



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

SUBJECT Request by Encinitas School District to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 118-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

Meets only one of the conditions and must serve meals at the 2004 summer session.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers of this type normally go to the State Board of Education Action Calendar, as there is a statutory basis for the denial recommendation.

SUMMARY OF KEY ISSUES

Education Code (EC) Section 49550 states that each needy child who attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. **Encinitas School District** has requested a waiver of this section for the summer of 2004.

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. Based on the information provided, this district meets only **one of the four** criteria as outlined below:

Criteria One: The summer school session is of less than four hours duration and is completed by noon, allowing pupils to go home during the lunch period. nonexistent, an amount equivalent to one month's operating costs. This district's summer school session is less than four hours and is over by noon (criteria is met).

Criteria Two: Less than 10 percent of needy pupils attending the summer school session are at the school site for more than three hours per day. According to the waiver, all children remain at Flora Vista Elementary for more than three hours (not met).

Criteria Three: A Summer Food Service Program for Children site is available within the school attendance area. There is no Summer Food Service Program for Children within the attendance area of the Tierra Linda School (not met).

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Criteria Four : Serving meals during the summer school session would result in a financial loss to the school district, documented by the 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, an amount equivalent to one month's operating costs.

Although the district indicates it will suffer a financial loss, it could not establish this fact through supporting documentation (not met)

On March 17, 2004, Encinitas Union School District's waiver was received and reviewed by the California Department of Education (CDE). During the review process, it was noted that the district met only one of the criteria and that no support documents had been filed with the waiver request.

CDE contacted Mr. Kevin LaPittos, Food Service Director for the Encinitas Union School District and gave him the opportunity to withdraw his waiver request or provide the support documents needed to establish that the district met the financial criteria (Criteria 4). CDE staff followed up on this phone conversation on several occasions through e-mail messages requesting a corrected waiver and the supporting documentation for each criteria the district believed it met. Mr. LaPittos was given a final deadline of May 10, 2004 to file a corrected waiver. NSD has not received any additional information from the district at this time.

Authority for the Waiver: *Education Code (EC) Section 49548.*

Bargaining unit(s) consulted on date(s): Not required for summer meal waivers.

Position of bargaining unit(s) (choose only one): Not required for summer meal waivers.

Neutral Support Oppose

Name of bargaining unit(s)/representative(s): Not required for summer meal

Local board approval date(s): 03/16/04

Period of request: 06/28/04 to 07/23/04

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is denied, Encinitas will have to serve meals if they continue with the summer school session as outlined. This might require a draw on Proposition 98 funds or local finances.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.