

Assembly Bill No. 1535

Passed the Assembly August 30, 2006

Chief Clerk of the Assembly

Passed the Senate August 29, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 51795 and 51796 of, to add Sections 51796.2 and 51796.5 to, and to repeal Section 51798 of, the Education Code, relating to school gardens, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1535, Nunez. School instructional gardens: pupil nutrition.

(1) Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens by eligible educational agencies, as defined. Existing law requires that the program be administered by the State Department of Education through the allocation of one-time grants and technical assistance to applicant eligible educational agencies. Existing law authorizes the department to consult with the California Integrated Waste Management Board (CIWMB) and public institutions of higher education, regarding curriculum development and evaluation of any program established pursuant to the Instructional School Gardens Program.

This bill would revise those provisions to make grants and technical assistance available to charter schools as well as school districts and county offices of education. The bill, instead of requiring the department to consult with specified entities, would require the Superintendent of Public Instruction to convene an interagency working group on instructional school gardens, which would include, but not be limited to, representatives of the State Department of Education, the Department of Food and Agriculture, the State Department of Health Services, and the CIWMB. The bill would require that interagency working group to advise the Superintendent on, among other things, effective and efficient means of encouraging school districts, charter schools, and county offices of education to establish and maintain instructional school gardens. The bill would authorize the Superintendent to establish an advisory group involving other agencies and groups with expertise in instructional school gardens, which would include, but not be limited to, the California Environmental Education Interagency Network. The

bill would provide that the purpose of that advisory group is to support program efforts, as specified. The bill would require the Superintendent to use existing resources to establish the interagency working group and advisory group and would require the Department of Food and Agriculture, the State Department of Health Services, and the CIWMB to use existing resources for their participation in the working group.

The bill would authorize a school district, charter school, or county office of education to apply to the Superintendent for funding for a 3-year grant in a manner determined by the Superintendent in order to develop and maintain an instructional school garden program. The bill would require applications, at a minimum, to indicate the school or schools at which the instructional school gardens are, or are to be, located; the grade level or grade levels to be targeted; the potential number of classes within the grade levels and number of pupils who would use the instructional school gardens; and the intended items of expenditure for any funds received. The bill also would require the application to include an explanation of the specified 6-month reporting requirement. The bill would limit the grants to a maximum of \$2,500 per schoolsite, except that a school district, charter school, or county office of education that applies on behalf of one or more schoolsites with an enrollment of 1,000 or more pupils would be eligible for a grant of a maximum of \$5,000 per schoolsite with an enrollment of 1,000 or more pupils. The bill would permit the Superintendent to award a grant during the period from the 2006–07 fiscal year to the 2008–09 fiscal year, inclusive, for instructional school garden equipment or supplies to a school district, charter school, or county office without requiring that district, charter school, or county office to have received a grant for instructional school garden professional development. The bill would require a school, school district, or county office of education, as a condition of receiving funding, within 6 months of the final expenditure of the instructional school garden funds received to report to the Superintendent, in a manner prescribed by the Superintendent, in conjunction with the interagency working group, regarding the use of the funds and the manner in which the instructional school garden or gardens are used to complement the academic program of the participating school or schools. The bill would permit a school

district or county office of education to submit one report for all of the schools receiving grants that are under the jurisdiction of the district or county office.

(2) Existing law provides that the program will be implemented only if funds are available for it.

This bill would repeal that provision.

(3) Existing law reappropriates \$15,000,000 to supply schools with garden supplies and equipment. Existing law requires the department to allocate a minimum of \$500 to each school, as specified, and allocates the balance of remaining funds to school districts on a per-pupil basis.

This bill, instead, would reappropriate those funds to supply school districts, charter schools, and county offices of education with garden equipment, supplies, and professional development related to the establishment and operation of a 3-year instructional school garden program, as specified.

Appropriation: yes.

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

SECTION 1. Section 51795 of the Education Code is amended to read:

51795. The Legislature finds and declares all of the following:

(a) School gardens provide an interactive, hands-on learning environment in which pupils learn composting and waste management techniques, fundamental concepts about nutrition and obesity prevention, and the cultural and historical aspects of our food supply. School gardens also foster a better understanding and appreciation of where food comes from, how food travels from the farm to the table, and the important role of agriculture in the state, national, and global economy.

