

Date of Hearing: July 11, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

SB 348 (Skinner) – As Amended June 30, 2023

SENATE VOTE: 40-0

SUBJECT: Pupil meals

SUMMARY: Revises provisions related to school meals for needy pupils including Expanded Learning Opportunities Programs (ELOPs). Requires the California Department of Education (CDE), in partnership with the California Department of Social Services (CDSS), to maximize participation in the federal Summer Electronic Benefit Transfer for Children (Summer EBT) program. Specifically, **this bill:**

Summer Electronic Benefit Transfer Program:

- 1) Requires CDE to work with CDSS to maximize participation in the federal Summer EBT program.
- 2) Requires CDE and CDSS to share all data determined by the departments to be necessary to adhere to the requirements.
- 3) Requires CDE to follow the federal guidelines and regulations to maximize flexibility for local educational agencies (LEAs) to distribute summer meals through non-congregate distributions.

Nutritional Requirements:

- 4) Declares that a nutritionally adequate breakfast or lunch shall not consist of more added sugar than what is allowed by the guidelines developed by CDE.
- 5) Requires CDE to convene representatives from the California School Nutrition Association and cafeteria workers, to work in partnership to do all of the following:
 - a) Develop guidelines that establish the amount of added sugar that can be allowed in a nutritionally adequate breakfast or lunch made available pursuant to these provisions;
 - b) Develop recommendations that conform to the American Academy of Pediatrics' recommendation of less than 25 grams of added sugar per day for children two years of age and older;
 - c) Develop recommendations that conform to the maximum daily sodium intake recommendations for children and adolescents in the Dietary Guidelines for Americans, established by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services;
 - d) Provide recommendations that encourage the prioritization of foods with higher nutritional density when there is added sugar or salt in the food; and,

- e) Use a methodology of compliance evaluation that considers an average weekly calculation.
- 6) Prohibits any meal that is not in compliance with the guidelines and recommendations developed by CDE from being eligible for state meal reimbursement.

Schoolday Meal Requirements:

- 7) Permits, subject to an appropriation by the Legislature for these purposes, commencing in the 2024–25 school year, and for those LEAs operating expanded ELOPs at schoolsites having less than 50% of pupils identified as eligible for free or reduced-price meals, CDE to apportion state funds for the sole purpose of providing nutritionally adequate breakfasts or lunches, or both, to pupils participating in these programs.
- 8) Prohibits LEAs operating ELOPs at schoolsites having greater than or equal to 50% of pupils identified as eligible for free or reduced-price meals, are not eligible for the apportionment described in 7) above.
- 9) Requires LEAs to participate, to the extent allowable by federal law, in available federal child nutrition programs, including, but not limited to, the School Breakfast Program, the National School Lunch Program (NSLP), the National School Lunch Afterschool Snack NSLP's Seamless Summer Option, and the Summer Food Service Program, to make meals available to pupils participating in ELOPs.
- 10) Requires eligibility for apportionment as described in 7) above to be based on a calculation of 75% multiplied by the LEA's free or reduced-price meal eligibility data, as reported in the California Longitudinal Pupil Achievement Data System Fall 1 Certification for the prior fiscal year.
- 11) Requires LEAs to opt into the apportioned funds using the process and meeting timelines as determined by CDE.
- 12) Provides that funding through the apportionment described in 7) and 8) above shall only be used to make meals available during ELOPs. When before school expanded learning is made available on a schoolday, requires the federal School Breakfast Program to be used to offer all pupils a nutritionally adequate breakfast. When expanded learning opportunities are offered on a schoolday, these apportionment funds shall be used to make available an additional meal after the end of the schoolday. When expanded learning is provided on a nonschoolday, these apportionment funds may be used to make available a nutritionally adequate breakfast or lunch, or both.
- 13) Requires CDE to review available evidence-based research, studies, and survey findings with school food authorities and school food workers, or their representatives, to make a recommendation for the amount of time that is adequate for a pupil to eat a school meal including, but not limited to, the steps necessary to ensure that a pupil has an adequate time to eat school meals that are served pursuant to this section and examining the role that breakfast in the classroom and other innovative breakfast models can play in supporting adequate time to eat. Requires these recommendations to be made public on CDE's website on or before June 30, 2025.

- 14) Requires CDE to submit a waiver request to the USDA to allow for one meal provided during the schoolday lasting four hours or less to be served in a non-congregate manner. States that if a waiver is approved, school districts, county superintendent or charter schools may provide either breakfast or lunch, or both in a non-congregate manner.
- 15) Requires school districts, county superintendent of schools and charter schools to make available a national adequate breakfast and lunch and provide adequate time to eat, as determined by CDE.
- 16) Make the breakfast and lunch meal requirements consistent for independent study for school districts, county offices of education, and charter schools, for programs where students are on campus for two hours per day or more.
- 17) Defines “nutritionally adequate breakfast” as one that qualifies for reimbursement under the most current meal pattern for the federal School Breakfast Program.
- 18) Defines “nutritionally adequate lunch” as one that qualifies for reimbursement under the most current meal pattern for the federal NSLP.
- 19) Defines “schoolday” to mean any day that pupils in kindergarten or any of grades 1 to 12, inclusive, are attending school for purposes of classroom instruction, including, but not limited to, pupil attendance at minimum days, state-funded preschool, transitional kindergarten (TK), summer school including incoming kindergarten pupils, extended school year days, and Saturday school sessions.

