

AMENDED IN SENATE AUGUST 22, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1594**

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**Introduced by Assembly Member Eng**  
**(Principal coauthor: Assembly Member Alejo)**  
***(Coauthor: Assembly Member Ammiano)***

February 6, 2012

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An act to add Section 47610.1 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, as amended, Eng. Charter schools: pupil nutrition.

(1) Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday and authorizes them to use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program, the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or to provide those meals at the expense of the school district or county office of education.

Existing law exempts charter schools from the laws governing school districts except those of the Charter Schools Act, those establishing

minimum age for public school attendance, specified building code regulations, and other specified laws.

This bill would require a charter school to provide each needy pupil with one nutritionally adequate free or reduced-price meal during each schoolday, thereby imposing a state-mandated local program. The bill, among other things, would exclude a charter school that offers only nonclassroom-based instruction or only online instruction from this requirement.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the  
 2 following:

3 (1) Many California families struggle to make ends meet; limited  
 4 financial resources can make it difficult for families, including  
 5 children, to access nutritious food.

6 (2) Currently, California charter schools are exempt from the  
 7 requirement to provide a low-income pupil a daily nutritionally  
 8 adequate, free or reduced-price school meal.

9 (3) As the number of charter schools continues to grow across  
 10 California, so do the number of low-income charter school pupils  
 11 who may not have access to the free or reduced-price meals that  
 12 they are eligible for and offered in a traditional public school.

13 (4) School meals play an essential role in supporting the  
 14 academic achievement and overall well-being of all pupils,  
 15 particularly low-income pupils who may not have access to a  
 16 nutritionally adequate meal otherwise.

17 (b) Because a hungry child cannot learn, the Legislature intends  
 18 that all California public schools, including charter schools, provide  
 19 for each needy pupil one nutritionally adequate free or  
 20 reduced-price meal during each schoolday.

1 SEC. 2. Section 47610.1 is added to the Education Code, to  
2 read:

3 47610.1. (a) A charter school shall provide each needy pupil  
4 with one nutritionally adequate free or reduced-price meal, as  
5 defined in subdivision (a) of Section 49553, during each schoolday.

6 (b) This section does not apply to a charter school that offers  
7 only nonclassroom-based instruction or only online instruction.  
8 This section does not require a charter school that offers both  
9 classroom-based instruction and nonclassroom-based or online  
10 instruction to provide a meal to pupils enrolled in only  
11 nonclassroom-based instruction or only online instruction.

12 (c) A charter school that becomes operational for the first time  
13 on or after July 1, ~~2013~~ 2014, shall implement this section when  
14 the school begins operation.

15 (d) A charter school that during the 2012–13 school year  
16 provided needy pupils with nutritionally adequate free or  
17 reduced-price meals shall implement this section commencing  
18 with the 2013–14 school year.

19 (e) A charter school that during the 2012–13 school year did  
20 not provide needy pupils with nutritionally adequate free or  
21 reduced-price meals shall implement this section ~~immediately~~  
22 *following commencing with the school year that follows* the next  
23 scheduled charter renewal.

24 ~~(f) If implementation of this section creates a demonstrable~~  
25 ~~financial hardship, a charter school may submit a request for a~~  
26 ~~time-limited hardship waiver from the state board 90 days before~~  
27 ~~the last state board meeting of the fiscal year. The state board may~~  
28 ~~grant a two-year waiver of a request submitted pursuant to this~~  
29 ~~subdivision.~~

30 SEC. 3. If the Commission on State Mandates determines that  
31 this act contains costs mandated by the state, reimbursement to  
32 local agencies and school districts for those costs shall be made  
33 pursuant to Part 7 (commencing with Section 17500) of Division  
34 4 of Title 2 of the Government Code.

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