



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

SUBJECT Request by Bass Lake Joint Union Elementary School District (UESD) to waive <i>Education Code (EC) Section 49550</i> , the State Meal Mandate during the Summer School Session. Waiver Number: 22-5-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

Meets none of the conditions, 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

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. Bass Lake Joint UESD has requested a waiver of EC Section 49550 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, Bass Lake Joint UESD does not meet any of the four criteria as outlined below:

Criteria One: The summer school session is less than four hours duration and is completed by noon, allowing pupils to go home during the lunch period. A schedule was provided (condition met).

Criteria Two: Less than 10 percent of needy pupils attending the summer school session are at the schoolsite for more than three hours per day. All children remain on-site 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 site (not met).

Criteria Four: Serving meals during the summer school session would result in a

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financial loss to the school district, documented by the district, in an amount equal to one-third of the foodservice net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating costs. Although the district indicates it will suffer a financial loss, the paper work shows loss is not greater than or equal to one-third of the net cash resources (not met).

On April 29, 2004, the waiver was received and reviewed by the California Department of Education (CDE). During the review process, it was noted that no support documents had been filed with the waiver request. CDE staff contacted Ms. Jan Chevoya, Director of Business Services for the Bass Lake Joint UESD. Ms. Chevoya was given the opportunity to withdraw the waiver request or provide the support documents needed to establish that the district met two of the four criteria required for waiver approval. 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.

Ms. Chevoya was given a final deadline of June 4, 2004, to file a corrected waiver and supply supporting documentation. Partial support documentation was received on June 3, 2004. The documentation shows the district still did not meet the financial criteria (Criteria Four).

Ms. Chevoya verbally indicated that although the submitted budget showed a balance of \$5,000; only \$2,483 should be used as a final balance as the rest were considered "stores." CDE obtained clarification from the Program Resources, Education, and Policy (PREP) Unit within Nutrition Services Division (NSD) on the definition of "net cash resources" as they pertain to the waiver process.

The PREP Unit defined "net cash resources" as:

7 CFR 210.2 defines Net Cash Resources as, "... all monies, as determined in accordance with the State agency's established accounting system, that are available to or have accrued to a school food authority's nonprofit school food service at any given time, less cash payable. Such monies may include, but are not limited to, cash on hand, cash receivable, earnings on investments, cash on deposit and the value of stocks, bonds or other negotiable securities."

There is no mention of "stores" being held separate from the other net cash resources. The issue of "inventories stores: may possibly become a legal question that will be explored further, however, the agency still has not supplied sufficient documentation to meet two of four criteria for purposes of this year's waiver.

It should be noted the NSD field representative for this district is concerned about, and will monitor this agency this summer, as it was discovered that district did not serve meals during their summer school session in 2003, even though they did not have an approved waiver, and did not even apply for one, therefore, they were in violation of EC Section 49550.

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

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

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

Neutral Support Oppose

Name of bargaining unit(s)/representative(s): Not required for summer school waivers.

Local board approval date(s): 04/14/04

Period of request: 06/14/04 to 07/09/04

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is denied, Bass lake JUESD 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 resources.

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.