

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
APRIL 2003 AGENDA
Item No. W-10

<p>TITLE: Request by Dunsmuir Joint Union High School District for a renewal to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session.</p> <p>CDSIS: 16-2-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

Denial, district does not meet 2 of the 4 criteria.

Summary of Previous State Board of Education Discussion and Action:

The State Board approved a school meal waiver request for Summer 2002. State Board guidelines allow for a waiver to be renewed if the waiver was approved for the prior year and circumstances in the district have not changed.

Summary of Key Issue(s):

The California Education Code (EC) Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The Dunsmuir Joint Union High School District has requested that the waiver of EC Section 49550 be renewed for the Summer 2003 and has certified that conditions in the district that precipitated the original waiver request have not changed. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met at least two of the following four criteria. Review of the waiver documents submitted indicate that only criteria d) has been met:

Criteria met

- NO** a) The summer school session is less than four hours duration and is completed by noon;
- NO** b) Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;
- NO** c) A Summer Food Service Program site is available within the school attendance area;
- YES** d) Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

Agreement Number:	District(s):	Effective Period:	Local Board Approval:	Waiver Number:
47-70250-0000000-01	Dunsmuir Jt. HSD	06/16/03-07/28/03	02/12/03	16-2-2003

On February 27, 2003, Rochelle Magness contacted Robert Morris, Superintendent of the Dunsmuir Joint Union High School District. She explained that only one of the four criteria was being met and that based on the waiver criteria, a recommendation of denial would be submitted to the State Board of Education (SBE). We also gave him the option of withdrawing his application. Mr. Morris chose not to withdraw the waiver. He plans to appear before the SBE to explain the district situation and try to gain waiver approval.

Our contacts with Mr. Morris are as follows:

February 27, 2003:

- Rochelle Magness contacts Mr. Morris and informs him his waiver does not meet the criteria for approval. Mr. Morris states that the district officials told him to lie on the waiver in order to gain approval but he chose not to file falsified documents.
- Mr. Morris states he does not have the Management Bulletin outlining the criteria for approval. A copy of this document is faxed to him.
- After receiving the fax, Mr. Morris contacts Rochelle Magness and states that an elementary school eight miles away from Dunsmuir High School is a Summer Food Service Program (SFSP) site. Rochelle requests that the following required documentation be submitted by February 28, 2003:
 - A district map with the school, its attendance area, and the SFSP site marked; and.
 - The name and address of the SFSP site.
- As of March 12, 2003, the map, name, and address of the SFSP site have not been provided nor has Mr. Morris made any further contact with Nutrition Services Division.
- Child Nutrition staff have been unable to verify the existence of any program in that area, so do not believe this criteria is met

Authority for the waiver: Education Code 49558

Bargaining unit(s) consulted on: **Not required**

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: **None**

Local board approval date: **2/12/03**

Effective dates of request: **06/16/03-07/28/03**

Fiscal Analysis (as appropriate): Denial of the waiver may increase the draw on Proposition 98 funds. Local finances may be affected.

Background Information:

Waiver request forms and supporting documents are attached.