

AMENDED IN SENATE SEPTEMBER 2, 2005

AMENDED IN SENATE AUGUST 30, 2005

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, Salinas, and**  
**Torrico)**  
(Coauthors: Senators Denham, Ducheny, and Torlakson)

February 18, 2005

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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 to 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~~ allow 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, and also to work with the United States Department of Defense to establish a DOD Farm to School program in California, as specified, and to assist commodity growers in overcoming their barriers to participation in the 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

1 implemented the “5 A Day-For Better Health” program for the  
2 purpose of promoting public awareness of the need to increase  
3 the consumption of fruits and vegetables as part of a low-fat,  
4 high-fiber diet in order to improve health and prevent major  
5 chronic diseases, including diet-related cancers.

6 (c) The 2002 Farm Bill encourages schools participating in the  
7 National School Lunch Program and the School Breakfast  
8 Program to purchase locally produced foods where practicable.  
9 The USDA Food and Nutrition Service encourages food service  
10 directors to purchase from farmers in their region.

11 (d) About 250 schools in 25 school districts in California have  
12 worked successfully with farmers to implement Farm to School  
13 programs that provide fresh, locally grown fruits and vegetables  
14 to school cafeterias, but various barriers restrict their broader  
15 adoption.

16 (e) Farm to School programs link schools and farms in order  
17 to provide schools with fresh and minimally processed farm  
18 commodities for inclusion in school meals and snacks, to help  
19 children develop healthy eating habits, and to improve farmers’  
20 incomes and direct access to markets.

21 (f) In addition to procuring farm fresh foods for school menus,  
22 including salad bars, meals and snacks, Farm to School programs  
23 often include activities that provide students with hands-on  
24 learning opportunities, such as farm visits, cooking  
25 demonstrations, and school gardening and composting programs,  
26 and integrate nutrition and agriculture education into school  
27 curricula.

28 (g) Consistent with the National School Lunch Program and  
29 the School Breakfast Program, Farm to School programs  
30 emphasize the purchase by school districts of locally produced  
31 foods to strengthen local farm economies, provide fresh farm  
32 commodities to pupils, including fruits, vegetables, and nuts,  
33 establish educational links between farmers and pupils, thrive on  
34 the support and innovation of school districts, parents, and  
35 farmers, and provide a marketing opportunity to all California  
36 farmers who wish to participate in and can meet the needs of a  
37 Farm to School program.

38 (h) A successful statewide Farm to School program will  
39 require the resources, expertise, and collaboration of a variety of  
40 state agencies, including the Department of Education, the State

1 Department of Food and Agriculture, and the State Department  
2 of Health Services.

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

12 9101. This article shall be known and may be cited as the  
13 California Farm to School Child Nutrition Improvement Act.

14 9102. For the purposes of this article, the following terms  
15 have the following meanings:

16 (a) "CDFA" means the Department of Food and Agriculture.

17 (b) "DHS" means the State Department of Health Services.

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

23 (d) "Program" means the California Farm to School Child  
24 Nutrition Improvement Program established pursuant to this  
25 article.

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

34 (f) "Offering list" means the list of products available through  
35 the DoD Fresh Fruit and Vegetable Program that schools receive  
36 from the Department of Education.

37 9103. It is the policy of the state to encourage and take all  
38 feasible steps to increase the direct purchase of locally grown and  
39 California-grown farm products by public schools and to assist  
40 school districts and farmers in establishing and maintaining

1 successful Farm to School programs. It is further the policy of  
2 the state to, as feasible, expand the Farm to School concept to  
3 other public institutions, including, but not limited to,  
4 universities, public hospitals, and correctional facilities.

5 9104. (a) The California Farm to School Child Nutrition  
6 Improvement Program is hereby established. The program shall  
7 be implemented, subject to the conditions of Section 9105, by the  
8 department, in collaboration with CDFA and DHS. The program  
9 shall be implemented in a collaborative manner that recognizes  
10 the specific expertise of the agencies and makes effective use of  
11 that expertise to most efficiently and effectively implement a  
12 successful program. The department, CDFA, and DHS may  
13 receive and contribute resources to carry out the purposes of the  
14 program. It is the intent of the Legislature that the department,  
15 CDFA, and DHS execute a memorandum of understanding  
16 reflecting the provisions of this section.

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

18 (1) Improve the health and nutrition of California school  
19 children by increasing their consumption of fresh farm  
20 commodities, including fruits, vegetables, and nuts, in  
21 coordination with, the 5 A Day-For Better Health program, as  
22 appropriate.

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

25 (3) Provide information and technical assistance to schools  
26 and school districts, food service personnel, farmers, and produce  
27 distributors and processors regarding the demand for and the  
28 availability of California farm products, with an emphasis on  
29 locally and regionally grown products.

30 (4) Identify and ~~eliminate~~ *reduce* barriers in order to  
31 successfully implement Farm to School programs.

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

35 9105. (a) This article shall be implemented to the extent  
36 funds are available from sources identified in this section. The  
37 department, CDFA, and DHS are encouraged to seek funding for  
38 the program from all available sources, including, but not limited  
39 to, federal funds awarded to California to promote the  
40 consumption of fresh fruits and vegetables, other federal funds,

1 private funds, or state funds appropriated by the Legislature. The  
2 department shall collaborate, as appropriate, with CDFA and  
3 DHS to secure nonstate funds, including public and private  
4 grants, to implement the program.

