

Assembly Bill No. 1634

CHAPTER 1163

An act to add Section 51210.4 to, and to add Chapter 10 (commencing with Section 8990) to Part 6 of, the Education Code, relating to school nutrition, and making an appropriation therefor.

[Approved by Governor September 30, 2002. Filed with Secretary of State September 30, 2002.]

I am signing Assembly Bill 1634, which would require new curriculum development in nutrition and would create a new school garden grant program.

I certainly share the author's belief in the importance of nutrition education. Many studies have demonstrated that infancy, toddler years, and early childhood are the most important developmental states for children. During these early years of a child's development, it is essential to establish healthy eating and exercise patterns.

As evidenced by a letter to the Assembly Journal, the author intended that the \$200,000 appropriation contained in this bill would be a subset of an appropriation contained in the Budget Act for similar purposes. While she has committed to carrying cleanup language next year to rectify the error, a more expeditious remedy is for me to strike the \$200,000 appropriation from this legislation.

Lastly, it is my intent that the State Department of Education will develop the nutrition curricula and related best practices from existing departmental resources.

With that understanding, I am pleased to sign this legislation, but am vetoing the \$200,000 appropriation.

GRAY DAVIS, Governor

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, Chan. Nutrition education.

Existing law requires the State Department of Education to develop a summary of state law and regulations pertaining to nutrition and physical activity.

This bill would require the State Department of Education to incorporate nutrition education curriculum content into the health curriculum framework at its next revision.

This bill would, commencing July 1, 2004, require the State Department of Education to make competitive grants available for school districts and county offices of education to start up or expand instructional school gardens and school garden salad bars with a compost program.

This bill would appropriate \$200,000 from the United States Department of Agriculture Specialty Crop Block Grant in the Federal Trust Fund to the department, pursuant to a prescribed schedule, for the purposes of providing these grants.

Appropriation: yes.



The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Recent evidence shows that infancy, toddler years, and early childhood are the most important developmental stages for establishing healthy eating and exercise patterns. These patterns can provide optimal growth and cognitive development and prevent a lifetime of obesity and nutrition-related diseases.

(b) Poor diet and physical inactivity are the leading preventable causes of cancer and the second actual cause of premature death, following tobacco use. Nutrition education is an effective way of developing healthy eating patterns among pupils. For this reason, one of the health promotion objectives of the United States Department of Health and Human Services is to increase the number of schools that provide nutrition education in preschool, kindergarten, and grades 1 to 12, inclusive.

(c) Approximately 8 percent of all preschool age children are overweight and one-third of overweight preschool children remain overweight as adults. In 1999, the federal Centers for Disease Control and Prevention (CDC): National Center for Health Statistics found that the percentage of children and adolescents who are overweight has more than doubled in the last 30 years.

(d) At the University of California, San Diego, Medical School in 2000–01, it has been found that by the age of 12, 30 to 60 percent of children in the United States show at least one risk factor of cardiovascular disease. Increasingly, overweight and obese children are experiencing health risks previously thought of as adult medical issues, such as Type 2 diabetes, high blood pressure, high cholesterol levels, asthma, and certain cancers. Eating habits and exercise patterns are most often established during early childhood.

(e) Approximately 70 percent of girls, and 40 percent of boys, 6 to 12 years of age do not have enough muscle strength to do more than one pullup. Most children lead inactive lives. According to the Third National Health and Nutrition Examination Survey conducted by the CDC: National Center for Health Statistics, 33 percent of children in the United States watch four or more hours of television each day.

(f) The family plays a primary role in fostering eating and exercise habits. A family that practices good nutrition and exercises regularly increases the health and well-being of the child dramatically. Healthy eating patterns and physical activity are essential for long-term health, and because they have the potential to last a lifetime, it is important to learn the benefits of good nutrition and regular exercise. Yet, children's



physical activity and eating habits have deteriorated over the last three decades.

(g) Children of all socioeconomic levels are at risk for poor nutrition. According to the National Health/Education Consortium, some children do not get enough to eat each day because their families lack money to buy sufficient food. Other children consume enough food, but have diets high in fat, sugar, and sodium that put them at risk for obesity or heart disease and other chronic illnesses. Furthermore, as the number of parents in the workforce increases, more children are being left to fend for themselves for meals.

