

AMENDED IN ASSEMBLY MAY 27, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 826

Introduced by Assembly Member Nava
(Coauthors: Assembly Members Laird, Maze, and Torrico)
(Coauthors: Senators Denham and Ducheny)

February 18, 2005

An act to add Article 3 (commencing with Section 9100) to Chapter 10 of Part 6 of the Education Code, and to add Chapter 5 (commencing with Section 43600) to Division 17 of the Food and Agricultural Code, relating to child nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 826, as amended, Nava. California Farm to School Child Nutrition Improvement Program.

Existing law, the Child Nutrition Act of 1974, among other things, requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and all food and beverages sold at schoolsites, as specified.

This bill would establish the California Farm to School Child Nutrition Improvement Program. This bill would require the State Department of Education, in collaboration with the Department of Food and Agriculture and the State Department of Health Services, to implement the program. This bill would require the State Department of Education to offer voluntary ~~farm Farm to school School~~ workshops and training sessions, as specified, to school food service

directors and school food service personnel on the purchasing and use of seasonal fruits and vegetables from local farmers for use in federally reimbursable meal programs and other meals served on campus. This bill would require the Department of Food and Agriculture, to the extent funding is available, to provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a local Farm to School program. This bill would allow the State Department of Education to contract with qualified organizations, as specified, for general or specialized services to implement those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Article 3 (commencing with Section 9100) is
2 added to Chapter 10 of Part 6 of the Education Code, to read:

3
4 Article 3. California Farm to School Child Nutrition
5 Improvement Act
6

7 9100. The Legislature finds and declares all of the following:

8 (a) According to the Centers for Disease Control and
9 Prevention, less than 20 percent of young people and only about
10 25 percent of adults eat the recommended five or more servings
11 of fruits and vegetables each day. A recent study in the New
12 England Journal of Medicine finds that, unless reversed, in the
13 next 50 years obesity will shorten life expectancy in the United
14 States by two to five years, exceeding the impact of cancer or
15 heart disease.

16 (b) The State Department of Health Services, pursuant to
17 Article 2 (commencing with Section 104650) of Chapter 2 of
18 Part 3 of Division 103 of the Health and Safety Code, has
19 implemented the “5 A Day-For Better Health” program for the
20 purpose of promoting public awareness of the need to increase
21 the consumption of fruits and vegetables as part of a low-fat,
22 high-fiber diet in order to improve health and prevent major
23 chronic diseases, including diet-related cancers.

24 (c) The 2002 Farm Bill encourages schools participating in the
25 National School Lunch Program and the School Breakfast

1 Program to purchase local foods where practicable. The USDA
2 Food and Nutrition Service encourages food service directors to
3 purchase from farmers in their region.

4 (d) About 250 schools in ~~50~~ 25 school districts in California
5 have worked successfully with ~~local~~ farmers to implement Farm
6 to School programs that provide fresh, locally grown fruits and
7 vegetables to school cafeterias, but various barriers restrict their
8 broader adoption.

9 (e) Farm to School programs link schools and farms in order
10 to provide fresh seasonally grown farm commodities for school
11 meals and snacks, help children develop healthy eating habits
12 and improve farmers' incomes and direct access to markets.

13 (f) In addition to procuring farm fresh foods for school menus,
14 including salad bars, meals and snacks, Farm to School programs
15 often include activities that provide students with hands-on
16 learning opportunities, such as farm visits, cooking
17 demonstrations, and school gardening and composting programs,
18 and integrate nutrition and agriculture education into school
19 curricula.

20 (g) Farm to School programs *may* do all of the following:

21 (1) Improve the nutritional quality of foods served in school
22 lunch programs in an effort to prevent obesity and other
23 diet-related diseases.

24 (2) Provide opportunities for farmers to market *more* directly
25 to local schools, thereby reducing labor and transportation costs
26 and earning a higher net profit.

27 (3) Offer students fresh, ripe, seasonal fruits and vegetables
28 that are bursting with flavor so they learn to like foods at a time
29 when they are developing life-long eating habits.

30 (4) Reinforce nutrition education that occurs in the classroom
31 by increasing access to fresh fruits and vegetables through the
32 National School Lunch Program.

33 (5) Strengthen the economic viability of farms, and thereby
34 strengthen rural economies, discourage the conversion of
35 farmland, and prevent urban sprawl.

