

CAPISTRANO UNIFIED SCHOOL DISTRICT  
San Juan Capistrano, California

**RESOLUTION NO. 1819-01**

**REQUEST FOR WAIVER - EXEMPTION FROM UNIVERSAL MEAL SERVICE**

*WHEREAS*, Education Code § 49564(b)(2) provides that, on or before September 1, 2018, a school district that has a “very high poverty school” in its jurisdiction shall apply to operate a federal universal meal service program; and

*WHEREAS*, Education Code § 49564(a) provides that a “very high poverty school” is “a school that enrolls pupils in kindergarten or in any of grades 1 to 12, inclusive, and is eligible to receive the free federal reimbursement rate for all reimbursable school breakfasts and lunches served, pursuant to the Community Eligibility Provision in § 1759a of Title 42 of the United States Code”; and

*WHEREAS*, based on the foregoing definition, the following school(s) within the Capistrano Unified School District (District) is a very high poverty school(s): Kinoshita Elementary School and RH Dana Elementary School; and

*WHEREAS*, Education Code § 49564(c) provides that the Board of Trustees of a school district may adopt a resolution stating it is unable to comply with, and demonstrating the reasons why it is unable to comply with, the requirements of Education Code § 49564 due to fiscal hardship; and

*WHEREAS*, on or about July 25, 2018, this resolution was publicly noticed, and this resolution shall also be publicly noticed for the next Board meeting on or about August 22, 2018, as required by Education Code § 49564(c).

*NOW, THEREFORE, BE IT RESOLVED*, that the Board of Trustees of the Capistrano Unified School District does hereby resolve, determine, and order as follows:

Section 1. All of the recitals herein contained are true and correct.

Section 2. The District is unable to comply with the universal meal service program requirements of Education Code § 49564 due to fiscal hardship.

Section 3. The District is unable to comply with the universal meal service program requirements of Education Code § 49564 for the following reasons. The impacts of Senate Bill 138 would require the District to reimburse the Food and Nutrition Services Program for collection of Local Control Funding Formula (LCFF) Alternative Income Data Collection Forms from the general fund budget each year Food and Nutrition Services is exempt from collecting Free and Reduced-price Meal Applications. Because supplemental/concentration grant funding is determined by the identification of unduplicated pupil count, if there is a decline in the submission of Local Control Funding Formula (LCFF) Alternative Income Data Collection

Forms or Free and Reduced-price Meal Applications, the District will see a reduction in LCFE funding received by the state. The District is projecting deficit spending over the next few years and implementing this program would negatively affect revenues possibly impacting students while not providing any extra benefits to low income students.

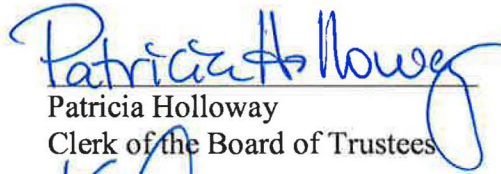
Section 4. Based on the forgoing, the District will apply to the California Department of Education for an exemption from the universal meal service program requirements of Education Code § 49564.


Section 5. The Superintendent or her designee is hereby authorized and directed to take any action needed to effectuate the purpose and intent of this resolution.

*APPROVED, PASSED AND ADOPTED* by the Board of Trustees of the Capistrano Unified School District this 22<sup>nd</sup> day of August 2018, by the following vote:

AYES: (6)  
NOES (0)  
ABSENT (0)  
ABSTAIN (1)

I, Kirsten M. Vital, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting on the 22<sup>nd</sup> day of August 2018, by a roll call vote.

  
Patricia Holloway  
Clerk of the Board of Trustees

  
Kirsten M. Vital  
Superintendent  
Secretary of the Board of Trustees