(h) Pupils who are involved in nutrition education have the opportunity to make healthy food and lifestyle choices. As a setting for nutrition education, schools are an excellent site because they reach almost all children and their nutrition programs offer opportunities to practice healthy eating habits.

(i) Health and success in school are interrelated. Schools cannot achieve their primary mission of education if pupils are not healthy and fit physically, mentally, and socially. Credible studies indicate that alarming proportions of young people engage in behaviors that put them at risk of serious health problems. In addition, the leading health authorities recommend that schools take an active role in preventing disabling chronic health conditions that create misery and consume a burdensome share of the nation's resources.

(j) The link between nutrition and learning is well documented. Healthy eating patterns are essential for pupils to achieve their full academic potential, full physical and mental growth, and lifelong health and well-being. Healthy eating is demonstrably linked to reduced risk for mortality and development of many chronic diseases as adults. Schools have a responsibility to help pupils and staff establish and maintain lifelong, healthy eating patterns. Well-planned and well-implemented school nutrition programs have been shown to positively influence pupils' eating habits.

(k) School garden programs, one way of integrating nutrition education into schools, give pupils an interactive educational experience to learn about food, nutrition, California specialty crops, and healthy eating. These programs also offer pupils a deeper understanding and appreciation for the role of agriculture in California, the world economy, the environment, the community, and each other.

(l) School gardens are a feasible setting for hands-on, integrated learning at urban, suburban, or rural schools whether the gardens are indoor or outdoor container gardens, raised-bed gardens set on asphalt or gardens that are incorporated into the schools' existing landscaping. Instructional school gardens provide an environmental context for



interdisciplinary teaching education standards. A number of schools are working to integrate mathematics, science, language arts, social studies, health, and art into a garden-based curriculum.

(m) There is a clear connection between nutrition and learning. Research shows that physical and mental well-being are prerequisites for achieving educational success. Well-nourished and healthy children have better attendance at school, concentrate better in class, and achieve improved academic performance. Instructional school gardens provide the opportunity for classrooms to create healthy snacks from the garden and provide school food service programs to incorporate garden produce into meals and snacks as well as return the trimmings to a compost bin for future soil enrichment.

(n) Garden salad bars provide a choice of fresh fruits and vegetables as part of the school lunch program. Fruits and vegetables on garden salad bars increase pupil participation in the National School Lunch Program. A school garden salad bar is a vehicle to launch a school compost program in a district and reinforce garden curricula. Children who learn to enjoy the variety of vegetables and fruits grown in California may carry this healthy habit into adulthood. In addition, garden-based education can develop agricultural and environmental awareness in pupils as they care for the garden, build networks between the school and the community, and promote intergenerational transfer of information and culture.

SEC. 2. Chapter 10 (commencing with Section 8990) is added to Part 6 of the Education Code, to read:

CHAPTER 10. SCHOOL NUTRITION

Article 1. Nutrition Education

8990. The Legislature encourages nutritional education instructional activities that comply with all of the following:

- (a) They emphasize the appealing aspects of healthy eating.
- (b) They are participatory, developmentally appropriate, and enjoyable.
- (c) They engage families as partners in their children's education.
- (d) They encourage teachers responsible for nutrition education, who have received nutrition instruction during their credentialing program, to be adequately prepared and regularly participate in professional development activities to effectively deliver the nutrition education program as planned. Preparation and professional development activities should provide basic knowledge of nutrition, combined with



skill practice in program-specific activities and instructional techniques and strategies designed to promote healthy eating habits.

8993. The Legislature encourages school instructional staff to do the following:

(a) Be informed about the negative consequences of using food as a reward and of withholding food from pupils as punishment.

(b) The need to closely coordinate with the food service program and other components of the school health program in order to integrate nutrition concepts into the instruction of other subject areas.

(c) Cooperate with other agencies and community groups to provide opportunities for pupil volunteer work related to nutrition, such as assisting with food recovery efforts and preparing nutritious meals for house-bound people.

