

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2449

Introduced by Assembly Member Bocanegra

February 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, as amended, 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~~ *each of the schools in their respective jurisdictions provides their pupils* adequate time to eat ~~the meal after it is~~ *after being served, in accordance with the relevant 2013 guidelines of the State Department of Education.* 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~~

The bill would require that, in order to comply with its requirements requiring adequate time for pupils to eat after being served, a school district or county office of education first use federally or state-regulated nonprofit school food service cafeteria accounts to defray any costs that are allowable from that funding source.

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.

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

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

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

12 49550. (a) Notwithstanding any other law, a school district or
13 county office of education maintaining kindergarten or any of
14 grades 1 to 12, inclusive, shall provide for each needy pupil one
15 nutritionally adequate free or reduced-price meal during each
16 schoolday ~~and ensure that there is adequate time to eat the meal~~
17 ~~after it is served~~, except for family day care homes that shall be
18 reimbursed for 75 percent of the meals served. *School districts*
19 *and county offices of education shall ensure that each of the*
20 *schools in their respective jurisdictions provides their pupils*
21 *adequate time to eat after being served, in accordance with the*
22 *relevant 2013 guidelines of the department.*

23 (b) In order to comply with subdivision (a), a school district or
24 county office of education may use funds ~~made~~ *that are* available
25 through any federal or state program the purpose of which includes
26 the provision of meals to a pupil, including, *but not necessarily*
27 *limited to*, the federal School Breakfast Program, the federal
28 National School Lunch Program, the federal Summer Food Service
29 Program, the federal Seamless Summer Option, or the state meal
30 program, or may do so at the expense of the school district or
31 county office of education.

32 (c) *In order to comply with the provision of subdivision (a)*
33 *requiring adequate time for pupils to eat after being served, a*
34 *school district or county office of education shall first use federally*
35 *or state-regulated nonprofit school food service cafeteria accounts*
36 *to defray any costs that are allowable from that funding source.*

37 SEC. 3. If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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