

Introduced by Senator Becker

(Coauthors: Senators Gonzalez, Hueso, Leyva, Limón, and Newman)

(Coauthors: Assembly Members Berman, Carrillo, Eduardo Garcia, Lackey, Mullin, Luz Rivas, and Santiago)

February 18, 2022

An act to amend Sections 49501, 49501.5, 49550, and 49552 of, and to add Section 8204.5 to, the Education Code, and to add Sections 1596.658 and 1596.7926 to the Health and Safety Code, relating to child nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 1481, as introduced, Becker. Preschools, child daycare facilities, and Trustline providers: meals.

Existing federal law establishes the Child and Adult Care Food Program (CACFP) to provide aid to childcare institutions and family or group daycare homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children.

Existing law, the California Child Day Care Facilities Act, administered by the State Department of Social Services, provides for the licensure and regulation of child daycare facilities, as defined. Existing law requires childhood nutrition training for certain licensees, and requires that training to include information about reimbursement rates for the CACFP. Existing law generally prohibits a person, firm, partnership, association, or corporation from operating, establishing, managing, conducting, or maintaining a child daycare facility in this state without a current valid license. Existing law requires the department to establish and continuously update a trustline registry of

persons who provide childcare and who are not required to be licensed. Under existing law, a provider who is registered pursuant to these provisions is known as a Trustline provider.

Existing law, the Early Education Act, requires the Superintendent of Public Instruction, to, among other things, provide an inclusive and cost-effective preschool program, and declares the policy of the state that no child shall be hungry while in attendance in a preschool facility and that preschool programs have an obligation to provide for the nutritional needs of children in attendance. Existing law requires a school district or county superintendent of schools maintaining a kindergarten or any of grades 1 to 12, inclusive, to provide a needy pupil with one nutritionally adequate free or reduced-price meal during each schoolday, and two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, and sets the reimbursement rate for meals served by family daycare homes at 75 percent of the meals served.

This bill would, subject to an appropriation for these purposes, require the department to provide funding for (1) a supplemental state meal reimbursement for preschool facilities, child daycare facilities, and Trustline providers for up to 2 daily meals per child served through the CACFP at a rate equivalent to the state meal reimbursement for local educational agencies; (2) reimbursement of up to 2 daily meals per child served through the CACFP at a specified rate in order to establish a free meal program for all children receiving care from those facilities and providers; and (3) grants to those facilities and providers, and sponsors of the CACFP, to encourage their participation in and expansion of the CACFP. This bill would also increase the reimbursement rate for meals served in family daycare homes to 100 percent of the meals served.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8204.5 is added to the Education Code,
- 2 to read:
- 3 8204.5. Subject to an appropriation by the Legislature in the
- 4 annual Budget Act or another statute for these purposes, the
- 5 department shall provide funding for child nutrition as follows:

1 (a) A supplemental state meal reimbursement for preschool
2 facilities for up to two daily meals per child served through the
3 Child and Adult Care Food Program. The reimbursement rate shall
4 be set at a rate equivalent to the state meal reimbursement for local
5 educational agencies.

6 (b) To establish a free meal program for all children in preschool
7 facilities, reimbursement of up to two daily meals per child served
8 through the Child and Adult Care Food Program at a rate equal to
9 the difference between the highest federal rate of reimbursement,
10 as published annually in accordance with Section 226.4 of Title 7
11 of the Code of Federal Regulations, and the federal rate of
12 reimbursement for which the meal served is federally eligible.

13 (c) (1) Grants to preschool facilities to encourage their
14 participation in and expansion of the Child and Adult Care Food
15 Program.

16 (2) Facilities that receive a grant pursuant to this section shall
17 use the funds for costs of initiating or expanding free preschool
18 meals, as determined by the department. In awarding grants, the
19 department shall give preference to facilities located in or serving
20 historically under-resourced communities, including areas of
21 concentrated poverty.

22 SEC. 2. Section 49501 of the Education Code is amended to
23 read:

24 49501. The governing board of ~~any~~ a school district may, for
25 purposes of Section 49500, establish rules by which to determine
26 which pupils are ~~needy needy~~, except for family ~~day care~~ *daycare*
27 homes ~~which~~ *that* shall be reimbursed for ~~75~~ 100 percent of the
28 meals served. For purposes of this article, ~~any~~ a pupil within the
29 category of children eligible for aid or services under Chapter 2
30 (commencing with Section 11200) of Part 3 of Division 9 of the
31 Welfare and Institutions Code shall be deemed needy.

