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AB-1871 Charter schools: free and reduced-price meals. (2017-2018)

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Assembly Bill No. 1871

CHAPTER 480

An act to add Section 47613.5 to the Education Code, relating to charter schools.

[Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1871, Bonta. Charter schools: free and reduced-price meals.

(1) Existing law requires each school 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 schoolday, and authorizes them to use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program, the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or to provide those meals at the expense of the school district or county office of education.

Existing law, the Charter Schools Act of 1992, provides for the establishment and operation of charter schools, and exempts charter schools from the laws governing school districts, except as specified.

This bill would, commencing with 2019–20 school year, require a charter school to provide each needy pupil, as defined, with one nutritionally adequate free or reduced-price meal during each schoolday, except as provided for a charter school that offers nonclassroom-based instruction. For a charter school that becomes operational on or after July 1, 2019, the bill would require the charter school to implement these requirements no later than July 1 of the school year after becoming operational, and to provide written notice, as specified, of the period of time that the charter school will not provide those meals. The bill would require the chartering authority to, upon request by a charter school and to the extent feasible within existing resources, provide technical assistance to the charter school in implementing the bills provisions. To the extent this bill would impose additional duties on charter school officials and on chartering authorities, such as school districts and county boards of education, the bill would impose 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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) Despite cultivating one of the world's largest economies, California's child poverty rate is the highest in the nation.
- (2) Poverty hurts children, hampering their health, development, and opportunities for success. Substantial research links poverty to poor academic achievement.
- (3) California's extraordinarily high costs of living force many families to choose between basic needs such as food, medicine, and rent. More than 4.6 million Californians cannot consistently afford enough food.
- (4) In 1975, California recognized that low-income pupils should be guaranteed at least one free or reduced-price meal during the schoolday to support health, growth, and learning. In the four decades since, the landscape of public education has changed, but the need for school meals has not.
- (5) California is now home to the most charter schools and charter school pupils in the country, enrolling more than 630,000 pupils in charter schools, including an estimated 27,000 new charter school pupils in the 2017–18 school year.
- (6) More than 340,000 of California's charter school pupils are low income, but none is guaranteed access to a school meal. Charter schools are California's only public schools that are exempt from offering low-income pupils a daily, free or reduced-price, nutritious school meal.
- (7) As charter schools continue to grow across California, so will the number of low-income, public school pupils who do not have equitable access to free or reduced-price meals.
- (8) There are many proven strategies for all public schools, including charter schools, to effectively and efficiently provide pupils with nutritious free or reduced-price meals. Upholding the importance of independence, flexibility, and local control in public education, stakeholders are encouraged to consider a range of options, including partnerships between charter schools and school districts, to best meet the nutritional needs of their respective students.
- (9) School meals are essential to supporting the academic achievement and fundamental well-being of all pupils, particularly low-income pupils who do not otherwise have adequate access to nutritious meals.

(b) Because hungry children struggle to learn, grow, and achieve, it is the intent of the Legislature that all California public schools, including charter schools, provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday.

SEC. 2. Section 47613.5 is added to the Education Code, to read:

47613.5. (a) A charter school shall provide each needy pupil, as defined in Section 49552, with one nutritionally adequate free or reduced-price meal, as defined in subdivision (a) of Section 49553, during each schoolday.

(b) Notwithstanding subdivision (a), a charter school that offers nonclassroom-based instruction, as defined in Section 47612.5, shall meet the requirements of this section for any eligible pupil on any schoolday that the pupil is scheduled for educational activities, as defined in Section 49010, lasting two or more hours, at a schoolsite, resource center, meeting space, or other satellite facility operated by the charter school.

(c) (1) Except as provided in paragraph (2), a charter school shall implement this section commencing with the 2019–20 school year.

(2) A charter school that becomes operational on or after July 1, 2019, shall do both of the following:

(A) Implement this section no later than July 1 of the school year after becoming operational.

(B) Provide written notification disclosing the period of time for which the charter school will not implement subdivision (a). The written notice shall be provided at the time of application for enrollment in the charter school, to the parent or guardian of each pupil or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder. The written notice shall be provided in languages other than English, consistent with languages used for the charter school enrollment application.

(d) The chartering authority shall, upon request by a charter school and to the extent feasible within existing resources, provide technical assistance to the charter school in implementing this section.

(e) A charter school may enter into a partnership with an existing school food authority for the purposes of implementing this section.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.