

# FAQ: AB 842 (Limón)

## Hunger-Free Preschool and Child Care

### What does AB 842 do?

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- AB 842 provides guaranteed access to a nutritious, free or low-cost meal for our youngest public school students: AB 842 expands California's longstanding school meal mandate to childcare and development programs operated by public schools (currently, school districts, county superintendents, and charter schools are only required to provide a nutritious, free or low-cost meal to low-income Kindergarten through 12th grade students). In addition, AB 842 ensures that children enrolled in the California State Preschool Program are guaranteed access to a meal regardless of whether or not they are enrolled in part-day (3+ hours) or full-day (6.5+ hours) instruction.
- AB 842 also more adequately compensates prop 98 eligible preschool and child care providers for serving healthy meals to low-income children: AB 842 eliminates a longstanding inequity to the state supplemental meal reimbursement, a policy that only reimbursed family child care home providers for 75% versus 100% of all the meals served to eligible, low-income children. The bill also codifies in code that the reimbursement rate for meals served in schools, child care centers, and family child care homes should be established in the annual Budget Act.

### Why is AB 842 needed?

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- Wherever a child attends school, they need access to the basic resources that support their success, including meals. Since 1975, California has provided guaranteed access to a free or low-cost school meal for all eligible, low-income kindergarten through twelfth grade public school students. Today, our youngest public school students remain the only public school students not guaranteed access to a meal under the law. Although the majority of public schools and state preschool programs are serving meals to low-income children, there are, unfortunately too many examples of those that do not.
- As the state expands access to preschool and child care, we need to make sure the needs of low-income families are front and center. Whether in high school or preschool, low-income children need access to healthy meals. California can help build the capacity of our early care and education system to prevent hunger, break the cycle of poverty, and help close the achievement gap by supporting policies and investments that increase access to meals for our youngest learners.

### Are public schools already required to offer meals to low-income children before they enter kindergarten?

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No. In 1975, California passed Education Code § 49550 to protect children from hunger by guaranteeing that all low-income public school students would have access to at least one free or low-cost healthy school meal each school day. Today, low-income children enrolled in preschool or child care at a public school remain the only public school students not guaranteed access to a nutritious, affordable meal, because the law only extends to children in kindergarten through 12th grade.

The California Department of Education established regulations 5 CCR § 18278 which require all of child care and development program contractors of the department, including contractors of the California State Preschool Program, to provide access to nutritious meals and snacks. However, this regulation is interpreted with variation

across participating sites and low-income children enrolled in part-day programs (3+ hours of instruction) are not guaranteed access to a meal.

## **Are there low-income public school students enrolled in pre-kindergarten programs who don't have access to meals?**

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Yes. Researchers at the University of California, Nutrition Policy Institute, evaluated children's access to meals in California's preschool and child care settings. In 2018, more than 680 randomly selected child care providers, including more than 77 providers from the California State Preschool Program (CSPP), responded to a survey about offering meals. They found that not all children in the California State Preschool Program have access to meals.

Although the majority of survey respondents reported providing children with access to meals and snacks for both part-day (3+ hours) and full-day instruction (6.5+ hours), nearly one quarter of survey respondents reported that they provide only snacks and no meals to children enrolled in part-day instruction. All child care centers are required by California law to follow the nutrition standards of the Child Care Food Program if serving food. The program's requirements for snacks are minimal in comparison to those for meals. For example, serving just a half cup of milk and eight animal crackers would meet the snack requirement – while standards for meals require that foods such as proteins, fruits, vegetables, and whole grains are served. Click here to read more about the research. [link](#)

## **I know children in preschool and child care who get meals every day. How would AB 842 make things any different?**

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There are many different forms of preschool and child care in California. Although many voluntarily make healthy meals available to children in need, not all are required to do so. The majority of preschool and child care providers that voluntarily offer free and low-cost meals show us that meal programs work in a variety of subsidized early care settings, but children shouldn't have to rely on voluntary efforts to protect them from hunger.