(d) Collaborate with agencies and groups conducting nutrition education in the community to send consistent messages to pupils and their families. Guest speakers invited to address pupils shall receive appropriate orientation to the relevant policies of the district.

(e) Disseminate information to parents, guardians, pupils, and staff about community programs that offer nutrition assistance to families.

(f) Model healthy eating behaviors.

8995. The Legislature encourages school administrations to do the following:

(a) Offer wellness programs that include personalized instruction about healthy eating and physical activity.

(b) Ensure that the nutrition services, health services, and social services children need in order to learn are provided at the schoolsite or in cooperation with other community agencies.

8996. As used in this article the following terms have the following meanings:

(a) “Dietary Guidelines for Americans” means the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives, and reduce chronic disease risks.

(b) “Nutrition education” means a planned sequential instructional program that provides knowledge and teaches skills to help pupils adopt and maintain lifelong, healthy eating patterns.

8997. This chapter shall become operative on July 1, 2004.

Article 2. Garden Programs

9000. The Legislature intends to expand the number of educational gardens and garden salad bars in California public schools by offering startup or expansion grants, implementing garden-enhanced nutrition



education, and training and resources to the grantees. For those purposes, the school gardens program is hereby established.

9001. The State Department of Education shall establish, develop, and implement the instructional school garden program to make competitive grants available for school districts and county offices of education. Schools may incorporate one of the following into the nutrition education program proposal:

(a) An instructional school garden if a garden does not already exist on the site.

(b) A school garden salad bar with a compost program if an instructional garden already exists onsite.

(c) An instructional school garden if an instructional garden does not already exist on the schoolsite and a school garden salad bar with a compost program.

9002. The State Department of Education shall distribute the grants pursuant to subdivision (a) or (b), in consultation with education, nutrition, and agricultural experts, at the applicant's election, as follows:

(a) A maximum of one thousand dollars (\$1,000) to each school that establishes instructional school gardens and an additional five hundred dollars (\$500) as a workshop travel stipend to each school district that receives a grant.

(b) A maximum of two thousand dollars (\$2,000), available on a competitive basis as determined by the State Department of Education, to each school that has an existing instructional garden onsite, and that would offer a garden salad in the school lunch program with these funds.

9003. The State Department of Education shall develop, research, and coordinate the best available practices regarding appropriate curriculum for school garden programs in kindergarten and grades 1 to 12, inclusive, in consultation with education, nutrition, and agricultural experts. The department shall make the curriculum available to the schools that receive a grant pursuant to this article.

9004. (a) The sum of two hundred thousand dollars (\$200,000) is hereby appropriated from the United States Department of Agriculture Specialty Crop Block Grant funds in the Federal Trust Fund to the department for the purposes of this article pursuant to the following schedule:

(1) A sum not to exceed one hundred twenty-six thousand dollars (\$126,000) for the purposes of awarding grants for at least 70 school district instructional gardens pursuant to Sections 9001 and 9002.

(2) A sum not to exceed seventy-four thousand dollars (\$74,000) for the purposes of developing, researching, and coordinating the best available practices regarding appropriate curriculum for school garden programs pursuant to Section 9003.



(b) An amount not to exceed 10 percent of the sum set forth in subdivision (a) may be used for the administrative costs of the department in implementing this article.

(c) The State Department of Education shall select grant recipients from the northern, southern, and central regions of the state and from urban, rural, and suburban areas, so that the recipients are broadly representatives of the state.

SEC. 3. Section 51210.4 is added to the Education Code, to read:

51210.4. The State Department of Education shall incorporate nutrition education curriculum content into the health curriculum framework at its next revision. This curriculum shall focus on pupils' eating behaviors, be based on theories and methods proven effective by published research. Nutrition education shall be designed to help pupils learn all of the following:

(a) Nutritional knowledge, including but not limited to, the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, and safe food preparation, handling, and storage.

(b) Nutrition-related skills, including, but not limited to, planning a healthy meal, understanding and using food labels, and critically evaluating nutrition information, misinformation, and commercial food advertising.

(c) How to assess their own personal eating habits, set goals for improvement, and achieve those goals by using the Food Guide Pyramid, Dietary Guidelines for Americans, Nutrition Fact Labels, and the Physical Activity Pyramid.

