

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JUNE, 2003 AGENDA
Item No. W-11

<p>TITLE: Request by 7 school districts to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session under the specific waiver authority of <i>Education Code</i> Section 49548.</p> <p>CDSIS: various</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
---	--

RECOMMENDATION:

The Department recommends: **Denial**

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 statutory basis for the denial recommendation.

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. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has school sites that meet at least two of the following four criteria. Review of the waiver documents submitted indicates that none of the sites meet the required criteria as follow:

- 1) The summer school session is less than four hours duration and is completed by noon;
- 2) Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;
- 2) A Summer Food Service Program site is available within the school attendance area;
- 4) 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:
43-69377-0000000-01	Berryless Union S. D.	07/07/03-08/01/03	03/11/03	115-3-2003
30-66498-0000000-01	Fountain Valley S. D.	06/23/03-07/18/03	04/10/03	100-3-2003
50-71118-0000000-01	Hughson Unified S. D.	06/02/03-07/11/03	04/01/03	48-3-2003
13-63172-0000000-01	Magnolia Union Elem. S.D.	06/10/03-07/18/03	02/12/03	11-4-2003

30-66621-0000000-01	Orange Unified S.D.	06/23/03-08/01/03	03/13/03	101-3-2003
11-62653-0000000-01	Stony Creek Joint USD	06/16/03-08/15/03	03/12/03	103-3-2003
09-61895-0000000-01	Indian Diggings S.D.	06/09/03-07/02/03	04/13/03	96-3-2002

The California Department of Education (CDE) recommends denial of all school sites for the districts listed above. None of the school sites meet two of the four criteria required for approval.

Rationale for Disapproval of EACH site:

The districts listed in the above table submitted incomplete waiver requests and/or requests that did not meet the criteria for approval. Numerous attempts were made to obtain supporting documentation, completed waiver requests, and/or information from these districts. All were given deadlines of May 7, 2003, to complete their waiver requests or provide required documentation. They were also given the opportunity to withdraw their waiver requests. As of May 14, 2003, these school districts have not submitted any additional information.

Berryless Union School District:

This district applied for a waiver at the following school sites:

1. Northwood School
2. Noble School
3. Piedmont Middle School
4. Lane view School

All four sites do not meet any of the criteria required for approval.

Fountain Valley School District:

This district applied for a waiver at the following school sites:

1. William T. Newland
2. Fred Moiola
3. Samuel Talbert School

The first two sites meet criteria #1 only, which addresses the duration of the school session. They did not meet another criteria. The third site does not meet any of the criteria required for approval.

Hughson Unified School District:

This district applied for a waiver at the following school sites:

1. Emile J. Ross Middle School
2. Hughson High School

The district indicates it meets the district wide criteria #4, which address financial loss to the district; however the district did not provide adequate documentation to support this claim. Both sites did not meet any other criteria.

Magnolia Union Elementary School District:

This district applied for a waiver at the following site:

1. Magnolia Union Elementary

The site met criteria #1, which addresses the duration of the school session. The district also indicated it meets the district wide criteria #4, which addresses financial loss to the district; however the district did not provide any documentation to support this claim.

Orange Unified School District:

This district applied for a waiver at the following sites:

1. Canyon High School
2. Cerro Villa Middle School
3. Portola Middle School
4. Santiago Charter School
5. Yorba Academy of the Arts Middle School
6. El Modena High School
7. Orange High School
8. Villa Park High School
9. West Orange Elementary School
10. Esplanade Elementary School
11. Jordan Elementary School
12. Linda Vista Elementary School
13. McPherson Magnet School
14. Olive Elementary School
15. Palmyra Elementary School
16. Prospect Elementary School

Although all sites meet criteria #1, which address the duration of the school session, none of the sites met a second criterion.

Stony Creek Joint Unified School District:

This district applied for a waiver at the following sites:

1. Elk Creek Elementary
2. Indian Valley Elementary

Neither site met any criteria.

Indian Diggings School District

1. Indian Diggings School District

The site meets criteria #1 only, which addresses the duration of the school session. The district did not meet another criteria.

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

Background Information for all waivers will be included in the “blue,” last Minute Memorandum for this Item. The department is still processing waivers which came from the districts VERY LATE.

However since this is a waiver related to summer school, and most programs begin in June, we will process as many as possible for the June 11-12, 2003 State Board of Education meeting. It is particularly critical that waivers DENIED are noticed early, so that schools can make plans to PROVIDE THE REQUIRED MEALS