(b) Encouraging and supporting school gardens creates opportunities for children to learn to make healthier food choices, participate more successfully in their education experiences, and develop a deeper appreciation of their community.

(c) School garden programs can equally enhance any subject area including science, environmental education, mathematics, reading, writing, art, nutrition, physical education, history, and

geography. School gardens provide a unique setting in which improved pupil performance can be achieved.

SEC. 2. Section 51796 of the Education Code is amended to read:

51796. (a) The Instructional School Gardens Program is hereby established for the promotion, creation, and support of instructional school gardens through the allocation of grants, and through technical assistance provided, to school districts, charter schools, or county offices of education. The program shall be administered by the State Department of Education.

(b) The Superintendent shall convene an interagency working group on instructional school gardens that shall include, but not be limited to, representatives of the State Department of Education, the Department of Food and Agriculture, the State Department of Health Services, and the California Integrated Waste Management Board. The working group shall advise the Superintendent on all of the following:

(1) Effective and efficient means of encouraging school districts, charter schools, and county offices of education to develop and maintain a quality instructional school garden program.

(2) The availability of state and nonstate resources and technical assistance to help school districts, charter schools, and county offices of education in establishing and maintaining instructional school gardens.

(3) Public and private partnerships available to assist school districts, charter schools, and county offices of education in using instructional school gardens to complement the academic program of participating schools.

(c) The Superintendent may establish an advisory group involving other agencies and groups with expertise in instructional school gardens, including, but not limited to, the California Environmental Education Interagency Network. The purpose of the advisory group is to support program efforts through technical assistance, resources, in-kind support, site visits, and other related efforts.

(d) (1) The Superintendent shall use existing resources to comply with subdivisions (b) and (c).

(2) The Department of Food and Agriculture, the State Department of Health Services, and the California Integrated

Waste Management Board shall use existing resources to comply with subdivision (b).

SEC. 3. Section 51796.2 is added to the Education Code, to read:

51796.2. (a) A school district, charter school, or county office of education may apply to the Superintendent for funding for a three-year grant under this article in a manner determined by the Superintendent, in order to develop and maintain an instructional school garden. The application, at a minimum, shall indicate the school or schools at which the instructional school gardens are, or are to be, located; the grade level or grade levels to be targeted; the potential number of classes within the grade levels and number of pupils who would use the instructional school gardens; and the intended items of expenditure for any funds received. The application also shall include an explanation of the six-month reporting requirement specified in Section 51796.5.

(b) The Superintendent shall distribute the grants applied for pursuant to subdivision (a) to school districts, charter schools, or county offices of education as follows:

(1) Each grant shall be not more than two thousand five hundred dollars (\$2,500) per schoolsite, except that a district, charter school, or county office of education that applies on behalf of at least one schoolsite with an enrollment of 1,000 or more pupils may receive a grant of not more than five thousand dollars (\$5,000) per schoolsite with an enrollment of 1,000 or more pupils.

(2) The receipt of a grant during the period from the 2006–07 fiscal year to the 2008–09 fiscal year, inclusive, for instructional school garden equipment or supplies by a school district, charter school, or county office of education shall not be dependent on the receipt of a grant for instructional school garden professional development by the same district, charter school, or county office.

SEC. 4. Section 51796.5 is added to the Education Code, to read:

51796.5. As a condition of the receipt of funds pursuant to this article, a school district, charter school, or county office of education, within six months of the final expenditure of funds received, shall report to the Superintendent, in conjunction with

the interagency working group convened pursuant to subdivision (b) of Section 51796, in a manner prescribed by the Superintendent, regarding the use of funds and the manner in which the instructional school garden or gardens are used to complement the academic program of the participating school or schools. A school district or county office of education may submit one report for all of the schools that have received grants that are under the jurisdiction of the district or county office.

SEC. 5. Section 51798 of the Education Code is repealed.

SEC. 6. Notwithstanding Provision (19) of Item 6110-485 of Section 2.00 of the Budget Act of 2006 (Ch. 47, Stats. 2006), the funds reappropriated in that provision shall be available to school districts, charter schools, and county offices of education for equipment, supplies, and professional development related to the establishment and operation of a three-year instructional school garden program pursuant to Article 8.5 (commencing with Section 51795) of Chapter 5 of Part 28 of the Education Code.

Approved _____, 2006

Governor