

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: 4/28/03

From: Judy Pinegar

Re: ITEM #W-15

Subject STATE MEAL MANDATE DURING THE SUMMER SCHOOL SESSION

[Attached](#) is the supplemental recommendation regarding Brea Olinda Unified School District.

Please NOTE: CDE staff recommendation is for partial approval.

SPECIFIC WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2003 AGENDA

Item No. W-15

TITLE: Original request by Brea Olinda Unified School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session for three school sites.	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 12-3-2003	

RECOMMENDATION:

The Department recommends: Partial Approval

Approval for the following two sites: **Brea Olinda High School**, and **Brea Olinda Jr. High School**, located on the Brea Olinda High School campus.

Denial for the third site: Brea Country Hills Elementary School - meets only one of the four statutory criteria. (See second page, Rationale for Disapproval).

Summary of Previous State Board of Education Discussion and Action:

The California *Education Code* (EC) Section 49548 provides statutory guidelines to assist the Department of Education and the State Board in reviewing requests for summer school waivers.

Summary of Key Issue(s):

The 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. 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 **four** criteria.

The California Department of Education (CDE) recommends **approval** of the following two sites for this district:

- Brea Olinda High School; and
- Brea Olinda Jr. High School, located on the Brea Olinda High School campus.

Rationale for Approval:

All three sites meet the district financial criteria, which states:

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.

The first two sites also meet a second, site-specific criteria which states:

A Summer Food Service Program site is available within the school attendance area.

Rationale for Disapproval:

The third site (**Brea Country Hills Elementary School**) meets the district financial criteria (as do the first two sites).

However, this site does not meet any of the three remaining site-specific criteria required for approval.

1. The summer school session is more than four hours in duration and is not completed by noon. The program hours are 8:00 AM to 1:15 PM., a total of 5.25 hours.
2. All of the needy children attending the summer session will remain on site for more than 3 hours.
3. *The district has failed to show that a Summer Food Service Program (SFSP) is available within the school attendance area.* Although the district provided a map of the school attendance area and the name of the Brea Boys and Girls Club as the closest Summer Food Service Program site, CDE's review indicates that the site is not located within the school attendance area.

Analysis

CDE has not yet received an application from the Brea Boys and Girls Club for Summer 2003 -- so we have no way to determine that this site will be available to low income children in the area.

The Brea Boys and Girls Club is 2.4 miles away and is not within the attendance area of Brea Country Hills Elementary School.

Even if the Brea Boys and Girls Club operates a SFSP site this summer, its highly unlikely that children attending summer school at Brea Country Hills Elementary would be able to make it to the Club in time for lunch. CDE assumes that if the Brea Boys and Girls Club operates a SFSP this summer it will serve lunch at the same time it did last year (12:30 PM to 1:15 PM). Brea Country Hills Elementary School's summer program runs from 8:00 AM to 1:15 PM. This leaves little or no time for the children attending summer school to make it to the Brea Boys and Girls Club before the food is either gone or the meal service has ended.

On March 24, 2003, CDE contacted Ms. Stephanie Zoellner, Director of Food Services, and notified her of CDE's plans to recommend denial of the waiver request for Brea County Hills Elementary School. Ms. Zoellner requested a definition of the attendance area for a summer school site. Ms. Zoellner felt that since all three elementary schools in the district were meeting at one site, the attendance area should encompass the area served by all three sites.

CDE disagrees with this interpretation. The attendance area only applies to the site where the summer school program is being operated. This is especially true in the case of elementary schools, where the attendance areas do not overlap. Allowing multiple attendance areas to be included in a single waiver request diminishes the access to nutritious foods among the low-income children in the community. For example, in Rural USD, Elementary schools 1, 2, and 3 are located on the same highway, each school being 60 miles away from the next. They are combining their efforts this year and operating one summer school session at Elementary school 3 this year. If there were a SFSP within the attendance area of

Elementary school 1, approximately 180 miles away, then the district would fit the attendance area criteria Ms. Zoellner is attempting to meet.

Therefore, it is the CDE's position that the Brea Boys and Girls Club SFSP program does not exist within the attendance area of Brea Country Hills Elementary School.

Since only one of the four criteria is met (versus the required two), a denial of the waiver request is appropriate.

On March 25, 2003, CDE informed Ms. Zoellner of its findings and its intent to recommend denial of this site. The district was given the opportunity to withdraw the Brea Country Hills Elementary School site from consideration and to provide meal service. Ms. Zoellner chose instead to leave the site within the waiver request and indicated that the district may wish to speak at the SBE meeting.

Authority for the waiver: *Education Code* Section 49558

Bargaining unit(s) consulted on: **02/29/03**

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: **Not required**

Local board approval date: **02/11/03**

Effective dates of request: **06/23/03-07/20/03**

Fiscal Analysis (as appropriate): Approval of the waiver may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

Background Information:

Waiver request forms and supporting documents are attached to this Executive Summary.