

**ASSEMBLY BILL**

**No. 2449**

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**Introduced by Assembly Member Bocanegra**

February 21, 2014

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An act to amend Section 49550 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, as introduced, Bocanegra. Pupil nutrition: free or reduced-price meals: adequate time to eat.

(1) Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide one nutritionally adequate free or reduced-price meal for each needy pupil during each schoolday, except as specified. Existing law authorizes a school district or county office of education to use funds made available through any applicable federal or state program or to use its own funds to provide the required meals.

This bill would express legislative intent that schools provide pupils with adequate time to eat lunch during the schoolday. The bill would require school districts and county offices of education, in addition to providing a nutritionally adequate free or reduced-price meal for each needy pupil each schoolday, to ensure that there is adequate time to eat the meal after it is served. To the extent this requirement would create new duties for school districts and county offices of education, it would constitute a state-mandated local program. The bill would also make nonsubstantive changes to this provision.

(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) Healthy eating is vital to learning and cognitive development.  
4 When children miss out on nutritious meals, they cannot learn,  
5 grow, or achieve at their full potential.

6 (2) Because children spend at least 175 days per year at school,  
7 school meal programs can help ensure that children have access  
8 to adequate nutrients and develop healthy eating behaviors.

9 (3) Mealtimes are an essential part of the schoolday, supporting  
10 childrens' academic success along with their physical, social, and  
11 emotional well-being.

12 (4) The federal Healthy, Hunger-Free Kids Act of 2010  
13 substantially improved the nutritional standards of the National  
14 School Lunch Program. California has invested significant  
15 resources to effectively implement these standards. These  
16 investments are wasted if pupils do not eat lunch during the  
17 schoolday.

18 (5) There are pupils across California—in elementary, middle,  
19 and high schools—who do not have enough time to eat lunch  
20 during the schoolday. When pressed for time, pupils often throw  
21 away portions of their lunches, buy less nutritious snacks instead  
22 of lunch, or skip lunch entirely, even when they are hungry.

23 (6) Pupils who face long lines or short lunch periods are less  
24 likely to participate in the school lunch program at all.

25 (b) Since California requires that a nutritious free or  
26 reduced-price meal be made available to all low-income pupils  
27 enrolled in traditional K-12 public schools, and since pupils need  
28 enough time to eat lunch in order to reap the health and academic  
29 benefits of school meals, it is therefore the intent of the Legislature  
30 that schools provide pupils with adequate time to eat lunch during  
31 the schoolday.

1 SEC. 2. Section 49550 of the Education Code is amended to  
2 read:

3 49550. (a) Notwithstanding any other ~~provision of law, each~~  
4 ~~a school district or county superintendent of schools~~ *office of*  
5 *education* maintaining any kindergarten or any of grades 1 to 12,  
6 inclusive, shall provide for each needy pupil one nutritionally  
7 adequate free or reduced-price meal during each schoolday *and*  
8 *ensure that there is adequate time to eat the meal after it is served,*  
9 except for family day care homes that shall be reimbursed for 75  
10 percent of the meals served.

11 (b) In order to comply with subdivision (a), a school district or  
12 county office of education may use funds made available through  
13 any federal or state program the purpose of which includes the  
14 provision of meals to a pupil, including the federal School  
15 Breakfast Program, the federal National School Lunch Program,  
16 the federal Summer Food Service Program, the federal Seamless  
17 Summer Option, or the state meal program, or may do so at the  
18 expense of the school district or county office of education.

19 SEC. 3. If the Commission on State Mandates determines that  
20 this act contains costs mandated by the state, reimbursement to  
21 local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.