

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-13

<p>TITLE: Request by Dunsmuir Joint Union High School District for a General Waiver of <i>Education Code</i> (E.C.) Section 49550, the State Meal Mandate and E.C. 49548 (the waiver process for the summer school meal program) during the summer school this year.</p> <p>CDSIS: 26-4-2003</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: **Recommendation will be provided in the supplemental mailing.**

- Approval
 Denial

Summary of Previous State Board of Education Discussion and Action:

A Specific Waiver under the authority of E.C. 49545, regarding this same issue **was recommended for denial** at the April State Board of Education (SBE). The district withdrew the waiver before the meeting, when they found the “approval criteria” were in statute. This returning waiver is a General Waiver request, of both the requirements to serve meals to students in summer schools (E.C. 49550), and of the Specific Waiver authority itself (E.C.49545).

Summary of Key Issue(s):

The California Education Code (EC) Section 49550 states districts must:

“provide for each needy pupil enrolled therein, one nutritionally adequate free or reduced-price meal during each schoolday that each needy child that attends a public school”

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.

The district requests the both of these statutes be waived so that they will not be required to serve meals to students during this year's summer session, if this waiver is approved.

Waiver Authority: *Education Code* Section 33050

Bargaining unit(s) consulted on: March 6, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: James Rinne and Danelle Cascarina

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) posted at local newspapers, County Office of Education, Two Elementary Schools & Library.

Public hearing held on: 4-9-03

Local board approval date: 4-9-03

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 3-6-03

Effective dates of request: 6-16-03 to 7-28-03

Fiscal Analysis (as appropriate):

Background Information: Attached