

ASSEMBLY BILL

No. 292

Introduced by Assembly Member Santiago

February 11, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as introduced, Santiago. 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 each of the schools in their respective jurisdictions provides their pupils adequate time to eat after being served. The bill would declare that the State Department of Education specifies that an adequate time to eat is 20 minutes after being served. The bill would require a school that determines it is currently not providing pupils with adequate time to eat to take specified actions. 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 specify 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 may, to the extent that funds are available, use federally or state-regulated nonprofit school food service cafeteria accounts to defray any allowable costs from that funding source before considering other funding streams.

The bill would also make nonsubstantive changes to these provisions.

(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 during the schoolday,
5 they cannot learn, grow, or achieve at their full potential.

6 (2) School meal programs help ensure that children have access
7 to adequate nutrients and develop healthy eating behaviors.

8 (3) Lunchtime is an essential part of the schoolday, supporting
9 children’s academic success along with their physical, social, and
10 emotional well-being.

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

17 (5) There are pupils across California—in elementary, middle,
18 and high schools—who do not have the recommended minimum
19 time to eat lunch during the schoolday. When pressed for time,

1 pupils often throw away portions of their lunches, buy less
2 nutritious snacks instead of lunch, or skip lunch entirely, even
3 when they are hungry.

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

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

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

15 49550. (a) Notwithstanding any other ~~provision of law, each~~
16 ~~a school district or county superintendent office of schools~~
17 *education* maintaining kindergarten or any of grades 1 to 12,
18 inclusive, shall provide for each needy pupil one nutritionally
19 adequate free or reduced-price meal during each schoolday, except
20 for family day care homes that shall be reimbursed for 75 percent
21 of the meals served. *School districts and county offices of education*
22 *shall ensure that each of the schools in their respective jurisdictions*
23 *provides their pupils adequate time to eat after being served. The*
24 *department specifies adequate time to eat as 20 minutes after being*
25 *served. If a school determines that it is currently not providing*
26 *pupils with adequate time to eat, the school shall begin to increase*
27 *pupils' time to eat commencing with the 2016–17 school year.*

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

37 (c) *In order to comply with the provision of subdivision (a)*
38 *requiring adequate time for pupils to eat after being served, a*
39 *school district or county office of education may, to the extent that*
40 *funds are available, use federally or state-regulated nonprofit*

1 *school food service cafeteria accounts to defray any allowable*
2 *costs from that funding source before considering other funding*
3 *streams.*

4 SEC. 3. 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.

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