 or county office of education shall be twenty-one cents (\$0.21).

20 (b) To qualify for the reimbursement for free and reduced price
21 meals provided to pupils in elementary, middle, or high schools,
22 a school shall follow the Enhanced Food Based Meal Pattern,
23 Nutrient Standard Meal Planning, or Traditional Meal Pattern
24 developed by the United States Department of Agriculture or the
25 SHAPE Menu Patterns developed by the state, *and annually certify*
26 *that it is in compliance with the nutrition standards set forth in*
27 *Section 49430.7.*

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

31 (d) *If the Superintendent determines that the appropriation set*
32 *forth in the annual Budget Act is insufficient to fully fund all*
33 *eligible reimbursement claims pursuant to subdivision (a), the*
34 *department shall notify the Legislature of the statutory funding*
35 *amount necessary to reimburse school districts at the rate*
36 *prescribed in subdivision (a) for providing nutritious meals to all*
37 *needy students.*

38 SEC. 3. The amount of nineteen million five hundred thousand
39 dollars (\$19,500,000) is hereby appropriated to fully fund all free

1 and reduced price meal reimbursement claims pursuant to Section
2 49430.5 of the Education Code for the 2008–09 fiscal year.

3 SEC. 4. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety within
5 the meaning of Article IV of the Constitution and shall go into
6 immediate effect. The facts constituting the necessity are:

7 In order to ensure that pupils in need continue to have access to
8 nutritious meals to prevent hunger, it is necessary that this act take
9 effect immediately.