Granting young children guaranteed access to meals is necessary to:

- Provide low-income children with the same protection against hunger as K-12th grade public school students;
- Guarantee access to meals for the growing number of children who will be enrolled in the future;
- Ensure that this protection will not be reneged over time; and
- Provide equitable access to a basic resource that supports academic success.

AB 842 would also enable child care centers and family child care home providers sponsored by a public school food authority to be able to claim 100% versus just 75% of the meals they serve to low-income children. Today, California supplements the federal reimbursement for 100% of the meals served through public schools to serve to low-income children, but only reimburses preschool and child care providers for 75% of the meals served. California has some of the country's highest costs of labor and of living, yet today the federal assistance offered for child care meals is the same for California as it is for all other (less expensive) states. This makes California's supplement for meals served in preschool and child care critical to ensuring that young children have access to high quality, healthy meals.

## **Why does the state supplement funding for school meals, but does not supplement meals for all children in child care and preschool?**

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For over 35 years, California offered financial support to help public schools, preschools, and child care providers serve healthy meals to low-income children. Then, in 2012, as the state was facing a massive budget crisis, the

funding was cut. Today, preschool and child care providers are not eligible for a state supplement to the federal reimbursement for meals served to low-income children unless they participate in the Child and Adult Care Food Program under the sponsorship of a public school food authority. Despite multiple attempts from advocates to bring back the funding for all preschool and child care providers, the funding has never been restored.

## **Why is it important to compensate child care providers and child care centers for the meals served to low-income children?**

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Child care providers want to do all that they can to help our youngest children, but stagnant wages and the high cost of living in California makes it hard to put fresh, healthy food on the table. Since 2010, child care in California has suffered devastating cuts and the state has failed to adequately update reimbursement rates for providers who serve low-income children. Today, annual funding for child care remains low and 70% of the child care workforce earns less than \$14 or \$15 an hour. For over 35 years, California helped providers with the high cost of serving healthy meals by offering a supplemental meal reimbursement. But in 2012, as the state faced a major budget crisis, the funding was cut. Without adequate compensation from the state, many child care providers could not keep up with the cost of providing healthy meals that met the nutrition standards of the meal program day in and day out; because of this, hundreds of family child care providers across California stopped providing meals through the Child and Adult Care Food Program.

In addition, the child care centers and family child care home providers who would benefit from AB 842 serve low-income children, which means an investment that supplements the federal reimbursement for the Child and Adult Care Food Program primarily benefits the children most likely to go hungry. These children are already set up at a societal disadvantage and hunger only exacerbates the issue. Students who show up to school hungry for a lack of food at home, struggle to pay attention in class and quickly fall behind their peers. Hunger can disadvantage a child early, even before they have entered grade school; therefore, it makes sense to prevent hunger while children are young and rapidly developing.

## **What resources are available for offering meals to low-income children in child care and preschool?**

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All public schools, child care centers, and family child care home providers can participate in the federal nutrition programs, including the Child and Adult Care Food Program, the National School Lunch Program, and the National School Breakfast Program among others. Participating schools, centers, and providers receive federal funding for each meal served to eligible students. Generally, a higher reimbursement is received for meals served to the lowest-income children. The reimbursement can be used for food, staffing, equipment, and other expenses necessary for the operation and administration of the meal programs. Public grants and loans are also available to support the startup, expansion, and improvement of meal programs. In addition to these resources, California's public schools have access to state supplemental funding (the state meal program) for meals served to low-income children and child care centers or family child care homes operating the state meal program under sponsorship of a public school food authority also have access to the state supplemental funding, but only for 75% of meals served to eligible children.