32 ~~The amendments to this section enacted by the Legislature in~~
33 ~~the 1981 portion of the 1981–82 Regular Session of the Legislature~~
34 ~~shall apply retroactively to July 1, 1981, to the extent that they~~
35 ~~may legally do so.~~

36 SEC. 3. Section 49501.5 of the Education Code is amended to
37 read:

38 49501.5. (a) Notwithstanding any other provision of this
39 chapter, commencing with the 2022–23 school year all of the
40 following shall apply:

1 (1) A school district or county superintendent of schools
2 maintaining kindergarten or any of grades 1 to 12, inclusive, shall
3 provide two school meals free of charge during each schoolday to
4 any pupil who requests a meal without consideration of the pupil's
5 eligibility for a federally funded free or reduced-price meal, with
6 a maximum of one free meal for each meal service period, ~~except~~
7 ~~for~~ *and* family daycare homes ~~that~~ shall be reimbursed for ~~75~~ 100
8 percent of the meals served. The meals provided under this
9 paragraph shall be nutritiously adequate meals that qualify for
10 federal reimbursement.

11 (2) A charter school shall provide two school meals free of
12 charge during each schoolday to any pupil who requests a meal
13 without consideration of the pupil's eligibility for a federally
14 funded free or reduced-price meal, with a maximum of one free
15 meal for each meal service period. The meals provided under this
16 paragraph shall be nutritiously adequate meals that qualify for
17 federal reimbursement.

18 (3) (A) A local educational agency that has a reimbursable
19 school breakfast program shall not charge any pupil enrolled in
20 transitional kindergarten, kindergarten, or any of grades 1 to 12,
21 inclusive, any amount for any breakfast served to that pupil through
22 the program, and shall provide a breakfast free of charge to any
23 pupil who requests one without consideration of the pupil's
24 eligibility for a federally funded free or reduced-price meal. The
25 meals provided free of charge pursuant to this paragraph shall be
26 nutritiously adequate, and shall count toward the total of two school
27 meals required to be provided each schoolday under paragraphs
28 (1) and (2).

29 (B) As used in this paragraph, "school breakfast program" means
30 the nonprofit breakfast program established by Section 4 of the
31 federal Child Nutrition Act of 1966 (42 U.S.C. Sec. 1771 et seq.).

32 (4) The department shall reimburse local educational agencies
33 that participate in the federal School Breakfast Program and
34 National School Lunch Program for all nonreimbursed expenses
35 accrued in providing United States Department of Agriculture
36 reimbursable meals to pupils as described in subdivision (b).

37 (b) The amount of per-meal reimbursements provided under
38 this section shall not exceed the difference between the sum of the
39 amounts calculated from meals claimed based on the free combined
40 breakfast and lunch reimbursement rates established by the United

1 States Department of Agriculture and state meal contribution
2 established in Section 49559, and the combined federal and state
3 amounts reimbursed for reduced-price and paid meals claimed.

4 (c) For the 2021–22 school year, the twenty-four cents
5 eighty-seven mills (\$0.2487) reimbursement per meal served, as
6 specified in Provision 6 of Item 6100-203-0001 of the Budget Act
7 of 2021, shall apply to all United States Department of Agriculture
8 reimbursable meals served to pupils under the federal Seamless
9 Summer Option, if eligible in accordance with federal regulations.

10 (d) The reimbursement required pursuant to this section shall
11 be provided upon appropriation by the Legislature. This section
12 shall not be operative until the Legislature has appropriated funds
13 for purposes of this section.

14 (e) (1) The department may adopt, and as necessary revise,
15 guidelines in accordance with this section at a publicly noticed
16 meeting if the department complies with all of the following:

17 (A) Provides an opportunity for public comment at the meeting.

18 (B) Provides written public notice of a meeting at least 30 days
19 before the meeting at which the guideline to be adopted will be
20 considered or approved.

21 (C) For a substantive revision of the guidelines, the department
22 provides written notice of a meeting at least 15 days before the
23 meeting at which the revision will be considered or approved.

24 (2) The adoption or revision of guidelines pursuant to this
25 subdivision is exempt from Chapter 3.5 (commencing with Section
26 11340) of Part 1 of Division 3 of Title 2 of the Government Code
27 until July 1, 2023.

28 SEC. 4. Section 49550 of the Education Code is amended to
29 read:

30 49550. (a) Notwithstanding any other law, a school district or
31 county superintendent of schools maintaining kindergarten or any
32 of grades 1 to 12, inclusive, shall provide each needy pupil with
33 one nutritionally adequate free or reduced-price meal during each
34 schoolday, ~~except for~~ *and* family daycare homes ~~that~~ shall be
35 reimbursed for ~~75~~ 100 percent of the meals served.

