

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2287**

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**Introduced by Assembly Member Pan**  
**(Coauthor: Assembly Member Skinner)**

February 21, 2014

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An act to ~~amend Section 49430.7 of~~ *add Section 49557.25 to the* Education Code, relating to school nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2287, as amended, Pan. Free and reduced-price meals: gluten-free meals.

*Existing law provides for a school lunch program under which eligible pupils receive free or reduced-price meals.*

*This bill would authorize a school district or county superintendent of schools to incorporate into the free or reduced-priced meals application packet or notification of eligibility for the free or reduced-priced meals program a notification and request for a gluten-free meal if a child qualifies for free or reduced-priced school meals and the child has an individualized education program authorizing gluten-free meals, as specified.*

~~(1) The Pupil Nutrition, Health, and Achievement Act of 2001 requires a school or school district to be reimbursed \$0.2229 for free and reduced-price meals sold or served to pupils. To qualify for this reimbursement, a school or school district is required, and a child development program is encouraged, to comply with specified nutrition-related prohibitions and requirements, among which is a prohibition against selling or serving a food item containing artificial trans fat.~~

~~This bill would require a school or school district, and would encourage a child development program, to provide a gluten-free meal option in order to qualify for that reimbursement. By requiring schools and school districts to satisfy new requirements for free and reduced-price meals, the bill would impose a state-mandated local program.~~

~~(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~~-no. State-mandated local program: ~~yes~~-no.

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

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

3     (a) *Celiac disease, also known as celiac sprue or gluten-sensitive*  
4 *enteropathy, is a permanent intolerance to the gliadin fraction of*  
5 *wheat protein and related alcohol-soluble prolamines found in*  
6 *rye and barley, commonly known as gluten.*

7     (b) *For people with celiac disease, exposure to gluten causes*  
8 *an autoimmune condition where the body starts attacking normal*  
9 *intestinal tissue. In response to eating gluten, the body destroys*  
10 *the intestinal villi, which are the small, finger-like projections in*  
11 *the small intestine that absorb nutrients from food. Repeated*  
12 *exposure to gluten, and resulting intestinal inflammation and*  
13 *destruction of the villi, leads to malabsorption of food, iron*  
14 *deficiency anemia, osteopenia, osteoporosis, increased risk of*  
15 *developing other autoimmune disorders, and gastrointestinal*  
16 *cancers.*

17     (c) *Gluten intolerance and wheat allergies may include reactions*  
18 *in the skin, mouth, gastrointestinal tract, and lungs and cause*  
19 *rashes, wheezing, lip swelling, gassiness, abdominal pain,*  
20 *abdominal distention or constipation, and diarrhea.*

21     (d) *The National Institutes of Health estimates that 1 in 133*  
22 *people with no genetic risk factors have celiac disease, while up*

1 to 1 in 22 people with genetic risk factors have celiac disease.  
2 Gluten intolerance and wheat allergy are even more common, with  
3 wheat allergy being one of the top eight food allergies in the United  
4 States.

5 (e) Federal regulations, Part 15b of Subtitle A of Title 7 of the  
6 Code of Federal Regulations, require substitutions or modifications  
7 in school meals for children whose disabilities restrict their diets.  
8 A child with a disability must be provided substitutions in foods  
9 when that need is supported by a statement signed by a licensed  
10 physician.

11 (f) Gluten-free foods are available at prices that are comparable  
12 to foods made with wheat, rye, and barley.

13 SEC. 2. Section 49557.25 is added to the Education Code,  
14 immediately following Section 49557.2, to read:

15 49557.25. (a) At the option of the school district or county  
16 superintendent of schools, the following information may be  
17 incorporated into the free or reduced-price meals application  
18 packet or notification of eligibility for the free or reduced-priced  
19 meals program using simple and culturally appropriate language:

20 (1) A notification that if a child qualifies for free or  
21 reduced-priced school meals and the child has an individualized  
22 education program authorizing gluten-free meals, then the child  
23 may request a gluten-free meal.

24 (2) A request for the applicant's consent for the child to receive  
25 a gluten-free meal if eligible for free or reduced-price school meals  
26 and the child has an individualized education program authorizing  
27 gluten-free meals.

28 (b) Effective January 1, 2015, the notifications referenced in  
29 subdivision (a) shall comply with the federal Americans with  
30 Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and any  
31 other applicable federal or state disabled access law.

32 (c) A school district also may include the notifications detailed  
33 in subdivision (a) in the notifications at the beginning of the first  
34 semester or quarter of the regular school term required pursuant  
35 to Section 48980.

36 ~~SECTION 1. Section 49430.7 of the Education Code is~~  
37 ~~amended to read:~~

38 ~~49430.7. (a) For purposes of this section, the following terms~~  
39 ~~have the following meanings:~~

1 (1) “School” means a school operated and maintained by a  
2 school district or county office of education, or a charter school.

3 (2) “School district” means a school district, charter school, or  
4 county office of education.

5 (3) “Child development program” means a program operated  
6 pursuant to Chapter 2 (commencing with Section 8200) of Part 6  
7 of Division 1 of Title 1.

