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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** AB 842 **Hearing Date:** July 3, 2019  
**Author:** Limón and Eggman  
**Version:** June 19, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Brandon Darnell

**Subject:** Child nutrition: school, childcare, and preschool meals.

### SUMMARY

This bill: (1) requires each part-day California state preschool program (CSPP) to provide at least one nutritious meal per program day, (2) requires each full-day CSPP to provide to at least two nutritious meals or two snacks and one nutritious meal per program day, and (3) requires each school district, county office of education, and charter school, maintains a childcare and development program, to provide at least one nutritionally adequate free or reduced-price meal to each needy child.

### BACKGROUND

Existing law:

- 1) States that it is the policy of the State of California that no child go hungry at school or a child development program and that schools and subsidized child development programs have an obligation to provide for the nutritional needs and nutrition education of all pupils during the schoolday and all children receiving child development services. (Education Code § 49530)
- 2) Requires each school district or county superintendent of schools serving pupils in any of kindergarten or grades 1 to 12, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except for family day care homes that are reimbursed for 75 percent of the meals served. (EC § 49550)
- 3) Authorizes any child nutrition entity to apply to the California Department of Education (CDE) for all available federal and state funds so that a nutritionally adequate breakfast or lunch, or both, may be provided to pupils at schools and to children receiving child development services. Specifies that state reimbursement for meals is limited to meals provided to pupils eligible for free or reduced-price meals. (EC § 49531)
- 4) Defines a nutritionally adequate breakfast as one that qualifies for reimbursement under the most current meal pattern for the federal School Breakfast Program (SPB), and defines a nutritionally adequate lunch as one that qualifies for reimbursement under the most current meal pattern for the National School Lunch Program (NSLP). (EC § 49531)

- 5) Defines “needy children” as those children who meet federal eligibility criteria for free reduced-price meals.
- 6) Requires the CDE to participate in the federal childcare food program. (EC § 49540)
- 7) Establishes the CSPP and requires these programs to include part-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for three- and four-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development. (EC § 8235)
- 8) Requires that each contractor include in their CSPP program a nutrition component that ensures that children have nutritious meals and snacks during the time in which they are in the program. Requires the meals and snacks to be culturally and developmentally appropriate for the children being served, and to meet the nutritional requirements of the federal Child and Adult Care Food Program or the NSLP. (5 CCR §18278)
- 9) Requires childcare programs operating under Title 22 to offer meals/snacks to children as follows: full-day programs must provide lunch as well as a midmorning and midafternoon snack; part-day programs must provide a midmorning or midafternoon snack. Requires that snacks include at least one serving from each of two or more food groups. (22 CCR §101227)

## ANALYSIS

This bill: (1) requires each part-day CSPP to provide at least one nutritious meal per program day, (2) requires each full-day California state preschool program to provide at least two nutritious meals or two snacks and one nutritious meal per program day, and (3) requires each school district, county office of education, and charter school, maintains a childcare and development program, to provide at least one nutritionally adequate free or reduced-price meal to each needy child. Specifically, this bill:

- 1) Expresses the intent of the Legislature to adequately support childcare providers to provide nutrition to children in care, and to ensure that every needy child attending public school, including those under five years of age, are provided nutritionally adequate free or reduced-price meals during each program day.
- 2) Authorizes a childcare and development program to use funds made available to the program through any federal or state program, including the Child and Adult Care Food Program (CACFP) or the state meal program to provide nutritious meals to children in the program, or to do so at the expense of the childcare and development program.
- 3) Requires a school district, county office of education, or charter school maintaining a childcare and development program to provide each needy child that attends the program with one nutritionally adequate free or reduced-price meal during each program day, and authorizes the use of funds available through

- any federal or state program intended to provide meals to children, or to do so at the agency's own expense.
- 4) Requires that each part-day CSPP provide at least one nutritious meal per program day to each child enrolled, and requires each full-day CSPP to provide at least two nutritious meals or two snacks and one nutritious meal per program day.
  - 5) Defines "nutritious meal" as those that qualify for reimbursement under the most recent meal pattern for the federal child nutrition programs.
  - 6) Requires the reimbursement rate a school or child development program receives for free and reduced-price meals sold or served to pupils included within a school district, charter school, or county office of education, or to children in childcare centers or homes, to be established in the annual Budget Act.
  - 7) Removes the requirement that family day care homes, funded through school district programs, be reimbursed for 75 percent of the meals served.
  - 11) Defines "needy pupil" as a pupil who meets federal eligibility criteria for free and reduced-price meals and deletes reference to reduced reimbursements for family day care homes.
  - 12) Expresses findings and declarations regarding the importance of proper nutrition in the early years of a child's life.
  - 13) Makes other technical and clarifying changes.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Wherever a child attends school, they need access to the basic resources that support their success, including meals. Since 1975, California has provided guaranteed access to a free or low-cost school meal for all eligible, low-income kindergarten through twelfth grade public school students. Today, our youngest public school students remain the only public school students not guaranteed access to a meal under the law (Education Codes § 49550 and § 47613.5.). Although the majority of public schools are serving meals to low-income children, there are, unfortunately too many examples of those that do not. AB 842 seeks to remedy this problem by providing guaranteed access to a meal for all children attending a childcare and development program at a California public school or at a CSPP."
- 2) ***California State Preschool Program.*** CSPP provides both part-day (at least 3 hours per day) and full-day (at least 6.5 hours per day) services to eligible three- and four-year-olds, including: developmentally appropriate curriculum, parent education, meals and snacks, and referral to social and health services for families. State Preschool can be offered in various settings, including child care centers, family child care network homes, school districts, or county offices of education. Approximately two-thirds of children in State Preschool are served by

local education agencies (LEAs), and the remaining one-third are served by community-based organizations.

