

ASSEMBLY BILL

No. 1240

Introduced by Assembly Members Bonta and Thurmond

February 27, 2015

An act to amend Section 49550 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 1240, as introduced, Bonta. Pupil nutrition: free or reduced-price meals: breakfast.

(1) Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide one nutritionally adequate free or reduced-price meal for each needy pupil during each schoolday, except as specified. Existing law authorizes a school district or county office of education to use funds made available through any applicable federal or state program or to use its own funds to provide the required meals.

This bill would express legislative findings and declarations relating to the federal School Breakfast Program.

The bill, from July 1, 2016, to June 30, 2017, inclusive, would require each school district or county office of education maintaining any kindergarten or any of grades 1 to 12, inclusive, to make a nutritionally adequate breakfast available for all of the pupils in a school, when at least 40% of the pupils enrolled at the school are needy children, as defined. On and after July 1, 2017, these requirements would apply only to schools where at least 40%, but less than 60%, of the pupils enrolled in that school are needy children.

The bill, from July 1, 2017, to June 30, 2018, inclusive, with respect to schools where at least 60% of the pupils enrolled at the school are

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needy children, would additionally require these nutritionally adequate breakfasts to be available to pupils both before and after instruction has begun for the schoolday for the majority of pupils. On and after July 1, 2018, these requirements would apply only to schools where at least 60%, but less than 80%, of the pupils enrolled in that school are needy children.

The bill, on and after July 1, 2018, with respect to schools where at least 80% of the pupils enrolled at the school are needy children, would additionally require these nutritionally adequate breakfasts to be available to pupils, at no cost to the pupil, both before and after instruction has begun for the schoolday for the majority of pupils.

To the extent that this bill would create new duties for school districts and county offices of education, it would constitute a state-mandated local program.

(2) 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) Research shows that children who eat breakfast have
- 4 improved cognitive function, demonstrate higher academic
- 5 achievement, exhibit better behavior, and have healthier diets, as
- 6 compared to children who do not eat breakfast.
- 7 (b) Research also shows that breakfasts served at school are
- 8 generally more nutritious than breakfasts served at home.
- 9 (c) Each school day, 2.2 million of the state's low-income pupils
- 10 miss out on the health and academic benefits of school breakfasts
- 11 and, in total, 4.3 million of California's public school pupils miss
- 12 out on school breakfast each schoolday.
- 13 (d) Serving breakfast after the start of the schoolday has been
- 14 shown to significantly improve school breakfast participation,

1 yield fiscal benefits, and improve the learning environment for all
2 pupils by decreasing absenteeism, tardiness, reports of
3 hunger-related illness, and disciplinary issues.

4 (e) The federal School Breakfast Program enables school
5 districts to draw on federal funds designated to serve low-income
6 pupils; if the federal School Breakfast Program reached as many
7 low-income pupils as the federal National School Lunch Program,
8 California's public schools would receive an additional \$344
9 million in federal meal reimbursements, providing essential
10 resources to the state's most vulnerable children.

11 (f) Fiscal research shows that increasing participation in the
12 federal School Breakfast Program immediately and positively
13 impacts the California economy by distributing federal funds to
14 school districts, increasing local employment, and increasing
15 purchases of food and equipment.

16 (g) Given the academic, health, and fiscal benefits of school
17 breakfasts, high-need schools serving low-income pupils should
18 make breakfast readily available and accessible during the
19 schoolday.

20 SEC. 2. Section 49550 of the Education Code is amended to
21 read:

22 49550. (a) ~~Notwithstanding any other provision of law, each~~
23 ~~law:~~

24 (a) *A school district or county superintendent of schools office*
25 *of education maintaining any kindergarten or any of grades 1 to*
26 *12, inclusive, shall provide for each needy pupil who is a needy*
27 *child as defined in Section 49552 one nutritionally adequate free*
28 *or reduced-price meal during each schoolday, except for family*
29 *day care homes that shall be reimbursed for 75 percent of the meals*
30 *served.*

31 (b) In order to comply with subdivision (a), a school district or
32 county office of education may use funds ~~made that are~~ available
33 through any federal or state program the purpose of which includes
34 the provision of meals to a pupil, including, *but not necessarily*
35 *limited to*, the federal School Breakfast Program, the federal
36 National School Lunch Program, the federal Summer Food Service
37 Program, the federal Seamless Summer Option, or the state meal
38 program, or may do so at the expense of the school district or
39 county office of education.