EXISTING LAW:

- 1) Establishes the “Child Nutrition Act of 1966” and declares that the policy of Congress that these efforts be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting states, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children. (42 United States Code (USC) 1771 *et seq.*)
- 2) Establishes the federal Summer Food Service Programs for Children in service institutions to provide food service similar to that made available to children during the school year under the school lunch program or the school breakfast program under the Child Nutrition Act of 1966. (42 USC 1761)
- 3) Requires each 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 school day, and defines needy children as those who meet federal eligibility criteria for free and reduced-price meals. (Education Code Sections [EDC] 49550 and 49552)
- 4) Requires CDE to establish a statewide program to provide nutritious meals at school for pupils and allows either or both departments to cooperate with and enter into contracts with the USDA, United States Departments of Health, and Education and Welfare in order to implement the provisions. Further requires the funds to be allocated to the school district in a manner that priority be given to providing free meals to the neediest children. (EDC 49512)

FISCAL EFFECT: According to the Senate Appropriations Committee on May 18, 2023, on a prior version of this bill:

- This bill could result in additional General Fund costs to the CDSS for ongoing outreach activities and payment system automation to enable the state to opt into the SEBTC and maximize participation. The 2023 May Revision includes a total of \$47 million for similar purposes which includes \$2 million for outreach (\$1 million General Fund) and \$45 million for automation (\$22.5 million General Fund).
- The CDE estimates ongoing General Fund costs of approximately \$172,000 and 1.0 position to support the SEBTC program and coordinate with the CDSS.
- By requiring charter schools to provide two meals, rather than one, and also to serve breakfast on four-hour schooldays, this bill will lead to increased participation in the federal and state meal programs. This could result in additional Proposition 98 General Fund costs in the low tens of thousands of dollars each year in meal reimbursements for these students.
- The bill's costs resulting from the proposed changes to school meal requirements are indeterminate, but could lead to schools not being eligible for reimbursement for meals that are not in compliance with state or federal guidelines or not nutritionally adequate.

COMMENTS:

Background: *Child Hunger.* Food insecurity and child hunger in the United States remains an issue for many people. The USDA measures food insecurity and reports 1 in 8, or 9 million, children are currently struggling with hunger. This could mean skipped meals and/or incomplete or insufficient meals. The pandemic highlighted how many children and families needed food assistance. Programs like CalFresh were able to respond and provide food assistance for families. Schools also responded by offering free meals to all school age children in the district, and are continuing to offer free breakfast and lunch to students at school. The Public Policy Institute of California (PPIC) reported that 16% of households with children who reported food scarcity in late summer 2020 also reported relying on CalFresh and 13% relied on school meals, but only 6% reported participation in both. Meaning, there are a number of children struggling to have access to food that is necessary for growth, learning, and overall thriving.

Electronic Benefits Transfer system automates the delivery, redemption, and reconciliation of multiple types of public assistance benefits, including CalFresh, CalWORKs, General Assistance/General Relief and Pandemic EBT. These magnetic strip EBT cards are very similar to ATM cards. EBT card holders can access their benefits via point-of-sale terminals at federally approved vendor locations and via ATM machines. EBT cards may be used at more than 27,000 businesses and over 38,000 ATMs across California in all 58 counties, according to CDSS. One of the primary purposes of the EBT card is to provide recipients a more inclusive, and convenient way to use their benefits at a variety of businesses, including farmers' markets.

Summer EBT. On Dec. 23, 2022, under the Consolidated Appropriations Act of 2023, Congress authorized Summer EBT as a permanent, nationwide program which is overseen by the USDA and is a 100% federally funded program. Summer EBT will provide families whose children are eligible for free and reduced price school meals with grocery benefits on a debit-type card during the summer months. The program is based on the Summer EBT Demonstration, which was funded in 2010 and began in 2011, to study the use of the Supplemental Nutrition Assistance

Program (SNAP) and the Women Infant and Children EBT technology in providing food assistance to low-income children during the summer.

A USDA evaluation of the program in 2016 showed that receipt of Summer EBT Demonstration benefits decreased the prevalence of food security among children by one-third. The program also was effective at reaching and preventing hunger among the poorest recipients. In addition, the Summer EBT Demonstration benefits improved nutritional intake, as families had sufficient resources to purchase the healthy items, which often being more expensive, they otherwise could not afford. Now that Summer EBT is permanent, the USDA expects it will help close the summer hunger gap for more than 29 million families nationwide.