- 3) ***Child and Adult Care Food Program.*** The Child and Adult Food Care Program (CACFP) is a state and federally funded program that provides funding to licensed childcare centers, adult day care centers, and organizations that sponsor day care homes to ensure participants receive nutritionally adequate meals while in care. The objectives of the program are to improve the diets of children under 13 years of age by providing children with nutritious, well-balanced meals, and to develop good eating habits in children. The United States Department of Agriculture (USDA) has requirements for preschool meal patterns which specify requirements for foods served in order to qualify for reimbursements under the CACFP. The rules limit servings of juice, prohibit grain-based desserts, and limit the sugar content of cereal and yogurt served.

Any public or private nonprofit institution providing non-residential day care to children is eligible to apply for funding under this program, including:

- a) Childcare centers.
- b) Sponsored day care homes.
- c) Preschool centers.
- d) Head Start centers.
- e) Outside-school hours care centers.

The current CACFP reimbursement rate is \$1.79 for free breakfast, \$1.49 for reduced-price breakfast and \$3.31 for free lunch and supper and \$2.91 for reduced-price lunch and supper. Child care programs operated by public schools are also eligible to receive state funding supplements of \$0.18 per meal for free and reduced-price breakfast and lunch.

Childcare providers in daycare homes currently receive lower reimbursement rates of \$1.31 for breakfast and \$2.46 for lunch and supper. There is currently no additional state reimbursement for these providers, unless they are sponsored through a public school nutrition authority.

- 4) ***Access of young children to nutritious meals and snacks.*** As noted by the Assembly Education Committee, "According to the California Food Policy Advocates, more than 1.7 million fewer meals were served in childcare centers in 2016-17 compared to 2010-11, prior to cuts in state funding for meal reimbursements. On an average day during March 2017, approximately 118,000 children participated in breakfast and 156,000 children participated in lunch in CAFCP centers. Compared to 2010-11, there were more than 14,000 fewer children participating in CACFP meals at childcare centers. Some of this may be related to cuts to childcare slots over this period, particularly during the years of the recession.

The California Food Policy Advocates study further notes that in 2016-17, approximately 31 million breakfast and lunches were served to children in family child care homes. Almost 13,000 childcare homes or 47 percent of all licensed family childcare homes were approved to operate CACFP meal programs. This represents a loss of 1,629 sites or 52 percent of the total sites from the prior year. Again, this may be partially explained by an overall reduction in the availability of licensed childcare homes over this period.

Research conducted by the University of California's Nutrition Policy Institute evaluated children's access to meals in California's preschool and childcare settings. One-quarter of survey respondents provided only snacks and no meals to children enrolled in part-day programs. According to the CDE, CSPP programs must follow the federal CACFP or NSLP. Part-day programs can serve either a meal or a snack, and depending upon the length of a full-day program, must serve one meal and one snack or two meals."

- 5) **Technical amendment.** Existing law, through multiple cross-references, defines the required nutritiously adequate meal in public K-12 schools for needy pupils as a breakfast or lunch that meets the meal pattern requirements of the SBP or NSLP, respectively. Existing law also defines needy children as those who meet the who meet federal eligibility criteria for those meals. This bill, by requiring LEAs that maintain childcare and development programs to provide a needy child with a nutritiously adequate meal, necessitates that state law make a distinction between a needy pupil and a needy child, as federal law allows for reimbursement under the CACFP for meals served to a needy child in a childcare setting. **Staff recommends that the bill be amended** to expressly define a needy child as a child who meets the who meet federal eligibility criteria for free or reduced-price meals, including those served pursuant to CACFP, and to expressly clarify that an adequately nutritious meal for a needy child includes those eligible for reimbursement pursuant to CACFP.

## SUPPORT

California Food Policy Advocates (Co-Sponsor)  
 California State PTA (Co-Sponsor)  
 Alameda County Community Food Bank  
 American Heart Association  
 California Academy of Nutrition and Dietetics  
 California Alternative Payment Program Association  
 California Association of Food Banks  
 California Catholic Conference  
 California Child Care Resource and Referral Network  
 California Federation of Teachers  
 California Food and Farming Network  
 California WIC Association  
 Community Action Marin  
 Community Action Partnership of San Luis Obispo County, Inc.  
 Community Child Care Council of Sonoma County  
 County Of Santa Clara  
 East Bay Children's Law Offices

Food Bank of Contra Costa and Solano  
Food for People, the Food Bank For Humboldt County  
FRAMAX  
Los Angeles Regional Food Bank  
Parent Voices California  
Solano Family & Children's Services  
UDW/AFSCME Local 3930  
Western Center on Law & Poverty

**OPPOSITION**

None received

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