

New Law Requires Charter Schools to Provide at Least One Meal Daily to Free or Reduced Priced Meal Eligible Students Beginning in the 2019-2020 School Year

On September 18, 2018, Governor Jerry Brown signed AB 1871 into law which adds Section 47613.5 to the Charter Schools Act. At the commencement of the 2019-2020 school year, this law requires charter schools, with some exceptions described below, to provide at least one nutritionally adequate free or reduced priced meal (breakfast or lunch) a day to “needy” students (those eligible for free or reduced-price meals).

The law applies to all classroom-based charter schools. Charter schools who offer nonclassroom-based instruction must comply on any school day that an eligible pupil is scheduled for educational activities lasting two or more hours at a school site, resource center, meeting space, or other satellite facility operated by the charter school. “Educational activities” are defined as an activity that constitutes an integral fundamental part of elementary and secondary education including, but not limited to, curricular and extracurricular activities.

Charter schools which are currently in operation must implement this meal requirement at the commencement of the 2019-2020 school year.

A charter school that becomes operational on or after July 1, 2019, have a lead time of one year of operation. The new law requires these new schools to meet the following deadlines and requirements:

1. Implement no later than July 1 of the school year after becoming operational; and
2. Provide written notification disclosing the period of time for which the charter school will not implement the requirement. The written notice shall be provided at the time of application for enrollment in the charter school to the parent or guardian of each pupil or, if the pupil is a foster child or youth or a homeless child or youth, the pupil’s educational rights holder. The written notice shall be provided in languages other than English, consistent with languages used for the charter school enrollment application.

A “nutritionally adequate meal” is a breakfast or lunch that qualifies for reimbursement under the federal child nutrition program regulations. (More information on nutrition standards for school meals can be found at <https://www.fns.usda.gov/school-meals/nutrition-standards-school-meals>.)

The new law requires charter authorizers, upon request by charter schools, to provide technical assistance to the charter school, to the extent feasible and within existing resources. The new law also specifies that a charter school may enter into a partnership with an existing school food authority for the purposes of compliance.

If you have questions about this Legal Alert or free and reduced meal requirements, please contact Lisa Corr (lcorr@mycharterlaw.com) or Megan Moore (mmoore@mycharterlaw.com); 916-646-1400. Visit us at www.mycharterlaw.com.

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