

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Education Pre-K-12 Appropriations Committee

BILL: CS/CS/SB 1458

INTRODUCER: Education Pre-K – 12 Appropriations Committee, Education Pre-K – 12 Committee, and Senators Wise, Gaetz, and Fasano

SUBJECT: School Food Service Programs

DATE: April 22, 2008                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Ray</u>	<u>Jameson</u>	<u>CF</u>	<b>Fav/1 amendment</b>
3.	_____	_____	<u>HP</u>	<b>Withdrawn</b>
4.	<u>Armstrong</u>	<u>Hamon</u>	<u>EA</u>	<b>Fav/CS</b>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

The bill requires each school district, beginning with the 2010-2011 school year, to make available a School Breakfast Program (currently required in elementary schools) to all middle and high schools.

Beginning with the 2009-2010 school year, each school district is required to annually set prices for breakfast meals at a level that, when combined with federal reimbursement, will cover the costs of the breakfast meals. School districts may, however, set lower prices. Each school district is also required to provide students and parents with information about the district’s School Breakfast Program.

Under the bill, each school is directed, to the maximum extent practicable, to serve breakfast at alternative sites in an effort to expand access. Beginning with the 2009-2010 school year, a school must make a “Grab ‘n’ Go Breakfast” available for a student who arrives by school bus at school less than 15 minutes before the first bell rings. In addition, the school must allow the student at least 15 minutes to eat the “Grab ‘n’ Go Breakfast.”

The bill also encourages school districts to provide universal-free school breakfast in all schools and requires district school boards, by the beginning of the 2010-2011 school year, to consider a policy for providing universal-free school breakfast for all students in schools in which 80 percent or more of the students are eligible for free or reduced-price meals.

The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA), by January 15, 2009, to issue a report that estimates the implementation costs of universal-free school breakfast, examines school meal prices and the efficiency and effectiveness of school district food service programs, identifies best practices and strategies for reducing food service costs, evaluates the state reporting of food service revenues and costs, assesses the methodology used for allocating state funds to school district food service programs, and evaluates the state's organizational structure for implementation of the National School Lunch Program, federal School Breakfast Program, and the federal Summer Food Service Program.

This bill substantially amends s. 1006.06, F.S.

## II. Present Situation:

Current law requires that elementary schools participate in school breakfast programs and, although not required by law, the majority of middle and high schools currently participate in school breakfast programs.<sup>1</sup>

Based on information provided by DOE, the majority of local school districts make available information regarding the school breakfast program on their public websites as well as through school newsletters and menus.<sup>2</sup>

Currently, the Legislature provides \$7,590,912 for elementary school breakfast programs. Student participation in breakfast programs has increased; however, the state supplement appropriation has remained the same.<sup>3</sup>

Under "universal free breakfast" programs, no student is required to pay; however, the federal reimbursement rate is based on the number of students served who are eligible for free, reduced-price, and paid meals.<sup>4</sup>

In a national pilot project, school breakfast participation almost doubled in the pilot schools within the first year of universal, free breakfast, from 19 percent during the baseline school year to 36 percent. This higher level of participation in pilot school students was maintained in the second year (38 percent) and third year (36 percent) of the pilot period.

During this time, breakfast participation in the control schools increased slightly from the baseline school year, from 19 percent to 21 percent.

---

<sup>1</sup> See Florida Department of Education Governmental Relations, 2008 Bill Analysis of SB 1458, January 29, 2008 (on file with the committee).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

### III. Effect of Proposed Changes:

The bill requires each district school board, beginning with the 2010-2011 school year, to expand the School Breakfast Program (currently required in elementary schools) to all middle and high schools. Beginning with the 2009-2010 school year, each school district is required to annually set prices for breakfast meals that, when combined with federal reimbursement, will cover the costs of the breakfast meals, unless the district school board sets lower prices. Each school district is also required to annually provide all elementary, middle, and high school students with information about the district's School Breakfast Program, including school announcements and written notice sent to all parents.

The bill requires each elementary, middle, and high school, to the maximum extent practicable, to serve breakfast at alternative sites (e.g., "Grab 'n' Go Breakfast"). Beginning with the 2009-2010 school year, each school must make a "Grab 'n' Go Breakfast" available for a student who arrives at school on the school bus less than 15 minutes before the first bell rings. In addition, a school must allow the student at least 15 minutes to eat the "Grab 'n' Go Breakfast."

