

Section 3000

Business and Noninstructional Operations

Policy 3553 Free and Reduced Price Meals

Education Code 49501.5, as amended by SB 348 (Ch. 600, Statutes of 2023), requires districts, during each school day, to make available, free of charge, one nutritionally adequate breakfast and one nutritionally adequate lunch to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility. To be eligible for state reimbursement for provision of meals, a district must participate in the National School Lunch and/or School Breakfast Programs and comply with state and federal guidelines or regulations pursuant to Education Code 49501.5, as amended by SB 348.

Pursuant to 42 USC 1758 and 1773, districts that participate in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) may receive a higher reimbursement rate for free and reduced-price meals than that provided for meals for noneligible students. In addition, state funding may be available through the State Breakfast and Lunch Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for available state and federal funds.

The requirement to make available at least one nutritionally adequate breakfast and one nutritionally adequate lunch to students applies during summer school sessions unless the district receives a waiver from the State Board of Education (SBE) under the conditions described in Education Code 49548. In order to receive a waiver, the district is required to submit a waiver request no later than 60 days before the last regular meeting of SBE before the start of the summer school session for which the waiver is sought. However, pursuant to Education Code 49547.5, as amended by SB 348, the provision of one free breakfast and one free lunch, as described above, does not apply to the Summer Food Service Program. Funding to support the provision of summer school meals is available through the Seamless Summer Feeding Option and/or Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.

Pursuant to Education Code 49506, as added by SB 348, CDE is required to work with the California Department of Social Services to maximize participation in the federal Summer Electronic Benefit Transfer for Children (Summer EBT) program, which, beginning in summer 2024, will provide families with \$40 per eligible child per month. For more information about the Summer EBT program, see the U.S. Department of Agriculture's (USDA), "Summer EBT," available on its website.

Additionally, pursuant to Education Code 49501.5, as amended by SB 348, to the extent CDE receives approval from USDA, a district may make available one meal in a school day lasting four hours or less to be served in a noncongregate manner.

Student eligibility for free and reduced-price meals serves as the basis for identifying students as low income for a variety of purposes, including, but not limited to, state allocations of supplemental and

concentration funding within the local control funding formula. Districts must use such funding to increase or improve services for low-income students and other populations of "unduplicated students" (see BP/AR 3100 - Budget) and must establish goals and specific actions for low-income students in the local control and accountability plan (see BP/AR 0460 - Local Control and Accountability Plan).

The Governing Board recognizes that adequate nutrition is essential to the development, health and well-being, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of all students in the district's food service program.

Each school day, the district shall make available, free of charge, one nutritionally adequate breakfast and one nutritionally adequate lunch for any student who requests a meal. (Education Code 49501.5).

After a student has been provided a school meal at no cost, the district may sell the student the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service. (Education Code 49431)

Education Code 49564.3 requires districts with a "high poverty school," defined as a school that is eligible to operate the Community Eligibility Provision (CEP) pursuant to 42 USC 1759a, to adopt a universal meal service provision such as the CEP or Provision 2.

To provide optimal nutrition and ensure that schools receive maximum federal meal reimbursement, the Superintendent or designee shall assess the eligibility of district schools to operate a federal universal meal service provision, such as Provision 2 or the Community Eligibility Provision, pursuant to 42 USC 1759a. The Superintendent or designee shall submit an application to operate a federal universal meal provision to the California Department of Education (CDE) on behalf of any district school that meets the definition of a "high poverty school." (Education Code 49564.3)

In order to be reimbursed for the California Universal Meal Program established pursuant to Education Code 49501.5, as amended by SB 348, a school must participate in and meet the requirements of the federal School Breakfast Program or National School Lunch Program and any applicable state laws and regulations.

The Superintendent or designee shall ensure that meals served under the school nutrition program meet applicable state and/or federal nutritional standards, as specified in law and district-adopted guidelines.

Education Code 49557 requires the district to develop a plan ensuring that students eligible to receive free and reduced-price meals are not treated differently in the implementation of the food services program. See the accompanying administrative regulation for plan requirements.

The Board shall approve, and shall submit to CDE for approval, a plan that ensures that students eligible to receive free or reduced-price meals are not treated differently from other students and that meets other requirements specified in (Education Code 49557).

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meals program shall be confidential and may not be disclosed except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

The Board authorizes designated employees to use records pertaining to an individual student's eligibility for the free and reduced-price meals program for the following purposes: (Education Code 49558)

1. Disaggregation of academic achievement data

Education Code 49558 allows districts to use the name and eligibility status of students participating in the free and reduced-price meal program to identify students eligible for school choice and supplemental educational services (SES) in Title I schools identified for program improvement. However, the Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required the provision of student transfers and SES.

2. Identification of students eligible for services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576

In its Management Bulletin SNP-02-2018, CDE clarified that designated school officials authorized to administer the free and reduced-price meal program may share the name and eligibility status of a student with other school officials within the district for purposes not directly related to the free and reduced-price meal program, such as to facilitate the provision of educational services and support to students who participate in the free and reduced-price meal program on a targeted basis rather than on a schoolwide or districtwide basis, in accordance with the local control accountability plan.

3. Facilitation of targeted educational services and supports to individual students based on the local control accountability plan

According to CDE's Management Bulletin SNP-12-2015, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining student eligibility. For this purpose, the district may provide only a student's name and eligibility status unless the applicant consents to the sharing of additional information.

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist that other educational agency in ensuring that the student continues to receive school meals-meal benefits.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding formula (LCFF) calculations. (Education Code 49558)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the (LCFF) and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with the local agency, for reduced-price meals. The Superintendent or designee also may release information on the school lunch application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

Legal Reference:

State References

- 5 CCR 15510 Mandatory meals for needy students
- 5 CCR 15530-15535 Nutrition education
- 5 CCR 15550-15565 School lunch and breakfast programs

EDUCATION CODE

- 48980 Parent/Guardian notifications
- 49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001
- 49490-49494 School breakfast and lunch programs
- 49500-49505 School meals
- 49510-49520 Nutrition
- 49530-49536 Child Nutrition Act
- 49547-49548.3 Comprehensive nutrition service
- 49550-49562 Meals for needy students
- 49564.3 High-poverty schools; universal meal service

Federal References

UNITED STATES CODE, TITLE 20

- 1232g Federal Educational Rights and Privacy Act (FERPA) of 1974
- 6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

UNITED STATES CODE, TITLE 42

- 1751-1769j School lunch program
- 1771-1791 Child nutrition
- 1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.33 National School Lunch Program
220.10-220.21 National School Breakfast Program
245.1-245.13 Eligibility for free and reduced-price meals and free milk

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, Management Bulletin SNP-12-2015, July 2015

Clarification on the Sharing of Individual Student Eligibility Information for Local Control and Accountability Plan Purposes, Management Bulletin SNIP-02-2018, May 2018

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide April 2006

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2017

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

WEBSITES

CSBA: <http://www.csba.org>

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

California Department of Education, School Nutrition

<http://www.cde.ca.gov/ls/nu/sn/>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/>

Nourish California: <http://www.cfpa.ne>

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