

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Appropriations Committee

BILL: SB 752

SPONSOR: Senator Wise

SUBJECT: Ms. Willie Ann Glenn Act

DATE: March 21, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Matheus	O'Farrell	ED	<b>Favorable</b>
2.	Sanford	Whiddon	CF	<b>Favorable</b>
3.	Armstrong	Newman	EA	<b>Fav/1 Amendment</b>
4.				
5.				
6.				

## Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

### I. Summary:

The bill creates the Ms. Willie Ann Glenn Act to require school districts to develop a plan for sponsoring a summer nutrition program in each school district beginning in 2006, subject to specific criteria. The bill sets forth requirements for the Department of Education (DOE) and school districts to operate the program and provides procedures for districts to seek an exemption from operating a program. School superintendents must implement the plan for the summer food program and may collaborate with local government and private, nonprofit leaders to develop the plan.

This bill creates an unspecified section of the Florida Statutes.

The effective date is July 1, 2005.

### II. Present Situation:

#### *Summer Food Service Program for Children*

The federally funded Summer Food Service Program for Children is operated nationally by the U.S. Department of Agriculture.<sup>1</sup> The program is administered by the Florida Department of

<sup>1</sup> The program was recently reauthorized in P.L. 108-265, the Child Nutrition and WIC Reauthorization Act of 2004.

Education and provides meals during the summer for children 18 years of age and under at approved sites in low-income areas. People over the age of 18 who are enrolled in school programs for persons with disabilities may also receive meals.<sup>2</sup> Programs are approved for geographical areas of need where 50 percent or more of the children qualify for free and reduced price meals during the school year. The U.S. Department of Agriculture updates income eligibility guidelines each year. The program is often offered in conjunction with summer enrichment activities or recreation programs. Program sponsors can be schools, private non-profit organizations, or camps. Sponsors are reimbursed for operating and administrative costs by the U.S. Department of Agriculture with funds distributed through the DOE.

According to the U.S. Department of Agriculture, only a fraction of the eligible low-income children have access to summer meals, even though millions of children depend on free and reduced price meals and snacks served at school during most of the year. In Florida, the average daily attendance in the summer food program in 2003 was 115,535 children and the average daily attendance for 2004 was 104,998 children. Following is information related to the number of cash payments and meals served in Florida:<sup>3</sup>

<b>Summer Food Service Program</b>	<b>FY 2003</b>	<b>FY 2004</b>
Cash payments	\$13,984,725	\$14,477,217
Meals served	8,628,000	8,587,279

Current law (s. 1006.0605, F.S.), requires school districts to report on summer nutrition programs provided to students who are eligible for free and reduced price meals. According to the DOE, school districts indicated an intent to participate in the program during the summer of 2004, either as direct sponsors or through others (e.g., Department of Parks and Recreation, YMCA camps, Police Athletic League, College Reach Out Program, and Boys and Girls Club) and included the following districts: Baker, Bay, Bradford, Broward, Charlotte, Collier, Dixie, Duval, Franklin, Gilchrist, Hamilton, Hardee, Hillsborough, Indian River, Jackson, Lake, Leon, Levy, Madison, Miami-Dade, Monroe, Palm Beach, Pinellas, Putnam, St. Lucie, Santa Rosa, Seminole, Sumter, Suwannee, Taylor, Volusia, and Washington.<sup>4</sup> Some of these districts (e.g., Bradford) indicated that they would participate in the program through a seamless waiver, meaning that the districts receive a federal waiver of paperwork and administrative requirements to operate the summer food program. Some districts indicated that they did not intend to participate in the program last summer. According to Florida Impact, Inc., 61 districts actually participated in the program in 2004 either as direct sponsors or through other organizations, while six did not (i.e., Calhoun, Clay, Holmes, Liberty, Wakulla, and Walton).

<sup>2</sup> See the USDA Summer Nutrition website at: [www.fns.usda.gov/cnd/summer/](http://www.fns.usda.gov/cnd/summer/)

<sup>3</sup> U.S. Department of Agriculture, preliminary 2003 data (as of February 25, 2004) and preliminary 2004 data (as of January 26, 2005). Cash payments are based on per meal reimbursement rates which are adjusted annually to offset changes in food prices. They do not include administrative expenses or commodity costs.

<sup>4</sup> Florida DOE District Survey Responses, March 10, 2004.

Ms. Willie Ann Glenn is considered a model of local leadership in serving the children of her community in Perry, Florida. Ms. Glenn coordinated a nationally recognized model for a summer food program.<sup>5</sup> Ms. Glenn died during the 2004 legislative session.

### **III. Effect of Proposed Changes:**

The bill creates the Ms. Willie Ann Glenn Act to require each school district to develop a plan (due May 1, 2006) for sponsoring summer food programs in the school district, subject to specific criteria. By summer of 2006, at least one summer food program must operate in each school district as follows:

- Within five miles of at least one elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals and for the duration of 40 consecutive days; and
- Except as provided in the preceding paragraph, within 10 miles of each elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals.

The bill provides procedures for a school board to become exempt from sponsoring a program, including a discussion on continuing the exemption at a public school board meeting that is followed by a vote of the school board on the exemption. School boards must notify the Commissioner of Education of any exemption decision and must reconsider such decision each year.

School boards opting for an exemption may encourage not-for-profit organizations to become sponsors. The bill holds school districts and the DOE harmless from liability if a not-for-profit sponsor fails to perform its sponsor obligations. Also, school districts and the DOE are not required to continue the program if a not-for-profit entity chooses to sponsor the program but fails to perform.

School districts must annually report to the DOE the program sites that comply with the requirements in the new section of law. For school districts to determine adequate coverage of need and placement of sites for the program, DOE must annually provide the districts with a list of local organizations that have filed letters of intent to participate. Any nonprofit organization may serve as a program site or sponsor.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

---

<sup>5</sup> Correspondence from Dr. Debra A. Susie, Executive Director, Florida Impact, Inc., March 1, 2005. Florida Impact, Inc., is a non-profit organization.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The Summer Food Service Program generally provides up to two meals or a meal and a snack for children 18 and under and for people over 18 who are enrolled in school programs for persons with disabilities at approved sites in low- income areas. Under the bill, potentially, children will realize nutritional benefit and their families may experience budget relief by having some of their children's meals provided through the program.

C. Government Sector Impact:

As indicated by the Department of Education, sponsor revenues for the Summer Food Service Program, both school district and private, will be limited to USDA reimbursement and the sale of paid meals, if any. These reimbursements may not cover the cost of meals. The USDA funds the lesser of the documented operating and administrative cost of the program or the USDA rate times the number of meals served. A school district may request an exemption from operating a program, if the district follows the procedures specified in the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Summary of Amendments:**

**Barcode #935320 by Education Appropriations:**

In order to be exempt from sponsoring the program the district school board shall demonstrate that offering the program would result in a financial hardship that would adversely impact instructional programs.

---

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

---