5 (b) The department may, at its sole discretion, contract with  
6 qualified organizations, including organizations with  
7 demonstrated expertise in implementing Farm to School  
8 programs, for general or specialized services to implement this  
9 article, including personnel, marketing, public relations, training,  
10 research, evaluation, and administration.

11 9106. (a) The department shall, subject to Section 9105,  
12 collaborate with CDFA and DHS to establish a Farm to School  
13 interagency working group to coordinate and advance the work  
14 of the program.

15 (b) The working group shall do all of the following:

16 (1) Include representatives of the department, CDFA, DHS,  
17 and interested stakeholders, including, but not limited to, school  
18 districts, food service directors, farmers, food distributors and  
19 processors, and farm organizations with expertise in Farm to  
20 School programs, and nonprofit organizations with expertise in  
21 community food security.

22 (2) Identify and promote the critical components of individual  
23 Farm to School programs and advise the department on needed  
24 actions and effective strategies to implement the California Farm  
25 to School Child Nutrition Improvement Program.

26 (3) Consider all of the following issues, in addition to any  
27 others it deems necessary:

28 (A) Packing and grading standards.

29 (B) Food safety.

30 (C) Ensuring timely payments to farmers participating in Farm  
31 to School programs.

32 (D) Informing schools of the availability of farm products.

33 (E) The adequacy of staffing, storage, and preparation  
34 equipment necessary to operate a Farm to School program.

35 (F) Promoting curriculum that links Farm to School program  
36 activities to existing state academic content standards.

37 9107. (a) The department shall, subject to Section 9105, offer  
38 voluntary workshops and training sessions to school food service  
39 directors and personnel on strategies for implementing Farm to  
40 School programs that are connected to federally reimbursable

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

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

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

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

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

36 (3) California has not established a DoD Farm to School  
37 Program and the Fresh Fruit and Vegetable Program of the  
38 United States Department of Defense has been significantly  
39 underused in California for the purpose of distributing farm fresh

1 produce to California school districts from farmers within the  
2 state.

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

7 (b) The department and CDFA shall, *subject to Section 9105*,  
8 work with the United States Department of Defense to implement  
9 a DoD Farm to School Program in California in order to  
10 maximize the purchase of fruits and vegetables by the United  
11 States Department of Defense from California farmers for  
12 purchase by school districts.

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

22 (d) 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) Seed grants can be key to establishing successful Farm to  
36 School programs, by providing early funding for planning,  
37 training for food service staff, equipment purchases, development  
38 of procurement procedures, outreach to farmers, and related  
39 activities.

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

5 (b) The department, subject to Section 9105, shall administer a  
6 Farm to School seed grant program to assist school districts,  
7 farmers, and others directly involved with schools in establishing  
8 and implementing a Farm to School program. The department,  
9 CDFA, and DHS shall jointly establish a process to review grant  
10 proposals and award grants on a competitive basis to school  
11 districts and nonprofit organizations for purposes of establishing  
12 and implementing a Farm to School program. The department  
13 shall seek the advice of the Farm to School interagency working  
14 group, and refer to the federal Farm to Cafeteria and School  
15 Gardens Program, in establishing criteria for and implementing  
16 the seed grant program.

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

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

25  
26 CHAPTER 5. FARM TO SCHOOL PROGRAM

27  
28 43600. It is the policy of the state to encourage and take all  
29 feasible steps to increase the direct purchase of locally grown and  
30 California-grown farm products by public schools and to assist  
31 school districts and farmers in establishing and maintaining  
32 successful Farm to School programs. It is further the policy of  
33 the state to, as feasible, expand the Farm to School concept to  
34 other public institutions, including, but not limited to,  
35 universities, public hospitals, and correctional facilities.

36 43601. (a) The department, in collaboration with the  
37 California Farm to School Child Nutrition Improvement Program  
38 implemented pursuant to Article 3 (commencing with Section  
39 9100) of Chapter 10 of Part 6 of the Education Code, ~~shall~~ may,  
40 to the extent funding is available, do both of the following:

1 (1) Provide outreach and technical assistance to farmers and  
2 others in the agricultural industry seeking to establish or  
3 participate in a Farm to School program. The outreach and  
4 assistance shall emphasize voluntary local workshops and  
5 training sessions where farmers can receive hands-on advice and  
6 training on opportunities and strategies to sell and market their  
7 farm fresh products more directly to schools. Training sessions  
8 shall promote farmers working with schools to market the farm  
9 fresh products that are offered in the cafeteria and offer hands-on  
10 nutrition education through activities such as, but not limited to,  
11 farm visits, agricultural demonstrations, and farmer visits to  
12 schools.

13 (2) Work with the United States Department of Defense to  
14 establish in California a DoD Farm to School program, as  
15 described in paragraph (1) of subdivision (a) of Section 9108 of  
16 the Education Code, and assist commodity growers in  
17 overcoming their barriers to participation in the program.

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

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