The bill encourages school districts to provide universal-free school breakfast in all elementary, middle, and high schools and requires district school boards, by the beginning of the 2010-2011 school year, to approve or disapprove a policy for providing universal-free school breakfast for all students in schools in which 80 percent or more of the students are eligible for free or reduced-price meals.<sup>5</sup> Before approving or disapproving the policy, the district school board must receive public testimony at two or more regular meetings.

The bill directs DOE, consistent with current practice, to annually allocate the School Breakfast Supplement in the General Appropriations Act among the school districts according to each district's total number of free or reduced-price breakfast meals served. Obsolete provisions concerning the allocation of the supplement based on a "state breakfast rate," and the appropriation of the supplement based on the difference between the average federal reimbursement for free and reduced-price breakfast meals and the average statewide cost for breakfast meals, are deleted.

The bill directs OPPAGA, by January 15, 2009, to submit a report on school district food service programs to the Governor, the Legislature, the State Board of Education, and the Commissioner of Education. The report must:

- Estimate the district-by-district costs of implementing universal-free school breakfast, which must consider the experiences of Florida schools currently implementing universal-free school breakfast;
- Determine the extent that school district food service programs require financial support from other district operating funds;
- Examine at least a 5-year history of school meal prices;
- Identify best practices for efficient and effective school district food service programs;

---

<sup>5</sup> According to the Department of Education, as of February 17, 2008, there were 516 schools in the state in which at least 80 percent of students are eligible for free or reduced-price meals. The total student enrollment at these schools was 252,497. See Florida Department of Education, Government Relations, *2008 Agency Bill Analysis of HB 623*, at 3 (Jan. 29, 2008).

- Identify strategies to reduce the costs of school district food service programs, including alternatives to the daily counting of meals at the point of service which are authorized by federal regulations;<sup>6</sup>
- Evaluate the forms and procedures used by school districts to report their food service revenues and costs to DOE;
- Determine whether the forms accurately report the total operating costs of school district food service programs and whether the forms allow an equitable district-by-district comparison of costs;
- Assess whether state funding provided to school district food service programs (e.g., School Breakfast Supplement) promote the fiscal efficiency of the food service programs; and
- Evaluate the state's organizational structure for implementation of the National School Lunch Program, federal School Breakfast Program, and federal Summer Food Service Program.

OPPAGA is also directed to consult with staff of the education committees of the Legislature, DOE, the Department of Agriculture and Consumer Services, and the Auditor General on the research design for the report.

The bill provides an effective date of July 1, 2008.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

---

<sup>6</sup> The Food and Nutrition Service of the U.S. Department of Agriculture allows the states to authorize alternatives to point-of-service lunch counts, if the alternatives result in accurate, reliable counts of the number of free, reduced price, and paid lunches served for each serving day. 7 C.F.R. § 210.7(c)(2). See <http://www.fns.usda.gov/cnd/Governance/prov-1-2-3/Prov2Guidance.pdf>

**C. Government Sector Impact:**

Beginning with the 2009-2010 school year, school districts are required to annually set breakfast prices at a level, that, when combined with federal reimbursement, covers the cost of the breakfasts, unless the district chooses to set lower rates. In addition, by encouraging, but not requiring, universal-free breakfast meals in all schools, the bill does not create a fiscal impact.

The bill requires school districts to make students aware of the school breakfast program; however, this communication would have an insignificant fiscal impact because, as indicated by the DOE, communication about the school breakfast program is already provided by the majority of school districts on their web sites, school newsletters and menus.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K-12 Appropriations on April 22, 2008:**

- Requires school districts to make school breakfast available in all K-12 schools;
- Encourages districts to make breakfast available at alternative sites to expand access;
- Requires school districts to set pricing procedures for breakfast meals at rates sufficient to absorb costs within appropriated funding; and
- Directs OPPAGA to conduct a study to determine best practices and sound fiscal policies for offering breakfast programs to all students.

**CS by Education Pre-K-12 on April 1, 2008:**

- Eliminates the fiscal impact to the state and local school districts;
- Encourages school districts to provide school breakfast programs for all K-12 students; and
- Encourages DOE to work with other agencies and organizations to develop a funding model that would encourage across the board participation but within existing state and federal funding levels with no financial impact to districts or the state.

**B. Amendments:**

None.