



2018 State Legislative Issue Paper

The California School Nutrition Association is a professional organization with more than 2,200 members. CSNA members are food service professionals committed to providing healthy meals to more than 3.3 million California school children every day. A long time leader in setting standards for school meals and a la carte sales, CSNA supports continuous improvement through strong state and federal policies.

Did You Know ...

- The National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program and Supper Program (CACFP) are all federally funded programs?
- The United States Department of Agriculture (USDA) is responsible for overseeing the program nationally and, in California, the program is administered by the California Department of Education (CDE) ?
- Public and private nonprofit schools are eligible to participate in the NSLP? (And that public and private nonprofit licensed residential child care institutions like group homes and juvenile halls are, too?)
- The laws and regulations for participants in the NSLP or the SBP differ depending on their type of schools?
 - Public non-charter schools must follow all federal and state rules.
 - Charter schools must follow federal rules but are not required to follow state rules.
 - Private schools must follow federal rules, but are not required to follow state rules.
- The school meal programs are operated on a reimbursement basis with participating agencies paid based on the number of meals served?
- Child nutrition program operators submit a monthly reimbursement claim form to CDE. Reimbursement is based on the meal benefit eligibility of each participating?
- Schools participating in the NSLP receive food directly from the USDA through the USDA Foods Program? However, districts receive the "credit" to pay for USDA Foods based on the number of lunch meals served only, not breakfast or snack?
- School Meal programs are audited on a three-year cycle? And that records must be kept to document that the meal program follows all federal and state rules and regulations. These regulations include number of meals claimed each day, by site and by meal benefit category (free, reduced-price, and full price), procurement compliance, "Buy American" provisions, fiscal practices, wellness policies, professional development & training and additionally may carry no more than three months operating costs?
- Most School Food Service Authorities (SFA's) are self-supporting, needing no general fund support, allowing state funding for schools left for direct pupil education?

Did You Know Continues....

CSNA is supportive of any legislation that furthers a child's well being nutritionally and increases the readiness to learn, but, that sometimes legislation or regulation designed to address important issues can be very well-intentioned and yet have unintended consequences or unexpected obstacles to implementation?

“Meal Shaming”

In recent years, there have been reports of students on a “paid” school meal program being punished or shamed for school meal debt that had been unpaid by their parent or guardian. In response to those reports, SB 250 (Hertzberg) was introduced. SB 250, which became law on January 1, 2018, requires local education agencies (LEAs) to ensure that a student whose parent or guardian has unpaid school meal fees is not treated differently, as specified, than a student who does not have unpaid school meal charges would be under that LEA's policy.

CSNA supports the intent of SB 250 and opposes any policy which intentionally identifies a student and causes that student to be embarrassed or feel shame.

Our members work very hard to serve the children of California. They prepare breakfasts, lunches, and afterschool snacks. Many have supper and weekend backpack programs as well. They do the work they do solely to ensure that students are fed and ready to learn.

Under current state and federal law, meal charges that have not been paid by the parent or guardian during the fiscal year (July 1- June 30) are considered “delinquent debt” and requires that all reasonable steps be taken to recover delinquent debt by the end of the fiscal year. If those efforts are unsuccessful, the USDA and CDE considers the debt as uncollectable or “bad debt”. Under federal guidelines (Title 2, *Code of Federal Regulations (2 CFR)*, Section 200.426), bad debts are an unallowable cost to federal programs and therefore must be repaid from a non-federal source such as the District's general fund, the Parent-Teachers Association or through a donation. This can put other student programs and services at risk.

CSNA is working diligently with CDE to ensure that school meal payment policies are in place that focus all contact regarding unpaid debt on the parent or guardian. Additionally, we are working with LEAs to ensure they make certifying students for free or reduced-price meals and encouraging families to submit a meal benefit applications as top priorities. However, it is important to remember that LEAs cannot mandate a household to submit a meal application and, unfortunately, given the fear of many families over actions at the federal level, increasing numbers are hesitant to apply.

While SB 250 does not intend to allow for the indefinite accrual of unpaid school meal fees, it does not provide LEAs with either supplemental funding or a process to recoup unpaid fees. Over the last few years, several districts have reported annual debt in the hundreds of thousands. In many circumstances, the districts are federally mandated to repay that debt from its general fund - funding that is intended for other student programs or services.

Food Waste

The current state of hunger in the US has led to many discussions on “food waste.” Food waste is a huge concern for school meal programs as well. School meal providers are very proactive in their efforts to curtail food waste and employ practices such as:

- Tasting events where students and parents can sample foods and products being considered as an offering for increased acceptance.
- Sharing tables and donation programs, greatly facilitated by SB 557 (Hernandez) which became law on January 1, 2018
- Awareness campaigns
- Garbage surveys

Several factors can contribute to food waste in the school environment.

Many times, limited space or facility capacity mean that schools have to serve students in shifts, so the time the students have to consume their meal is restricted and doesn't allow for the social interaction or physical activity they need as well.

Many laws also impact the amount of waste generated by meal periods. The USDA meal requirements mandate a reimbursable meal contain a minimum of ½ c fruit or vegetables to count for reimbursement. This means that kindergartners must take the same amount of fruits or vegetables as a high school senior.

It is important to note, school districts, particularly in rural areas, can find it difficult to partner with a sustainable recipient of donated foods. Many locations cannot count on a steady amount of donations and therefore transportation and storage of these donated items becomes difficult.

School meal providers must also manage situations where students choose to play instead of eat, choose not to consume vegetables and fruit either due to taste or lack of familiarity with an item. Unfortunately, the state has not made nutrition education opportunities a priority.

Organic Waste disposal / Recycling

CSNA supports the need to reduce organic waste in California. However, recent legislation intended to reduce organic waste has had unintended consequences for LEAs because its regulatory language does not reflect an understanding of the governance structure and process for LEAs. As a result, the implementation of the bill has led to confusion among agencies in the field and at times inappropriate or unlawful practices. It is important that when legislation is developed, it is with as clear an understanding as possible of how it might affect schools and districts.