Author’s Statement: According to the author, “The newly proposed national school nutrition standards are a much-needed step to ensure that all American children can access healthy school meals. Now that California provides our K-12 students two free meals a day, we want those meals to be healthy and not contribute to health complications like diabetes, which is now the most common chronic disease among school-age children. [This bill] will ensure that California’s school meals are nutritious and that California is a national leader in the fight against diabetes.”

Need for this bill: The provisions of this bill build upon the policy that ensured children are receiving at least two meals a day while at school, by also ensuring that the food children are receiving is nutritious. This bill also requires CDSS and CDE to work in partnership to maximize participation in the Summer EBT program.

Equity Implications: According to the USDA, food insecurity is defined as a household-level economic and social condition of limited or uncertain access to adequate food. Recent data show that approximately 12.3% of households in the country were food insecure at least some time during the last twelve months. The USDA has been monitoring food insecurity for over 20 years and has found that although the levels of food insecurity decline and rise over time, the one gap that persists is the prevalence of food insecurity between people of color and whites. An analysis shows that food insecurity rates for both non-Latino Black and Latino households were at least twice that of non-Latino white households.

Data show that in fiscal year 2019, children accounted for 43% of all SNAP participants, down about 1% from 2018. Children younger than five made up 13% of participants, while school-age children made up 30%.

While the factors contributing to the relationship between race/ethnicity and food insecurity is multi-faceted and intersects with poverty, unemployment, and disability, the concentration of these disadvantages contribute to higher rates of food insecurity.

Many of the meals served by schools are ultra-processed and have levels of sugar and salt. A study by the USDA found that 92% of school breakfasts and 69% of school lunches had above the recommended daily sugar limits. Foods with high levels of sugar and salt have been shown to cause a variety of negative health outcomes including diabetes, hypertension, metabolic illness, anxiety, depression, poor brain development, and childhood obesity. 19% of youth are now obese or overweight and 20% are prediabetic. A 2021 JAMA study found that in 16 years (from 2001 to 2017) there was a 95% increase in youth type 2 diabetes.

These impacts disproportionately harm children living in poverty and people of color. A Washington State University study found that the longer a child lived in poverty, the more likely they would develop insulin resistance and diabetes later in life. 50% of Latino children are expected to develop type 2 diabetes by adulthood and black children are twice as likely to die from diabetes as white children.

Double referral: This bill passed out of the Assembly Education Committee on June 28, 2023, with a 7-0 vote.

RELATED AND PRIOR LEGISLATION:

AB 679 (Wicks) of the current legislative session, would allow licensed family childcare homes to receive 100% reimbursement instead of 75% for eligible meals provided to children in their care and clarifies “family childcare homes” has the same meaning as “family daycare homes” for the purposes of this bill. *AB 679 was held on the Assembly Appropriations Committee suspense file.*

AB 130 (Committee on Budget), Chapter 44, Statutes of 2021, required, beginning in the 2022-23 school year and upon a budget appropriation, LEAs to offer breakfast and lunch to all students who request it, regardless of a student’s ability to pay. Further required, on or before June 30, 2022, that an LEA that has high-poverty schools in its jurisdiction apply to operate a federal universal meal service program.

SB 364 (Skinner) of 2021, would have required CDSS to issue EBT benefits to certain low-income students for each summer break, contingent on an appropriation, and would have made various changes to free and reduced-price meal processes at LEAs. Portions of SB 364 were included in the budget. *SB 364 was held on the Assembly Appropriations Committee suspense file.*

AB 842 (Limon) of 2019, would have required each part-day CSPP, effective July 1, 2020, to provide at least one nutritious meal per program day, and each full-day CSPP to provide at least two nutritious meals or two snacks and one nutritious meal per program day. Also would have required each LEA, including a charter school, that maintains a child care and development program to provide at least one nutritionally adequate free or reduced-price meal to each needy child, and would have removed the requirement that family daycare homes, funded through school district programs, be reimbursed for 75% of the meals served. *AB 842 was vetoed by Governor Newsom.*

AB 1871 (Bonta), Chapter 480, Statutes of 2018, required charter schools, commencing with the 2019-20 school year, to provide each low-income pupil with one nutritionally adequate free or reduced-price meal during each schoolday.

SB 138 (McGuire), Chapter 724, Statutes of 2017, required CDE, in consultation with the California Department of Health Care Services, to develop and implement a process to use Medi-Cal data to directly make eligible children whose families meet the income criteria into the school meal program; required school districts and county offices of education with high poverty schools and high poverty charter schools currently participating in the breakfast or lunch program to provide breakfast and lunch free of charge to all students at those schools; and, authorized a school district, office of education, or charter school to opt-out due to fiscal hardship.

REGISTERED SUPPORT / OPPOSITION:

Support

American Heart Association (Co-Sponsor)
California Association of Food Banks (Co-Sponsor)
GRACE Institute - End Child Poverty in CA (Co-Sponsor)
Office of Kat Taylor (Co-Sponsor)
State Superintendent of Public Instruction Tony Thurmond (Co-Sponsor)
California Alternative Payment Program Association
California Dental Association
Center for Science in The Public Interest
Children Now
National Association of Social Workers, California Chapter

Opposition

None on file

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