36 (b) To comply with subdivision (a), a school district or county
37 office of education may use funds made available through any
38 federal or state program the purpose of which includes the
39 provision of meals to a pupil, including the federal School
40 Breakfast Program, the federal National School Lunch Program,

1 the federal Summer Food Service Program, the federal Seamless
2 Summer Option, or the state meal program, or may do so at the
3 expense of the school district or county office of education.

4 (c) For purposes of this article, “school day” means any day that
5 pupils in kindergarten or grades 1 to 12, inclusive, are attending
6 school for purposes of classroom instruction, including, but not
7 limited to, pupil attendance at minimum days, state-funded
8 preschool, transitional kindergarten, summer school including
9 incoming kindergarten pupils, extended school year days, and
10 Saturday school sessions.

11 SEC. 5. Section 49552 of the Education Code is amended to
12 read:

13 49552. For the purposes of this article, ~~needy children shall be~~
14 ~~defined as those children who meet~~ “*needy pupil*” means a pupil
15 *who meets* federal eligibility criteria for free and ~~reduced-price~~
16 ~~reduced-price~~ meals as ~~defined~~ *referenced* in Section 49531, except
17 for family day care ~~daycare~~ homes ~~which~~ *that* shall be reimbursed
18 for ~~75~~ 100 percent of the meals.

19 ~~The amendments to this section enacted by the Legislature in~~
20 ~~the 1982 portion of the 1981–82 Regular Session of the Legislature~~
21 ~~shall apply retroactively to July 1, 1981, to the extent that they~~
22 ~~may legally do so.~~

23 SEC. 6. Section 1596.658 is added to the Health and Safety
24 Code, to read:

25 1596.658. Subject to an appropriation by the Legislature in the
26 annual Budget Act or another statute for these purposes, the
27 department shall provide funding for child nutrition as follows:

28 (a) A supplemental state meal reimbursement for Trustline
29 providers for up to two daily meals per child served through the
30 Child and Adult Care Food Program. The reimbursement rate shall
31 be set at a rate equivalent to the state meal reimbursement for local
32 educational agencies.

33 (b) To establish a free meal program for all children under the
34 care of a Trustline provider, reimbursement of up to two daily
35 meals per child served through the Child and Adult Care Food
36 Program at a rate equal to the difference between the highest federal
37 rate of reimbursement, as published annually in accordance with
38 Section 226.4 of Title 7 of the Code of Federal Regulations, and
39 the federal rate of reimbursement for which the meal served is
40 federally eligible.

1 (c) (1) Grants to Trustline providers, including sponsors of the
2 Child and Adult Care Food Program, to encourage their
3 participation in and expansion of the Child and Adult Care Food
4 Program.

5 (2) Trustline providers or sponsors that receive a grant pursuant
6 to this section shall use the funds for costs of initiating or
7 expanding free childcare meals, as determined by the department.
8 In awarding grants, the department shall give preference to facilities
9 located in or serving historically under-resourced communities,
10 including areas of concentrated poverty.

11 SEC. 7. Section 1596.7926 is added to the Health and Safety
12 Code, to read:

13 1596.7926. Subject to an appropriation by the Legislature in
14 the annual Budget Act or another statute for these purposes, the
15 department shall provide funding for child nutrition as follows:

16 (a) A supplemental state meal reimbursement for child daycare
17 facilities for up to two daily meals per child served through the
18 Child and Adult Care Food Program. The reimbursement rate shall
19 be set at a rate equivalent to the state meal reimbursement for local
20 educational agencies.

21 (b) To establish a free meal program for all children in child
22 daycare facilities, reimbursement of up to two daily meals per
23 child served through the Child and Adult Care Food Program at a
24 rate equal to the difference between the highest federal rate of
25 reimbursement, as published annually in accordance with Section
26 226.4 of Title 7 of the Code of Federal Regulations, and the federal
27 rate of reimbursement for which the meal served is federally
28 eligible.

29 (c) (1) Grants to child daycare facilities, including sponsors of
30 the Child and Adult Care Food Program, to encourage their
31 participation in and expansion of the Child and Adult Care Food
32 Program.

33 (2) Facilities or sponsors that receive a grant pursuant to this
34 section shall use the funds for costs of initiating or expanding free
35 childcare meals, as determined by the department. In awarding
36 grants, the department shall give preference to facilities located in
37 or serving historically under-resourced communities, including
38 areas of concentrated poverty.

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