## **What happens if a public school or California State Preschool Program doesn't have a cafeteria or a kitchen? How would they meet the requirements imposed by AB 842?**

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While all students deserve access to first-rate facilities, many public schools and child care centers -- including those that participate in the California State Preschool program -- face infrastructure challenges and are still able to offer meals without a kitchen or cafeteria. A statewide survey found 70 percent of California school districts deal with infrastructure limitations when serving nutritious school lunches. These limitations range from a lack of physical

space to inadequate plumbing and electrical capacity. Despite these limitations, public schools have found ways to offer meals to students in need as is required by state law. Similarly, child care centers have found ways to offer meals and snacks to low-income children as required by 5 CCR § 18278. These same options are available to public schools and California State Preschool Programs who are facing facilities challenges.

## **I've heard that child care meal programs are complicated.**

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Educating children is hard work. Caring for children is hard work. Feeding children is hard work. But being a hungry child is harder. To fight hunger all children must have equitable access to the basic resources that support health and learning. All public schools and operators of the California State Preschool Program have several options in how they administer and operate school meal programs. For instance, school districts and child care centers can:

- Offer meals with or without using the federal nutrition programs;
- Prepare meals at an onsite or central kitchen;
- Contract with a local school district or other entity to prepare and deliver vended school meals;
- Contract with a "food service management company" (a school district, child care center, or other entity) to handle any aspect of their school meal program such as determining student eligibility for free and reduced-price meals; oversight of program compliance; managing meal payments and reimbursement claims; and purchasing food, supplies, or equipment.

AB 842 would guarantee that children in need have access to a nutritious, free or reduced-price meals no matter where they go to preschool or child care. AB 842 would also maximize flexibility to public schools for meeting this expectation in the way that works best for their particular situation.

## **Funding was not set aside in the 2019-2020 state budget to expand the state supplemental meal reimbursement to all preschool and child care providers. What does this mean for AB 842 moving forward?**

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Because the state budget did not set aside funds for expanding the state supplemental meal reimbursement this year some changes had to be made to the bill language. The phrase "at an equivalent rate" had to be removed from the bill, as that line was contingent upon there being an allocation in the budget so that CACFP could be reimbursed at ~23 cents per meals, like school meals. Moving forward, eligible CACFP meals (those served in Prop 98 entities) will continue to be reimbursed at the existing rate. (~17 cents/meal).

However, AB 842 will help to more adequately compensate preschool and child care providers in the future. AB 842 directs the state to increase the supplemental meal reimbursement for preschool and child care to match the reimbursement for school meals. The bill also removes current language in Section 49552 of the Education Code that says family child care homes are only reimbursed for 75% of meals served. This will benefit Prop 98-funded family child care homes, and will remove statute that has binded future budget allocations to that inequity.

## **What amendments have been made to AB 842 since the bill was originally introduced in the Assembly?**

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- Section 3 of the originally introduced bill was removed and an amendment to section 49550 and 47613.5 of the California Education Code were both adopted to clarify that each school district, county superintendent of schools, and charter school maintaining a childcare and development program will be required to provide each needy child with one nutritionally adequate free or reduced-price meal during each school day or program day.

- Section 5 of the originally introduced bill was removed because public school students in Transitional Kindergarten are already required to provide meals to students in kindergarten through 12th grade.
- Section 7 of the originally introduced bill was amended to replace the cross-reference to the Welfare and Institutions Code in defining a "needy pupil" with a cross reference to Education Code 49552, which defines a needy pupil as a child who meets federal eligibility criteria for free and reduced price meals.
- Section 6 of the originally introduced bill was amended to remove the description of how to qualify for the state supplemental meal reimbursement as the qualification would have required rather than encouraged child development programs to meet additional nutrition standards, beyond the nutrition requirements of the Child and Adult Care Food Program, to qualify for a state supplement.
- Additional changes were made to the bill after it was introduced in the Senate because the state budget did not set aside funds for expanding the state supplemental meal reimbursement. The phrase "at an equivalent rate" was removed from the bill, as that line was contingent upon there being an allocation in the budget so that CACFP could be reimbursed at ~23 cents per meals, like school meals

## **Why does AB 842 matter?**

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No child should go hungry while attending a California subsidized child care or preschool program. Whether in high school or preschool, all children deserve access to meals.