



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2004 AGENDA

**Specific Waiver**

<b>SUBJECT</b>  Request by <b>Gravenstein Union School District</b> to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session.  Waiver Number: 100-3-2004	<input checked="" type="checkbox"/> <b>Action</b>
	<input type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

Approval     Approval with conditions     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 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. The following district has requested a waiver of EC Section 49550 for the summer of 2004, and has certified their compliance with all required conditions necessary to obtain a waiver.

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:

#### 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.

#### 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.

#### Criteria Three:

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

#### Criteria Four:

- Serving meals during the summer school session would result in a financial loss to the 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 to one month's operating costs.

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In order for a district to be approved, it must meet two of the four required criteria at each site requesting a waiver. Based on the information provided, this district meets only one of the four criteria as outlined below:

- This district's summer school session is less than four hours and is over by noon. This criteria is being met.
- All children remain on-site for more than three hours;
- There is no Summer Food Service Program for Children within the attendance area of the site; and
- Although the district indicates it will suffer a financial loss, it is not greater than or equal to one month's cost.

On March 17, 2004, Gravenstein Union School District's waiver was received and reviewed by the California Department of Education (CDE). During the review process, it was noted that only one of the criteria was being met. CDE contacted Ms. Linda LaMurre, Superintendent for the Gravenstein Union School District. During the conversation, CDE Staff explained the waiver process and how only one of the four required criteria was being met. This phone conversation was followed up on several occasions with e-mail messages requesting a corrected waiver and the supporting documentation for each criteria the district met. Ms. LaMurre was given a final deadline of April 5, 2004 to file a corrected waiver. NSD has not received any additional information from the district.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

For programs operating a summer school program in previous years, denial of the waiver will not impact the 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.

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

**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.

**Local board approval date(s):** March 11, 2004

**Period of request:** June, 15, 2004 to July 12, 2004