36 (6) Provide a useful model to farmers and the state for the
37 creation of Farm to Cafeteria programs that link farmers *more*
38 directly with other public and private institutions that serve
39 meals, including universities, hospitals, nursing homes, and
40 prisons.

1 (h) A successful statewide Farm to School program will
2 require the resources, expertise, and collaboration of a variety of
3 state agencies, including the Department of Education, the State
4 Department of Food and Agriculture, and the State Department
5 of Health Services.

6 (i) It is in the interest of the state to take all feasible steps to
7 diminish barriers to, and encourage the implementation of, Farm
8 to School programs, in order to improve child nutrition and
9 strengthen local and regional farm economies. It is further in the
10 interest of the state that all state agencies with a responsibility to
11 implement a statewide Farm to School program take all feasible
12 steps to collaborate effectively and provide available resources to
13 ensure the success of the program.

14 9101. This article shall be known and may be cited as the
15 California Farm to School Child Nutrition Improvement Act.

16 9102. For the purposes of this article, the following terms
17 have the following meanings:

18 (a) “CDFA” means the Department of Food and Agriculture.

19 (b) “DHS” means the State Department of Health Services.

20 (c) “DoD Fresh Fruit and Vegetable Program” means a
21 program administered by the United States Department of
22 Defense that uses the produce purchasing infrastructure of that
23 department to buy fresh fruits and vegetables from in-state
24 farmers for public institutions other than military bases.

25 (d) ~~“Farm-to-School-Program”~~ means the California Farm to
26 School Child Nutrition Improvement ~~Act~~ *Program* established
27 pursuant to this article.

28 (e) “5 A Day-For Better Health” means the program
29 implemented by DHS pursuant to Article 2 (commencing with
30 Section 104650) of Chapter 2 of Part 3 of Division 103 of the
31 Health and Safety Code for the purpose of promoting public
32 awareness of the need to increase the consumption of fruits and
33 vegetables as part of a low-fat, high-fiber diet in order to improve
34 health and prevent major chronic diseases, including diet-related
35 cancers.

36 (f) “Offering list” means the list of products available through
37 the DoD Fresh Fruit and Vegetable Program ~~of the United States~~
38 ~~Department of Defense~~ that schools receive from the Department
39 of Education.

9103. It is the policy of the state to encourage and take all feasible steps to increase the direct purchase of locally grown and California-grown farm products by public schools and to assist school districts and farmers in establishing and maintaining successful Farm to School programs. It is further the policy of the state to, as feasible, expand the Farm to School concept to other public institutions, including, but not limited to, universities, public hospitals, and correctional facilities.

9104. (a) The California Farm to School Child Nutrition Improvement Program is hereby established. The program shall be implemented by the department, subject to the conditions of ~~Section 9105, CDFA, and DHS shall take all feasible steps to establish a collaborative and unified working relationship that~~ *Section 9105, by the department, in collaboration with CDFA and DHS. The program shall be implemented in a collaborative manner that recognizes the specific expertise of the agencies and makes effective use of that expertise to most efficiently and effectively implement a successful program. The department, CDFA, and DHS may receive and contribute resources to carry out the purposes of the program. It is the intent of the Legislature that the department, CDFA, and DHS execute a memorandum of understanding reflecting the provisions of this section.*

(b) The purposes of the program include all of the following:

(1) Improve the health and nutrition of California school children by increasing their consumption of fresh, seasonally grown fruits and vegetables, in coordination with, the 5 A Day-For Better Health program, as appropriate.

(2) Increase opportunities for California farmers to market directly to local schools and school districts.

(3) Provide information and technical assistance to schools and school districts, food service personnel, farmers, and produce distributors and processors regarding the demand for and the availability of fresh and seasonal local, regional, and California-grown farm products.

(4) Identify and eliminate barriers to successful implementation of Farm to School programs.

(5) Promote successful models and strategies for local Farm to School programs to school districts, food service personnel, farmers, distributors, and processors.

1 9105. (a) ~~The program~~ *This article* shall be implemented to
2 the extent funds are available from sources identified in this
3 section. The department, CDFA, and DHS are encouraged to
4 seek funding for the program from all available sources,
5 including, but not limited to, federal funds awarded to California
6 ~~pursuant to the Specialty Crop Competitiveness Act of 2004~~
7 ~~(Public Law 108-465) and the Child Nutrition and WIC~~
8 ~~Reauthorization Act of 2004 (Public Law 108-265) to promote~~
9 *the consumption of fresh fruits and vegetables*, other federal
10 funds, private funds, or state funds appropriated by the
11 Legislature. The department shall collaborate, as appropriate,
12 with CDFA and DHS to secure nonstate funds, including public
13 and private grants, to implement the program.