8 (b) As a condition of receipt of funds pursuant to Section  
9 49430.5, commencing with the 2007–08 fiscal year, for meals and  
10 food items sold as part of the free and reduced-price meal  
11 programs, a school or school district shall comply with all of the  
12 following requirements and prohibitions:

13 (1) Follow the United States Department of Agriculture (USDA)  
14 nutritional guidelines or the menu planning options of Shaping  
15 Health as Partners in Education developed by the state (SHAPE  
16 California network).

17 (2) Not sell or serve a food item that has in any way been deep  
18 fried, par fried, or flash fried by a school or school district.

19 (3) Not sell or serve a food item containing artificial trans fat.  
20 A food item contains artificial trans fat if it contains vegetable  
21 shortening, margarine, or any kind of hydrogenated or partially  
22 hydrogenated vegetable oil, unless the manufacturer’s  
23 documentation or the label required on the food, pursuant to  
24 applicable federal and state law, lists the trans fat content as less  
25 than 0.5 gram per serving.

26 (4) Not sell or serve a food item that, as part of the  
27 manufacturing process, has been deep fried, par fried, or flash fried  
28 in an oil or fat that is prohibited by this paragraph. Oils and fats  
29 prohibited by this paragraph include, but are not limited to, palm,  
30 coconut, palm kernel, lard, typically solid at room temperature and  
31 are known to negatively impact cardiovascular health. Oils  
32 permitted by this paragraph include, but are not limited to, canola,  
33 safflower, sunflower, corn, olive, soybean, peanut, or a blend of  
34 these oils, typically liquid at room temperature and are known for  
35 their positive cardiovascular benefit.

36 (5) Provide a gluten-free meal option.

37 (e) Commencing with the 2007–08 fiscal year, for meals and  
38 food items sold as part of the free and reduced-price meal  
39 programs, a child development program is encouraged to comply  
40 with all of the following guidelines:

- 1 ~~(1) Meet developmentally and programmatically appropriate~~  
2 ~~meal pattern and meal planning requirements developed by the~~  
3 ~~USDA or menu planning options of Shaping Health as Partners in~~  
4 ~~Education developed by the state (SHAPE California network).~~  
5 ~~(2) Not sell or serve a food item that has in any way been deep~~  
6 ~~fried, par fried, or flash fried by a school, school district, or child~~  
7 ~~development program.~~  
8 ~~(3) Not sell or serve a food item containing artificial trans fat.~~  
9 ~~A food item contains artificial trans fat if it contains vegetable~~  
10 ~~shortening, margarine, or any kind of hydrogenated or partially~~  
11 ~~hydrogenated vegetable oil, unless the manufacturer's~~  
12 ~~documentation or the label required on the food, pursuant to~~  
13 ~~applicable federal and state law, lists the trans fat content as less~~  
14 ~~than 0.5 gram per serving.~~  
15 ~~(4) Not sell or serve a food item that, as part of the~~  
16 ~~manufacturing process, has been deep fried, par fried, or flash fried~~  
17 ~~in an oil or fat prohibited by this paragraph. Oils and fats prohibited~~  
18 ~~by this paragraph include, but are not limited to, palm, coconut,~~  
19 ~~palm kernel, lard, typically solid at room temperature and are~~  
20 ~~known to negatively impact cardiovascular health. Oils permitted~~  
21 ~~by this provision include, but are not limited to, canola, safflower,~~  
22 ~~sunflower, corn, olive, soybean, peanut, or a blend of these oils,~~  
23 ~~typically liquid at room temperature and are known for their~~  
24 ~~positive cardiovascular benefit.~~  
25 ~~(5) Provide a gluten-free meal option.~~  
26 ~~(d) The prohibitions and requirements of this section regarding~~  
27 ~~food items sold or served by a school or school district apply to~~  
28 ~~raw bulk USDA commodity foods ordered by schools or school~~  
29 ~~districts and sent to commercial processors for conversion into~~  
30 ~~ready to use end products, but do not apply to other USDA~~  
31 ~~commodity foods until the scheduled 2009 reauthorization of the~~  
32 ~~USDA National School Lunch Program is complete or ingredient~~  
33 ~~and nutrition information is available for all USDA commodity~~  
34 ~~foods, whichever is earlier.~~  
35 ~~(e) As a condition of receipt of funds pursuant to Section~~  
36 ~~49430.5, by no later than June 30, 2008, and annually thereafter,~~  
37 ~~schools and school districts shall provide the department with an~~  
38 ~~annual certification of compliance with the provisions of this~~  
39 ~~section.~~

1     ~~(f) This section shall become operative only upon an~~  
2     ~~appropriation for its purposes in the annual Budget Act or another~~  
3     ~~statute.~~

4     ~~SEC. 2. If the Commission on State Mandates determines that~~  
5     ~~this act contains costs mandated by the state, reimbursement to~~  
6     ~~local agencies and school districts for those costs shall be made~~  
7     ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
8     ~~4 of Title 2 of the Government Code.~~