



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

Specific Waiver

SUBJECT Request by Rosemead School District to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 35-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

That two schools, Encinita Elementary and Muscatel Middle School, be recommended for approval and three schools, Savannah Elementary, Shuey Elementary, and Janson Elementary Schools, be recommended for Denial.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers of this type must go to the State Board of Education Action Calendar.

SUMMARY OF KEY ISSUES

Education Code (EC) Section 49550 states that each needy child who attends a public school must be provided a nutritionally adequate free or reduced-price meal every school day. This 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 in 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 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 to one month's operating costs.

Review of Rosemead School District's waiver document indicates that **Encinita Elementary and Muscatel Middle School meet Criteria One and Criteria Three** of the four criteria. These sites plan to offer a summer school session that is in excess of three hours and less than four hours in duration.

Savannah Elementary, Shuey Elementary, and Janson Elementary Schools do not meet two of the four criteria. These sites meet only one of the four criteria as outlined below:

- The sessions are three hours and 50 minutes in length. This condition is met.
- The district projected that 60 needy students will be enrolled at each of these summer school sites and that only three needy students would be on-site for more than three hours. However, the district cannot support this statement until enrollment is closed for the summer school sessions. Enrollment will not close until the end of May. As a result, the district will not state in writing that no more than ten percent of the estimated 60 needy students enrolled will remain on campus for more than three hours.
- There is no Summer Food Service Program (SFSP) for children within the attendance area of the school sites; and
- Although the district will suffer a financial loss, it is not equal to or greater than one-third of the cafeteria balance.

The California Department of Education (CDE) received Rosemead School District's waiver request on March 8, 2004. During the review process, it was noted that Savannah Elementary, Shuey Elementary, and Janson Elementary Schools met only one of the four criteria. CDE's representative contacted Diane Ezzo, the district's Director of Food Services and explained the waiver requirements and how the sites did not meet the required two of four criteria. The SFSP sites and maps that Ms. Ezzo provided to CDE to meet Criteria Three indicated that the SFSP sites were outside of the schools' attendance area as required, and therefore, did not qualify as meeting Criteria Three.

The district submitted documentation to show the district would suffer a financial loss as described in Criteria Four. However, the documentation submitted showed that the district had \$425,284 in the fund ending balance that is reserved for future expenses. Since the fund balance is positive and the projected loss to the school for offering a summer school program is not greater than or equal to one-third of its balance, this criteria was not approved. The district has indicated that although it will not attend the State Board of Education Meeting to contest Nutrition Service Division's recommendation for denial at Savannah Elementary, Shuey Elementary, and Janson

Elementary, they wish to have the site denials a matter of public record.

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 for summer school waivers.

Local board approval date: February 5, 2004

Period of request: June 21, 2004 through July 16, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

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.