1 (c) Each school district or county office of education
2 maintaining any kindergarten or any of grades 1 to 12, inclusive,
3 shall provide breakfast for its pupils in accordance with the
4 following:

5 (1) From July 1, 2016, to June 30, 2017, inclusive, if at least
6 40 percent of the pupils enrolled in a school are needy children
7 as defined in Section 49552, a nutritionally adequate breakfast
8 shall be made available to pupils each schoolday. This breakfast
9 may be offered either for sale or at no cost to the pupils. No pupil
10 shall be required to consume a meal. Commencing on July 1, 2017,
11 the requirements of this paragraph shall apply only to schools
12 where at least 40 percent, but less than 60 percent, of the pupils
13 enrolled in that school are needy children as defined in Section
14 49552.

15 (2) (A) From July 1, 2017, to June 30, 2018, inclusive, if at
16 least 60 percent of the pupils enrolled in a school are needy
17 children as defined in Section 49552, the school shall comply with
18 both of the following requirements:

19 (i) A nutritionally adequate breakfast shall be made available
20 to each pupil each schoolday. The school may make this breakfast
21 available either for sale or at no cost to the pupils. No pupil shall
22 be required to consume a meal.

23 (ii) The breakfast provided pursuant to clause (i) shall be
24 available to pupils both before and after instruction has begun for
25 the schoolday for the majority of pupils enrolled at the school.

26 (B) On and after July 1, 2018, the requirements of subparagraph
27 (A) shall apply only to schools where at least 60 percent, but less
28 than 80 percent, of the pupils enrolled in that school are needy
29 children as defined in Section 49552.

30 (3) On and after July 1, 2018, if at least 80 percent of the pupils
31 enrolled in a school are needy children as defined in Section 49552,
32 the school shall comply with both of the following requirements:

33 (A) A nutritionally adequate breakfast shall be made available
34 to pupils each schoolday. This breakfast shall be offered at no cost
35 to the pupils. No pupil shall be required to consume a meal.

36 (B) The breakfast provided pursuant to subparagraph (A) shall
37 be available to pupils both before and after instruction has begun
38 for the schoolday for the majority of pupils enrolled at the school.

39 SEC. 3. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT LYNETTE GIBSON MCELHANEY

**RESOLUTION IN SUPPORT OF CALIFORNIA ASSEMBLY BILL 1240
(BONTA AND THURMOND) WHICH ENSURES MORE CALIFORNIA
CHILDREN HAVE ACCESS TO FREE BREAKFAST IN ORDER TO
ENHANCE STUDENT ACHIEVEMENT, ATTENDANCE, MENTAL AND
PHYSICAL HEALTH.**

WHEREAS, California public schools are mandated to provide a free or reduced price meal for students who meet the federal criteria and that meal is usually a lunch; and

WHEREAS, currently, 20% of schools offer breakfast for students before the school day begins, generally school begins; and

WHEREAS, research shows that eating a decent breakfast allows for students to have improved cognitive function, psychological well-being, higher attendance rates, and enhanced academic performance; and

WHEREAS, 3 out of 4 California students do not receive the benefits of eating breakfast, affecting a total of 4.3 million California school-aged children; and

WHEREAS, breakfast programs are generally offered early in the morning before school begins, thus precluding students who arrive at the bell or who are tardy, of which, those students are generally in greater need of free breakfast; and

WHEREAS, in California, free breakfast programs only serve half of the students served by free lunch programs; and

WHEREAS, AB 1240 was introduced by Assembly member Bonta and Assembly member Thurmond to transition breakfast programs to a fiscally viable "after-the-bell" model, allowing students to receive breakfast in homeroom, midmorning breaks or during extended passing periods; and

WHEREAS, Los Angeles Unified School District has seen tremendous success using the "after-the-bell" model in which they saw a 50% increase in breakfast program participation (among students who qualify for a reduced price meal); and

WHEREAS, AB 1240 would ensure that in schools where more than 80% of the student body is eligible for FRP meals, all students receive breakfast free of charge every day after instruction has begun; and

WHEREAS, schools where 60-80% of the student body is FRP eligible must make breakfast available to all students once instruction has begun and in schools where 40-60% of students are FRP eligible, breakfast must be available each day for students; and

WHEREAS, AB 1240 offers schools the flexibility of when they can offer breakfast programs and delivery of such meals will not impede upon instructional time; and

WHEREAS, since school breakfast programs are federally funded, AB 1240 will have no financial cost to California or its schools, and will potentially leverage up to \$344 million dollars in federal funding for food and equipment purchases, which will consequently create jobs and local revenues; and

WHEREAS, AB 1240 passed out of the Assembly Education Committee with bipartisan support and is pending in the Assembly Appropriations Committee; now, therefore be it

RESOLVED: the City of Oakland supports the passage of AB 1240 and all efforts to increase access to school breakfast programs which have been proven to augment educational outcomes, improve attendance, and maximize classroom engagement for youth.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES -
ABSENT -
ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California