14 (b) The department may, at its sole discretion, contract with
15 qualified organizations, including organizations with
16 demonstrated expertise in implementing Farm to School
17 programs, for general or specialized services to implement this
18 article, including personnel, marketing, public relations, training,
19 research, evaluation, and administration.

20 9106. The department shall, *subject to Section 9105,*
21 *collaborate with CDFA and DHS to* establish a Farm to School
22 interagency working group to coordinate and advance the work
23 of the program. The working group shall include representatives
24 of the department, CDFA, and DHS. The working group shall
25 seek the participation and input of interested stakeholders,
26 including, but not limited to, school districts, food service
27 directors, farmers, food distributors and processors, and farm
28 organizations with expertise in Farm to School programs, and
29 nonprofit organizations with expertise in community food
30 security. The working group shall *identify and promote the*
31 *critical components of individual Farm to School programs and*
32 advise the department on needed actions and effective strategies
33 to implement the California Farm to School Child Nutrition
34 Improvement Program.

35 9107. (a) The department shall, *subject to Section 9105,* offer
36 ~~voluntary farm-to-school~~ *Farm to School* workshops and training
37 sessions to school food service directors and personnel on the
38 purchasing and use of seasonal fruits and vegetables from local
39 farmers for use in federally reimbursable meal programs and
40 other meals served on campus. Training sessions shall promote

1 school lunch program marketing strategies that link to other
2 on-campus nutrition activities, including but not limited to,
3 nutrition education in the classroom, school gardens, and cooking
4 demonstrations. To the extent feasible, the workshops and
5 training sessions may be offered in conjunction with other
6 nutrition outreach and education programs sponsored by the
7 department.

8 (b) The department shall, *subject to Section 9105*, incorporate
9 into existing nutrition education and training programs,
10 including, as appropriate, nutrition courses offered to child
11 nutrition personnel through the California Professional Nutrition
12 Education and Training Centers (CAL-PRO-NET) and menu
13 planning courses through the School Meals Initiative, the
14 opportunity for school food service personnel to voluntarily
15 receive training related to the purchasing and use of seasonal
16 fruits and vegetables from local farmers *obtained through a*
17 *Farm to School program* for use in federally reimbursable meal
18 programs and other foods served on campus.

19 9108. (a) The Legislature finds and declares all of the
20 following:

21 (1) The Fresh Fruit and Vegetable Program of the United
22 States Department of Defense is authorized to purchase farm
23 fresh fruits and vegetables directly from farmers within a state
24 for sale within that state to participating school districts, using
25 the existing procurement channels of the department and state
26 and private transportation and storage systems to maximize
27 efficiency and minimize costs to schools. When used for this
28 purpose the program is referred to as the DoD Farm to School
29 Program.

30 (2) In states where the DoD Farm to School Program is being
31 used to *purchase and* distribute farm fresh products from within
32 the state to school districts within the state there is a measurable
33 financial benefit to the state's farmers and increased availability
34 of fresh produce through the school meal program.

35 (3) California has not established a DoD Farm to School
36 Program and the Fresh Fruit and Vegetable Program of the
37 United States Department of Defense has been significantly
38 underused in California for the purpose of distributing farm fresh
39 produce to California school districts from farmers within the
40 state.

1 (4) The creation of a DoD Farm to School Program would
2 provide opportunities to increase the purchase of
3 California-grown fruits and vegetables for consumption in
4 California schools.

5 (b) The department and CDFA shall work with the United
6 States Department of Defense to implement a DoD Farm to
7 School Program in California in order to maximize the purchase
8 of fruits and vegetables by the United States Department of
9 Defense from California farmers for purchase by school districts.

10 (c) The department shall work with CDFA, buyers from the
11 United States Department of Defense, and private entities in
12 order to identify farmers that can supply the DoD Farm to School
13 Program.

14 (d) In order to assist school districts and food service directors
15 wishing to implement a Farm to School program and increase the
16 purchase of locally, regionally, and California grown fruits and
17 vegetables by California school districts, the department, with
18 support from the United States Department of Defense and
19 private entities, shall identify on all of its offering lists the source
20 of all seasonal California produce that is available through the
21 DoD Farm to School Program.

22 (e) In carrying out this section, the department and CDFA may
23 consult or contract with any private organization that has
24 experience working with farmers and schools implementing
25 Farm to School programs and the United States Department of
26 Defense Fruit and Vegetable Program in California.

27 9109. (a) The Legislature finds and declares all of the
28 following:

29 (1) The Child Nutrition and WIC Reauthorization Act of 2004
30 (Public Law 108-265) authorizes the Farm to Cafeteria and
31 School Gardens Program in order to improve access to local
32 foods in schools. The competitive grants program of the act
33 provides a 75-percent match to other funds raised by the schools
34 and other qualified entities.

35 ~~(2) The Specialty Crop Competitiveness Act of 2004 (Public~~
36 ~~Law 108-465) authorizes funding of forty-four million five~~
37 ~~hundred thousand dollars (\$44,500,000) annually to states to~~
38 ~~promote the purchase of specialty crops. When these funds are~~
39 ~~appropriated, California is expected to receive approximately 50~~
40 ~~percent of these funds.~~

~~(3)~~

(2) Seed grants can be key to establishing successful local ~~farm to school~~ *Farm to School* programs, by providing early funding for planning, training for food service staff, equipment purchases, development of procurement procedures ~~for local produce~~, outreach to local farmers, and related activities.

~~(4)~~

(3) The federal Farm to Cafeteria and School Gardens Program provides a model for the types of activities that should be covered by a state seed grant program, and the allowable grantees for such a program.

(b) The department, ~~subject to the conditions of Section 9105,~~ shall administer a Farm to School seed grant program to assist school districts, farmers and others directly involved in a ~~farm to school~~ *Farm to School* program in carrying out the purposes of this article. Grants shall be awarded on a competitive basis, in amounts determined by the department, to school districts and nonprofit organizations to carry out the purposes of this article. The department shall seek the advice of the Farm to School interagency working group, and refer to the federal Farm to Cafeteria and School Gardens Program, in establishing criteria for and implementing the seed grant program.

(c) The department, CDFA, and DHS shall make all feasible efforts to secure federal funding, and to assist school districts, as feasible, in securing federal funding, as made available through the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) ~~and the Specialty Crop Competitiveness Act of 2004 (Public Law 108-465)~~ and other available sources, to provide funds for seed grants.

SEC. 2. Chapter 5 (commencing with Section 43600) is added to Division 17 of the Food and Agricultural Code, to read:

CHAPTER 5. FARM TO SCHOOL PROGRAM

43600. It is the policy of the state to encourage and take all feasible steps to increase the direct purchase of locally grown and California-grown farm products by public schools and to assist school districts and farmers in establishing and maintaining successful Farm to School programs. It is further the policy of the state to, as feasible, expand the Farm to School concept to

1 other public institutions, including, but not limited to,
2 universities, public hospitals, and correctional facilities.

3 43601. (a) The department, in collaboration with the
4 California Farm to School Child Nutrition Improvement Program
5 implemented pursuant to Article 3 (commencing with Section
6 9100) of Chapter 10 of Part 6 of the Education Code, shall, to the
7 extent funding is available, provide outreach and technical
8 assistance to farmers and others in the agricultural industry
9 seeking to establish or participate in a Farm to School program.
10 The outreach and assistance shall emphasize voluntary local
11 workshops and training sessions where farmers can receive
12 hands-on advice and training on opportunities and strategies to
13 sell and market their farm fresh products *more* directly to
14 schools. Training sessions shall promote farmers working with
15 schools to market the farm fresh products that are offered in the
16 cafeteria and offer hands-on nutrition education through activities
17 such as, but not limited to, farm visits, agricultural
18 demonstrations, and farmer visits to schools.

19 (b) The department may, at its sole discretion, contract with
20 qualified organizations, including organizations with
21 demonstrated expertise in implementing Farm to School
22 programs, for general or specialized services to implement this
23 chapter, including personnel, marketing, public relations,
24 training, research, evaluation, and administration.

25 (c) To the extent feasible, the department shall make the
26 outreach and technical assistance information provided pursuant
27 to this section available through the department's Internet Web
28 site.