

AMENDED IN ASSEMBLY MARCH 18, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 292**

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**Introduced by Assembly Member Santiago**

February 11, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as amended, 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, districts,~~ *districts*, 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 *school lunch* is 20 minutes after being served. The bill would require a school that ~~determines~~ *determines, upon annual review of its bell schedule, that it* is currently not providing pupils with adequate time to ~~eat eat, to take~~

~~specified actions: identify, in consultation with the school district, ways to increase pupils' time to eat. To the extent this requirement would create new duties for schools and school districts and county offices of education, districts, 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~~ *the appropriate school food authority* may, to the extent that funds are available, use federally or state-regulated nonprofit school food service cafeteria accounts to defray any costs allowable ~~costs from~~ *under the federal National School Lunch Program and in accordance with 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

1 investments are wasted if pupils do not eat lunch during the  
2 schoolday.

3 (5) There are pupils across California—in elementary, middle,  
4 and high schools—who do not have the recommended minimum  
5 time to eat lunch during the schoolday. When pressed for time,  
6 pupils often throw away portions of their lunches, buy less  
7 nutritious snacks instead of lunch, or skip lunch entirely, even  
8 when they are hungry.

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

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

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

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

35 (b) In order to comply with subdivision (a), a school district or  
36 county office of education may use funds that are available through  
37 any federal or state program the purpose of which includes the  
38 provision of meals to a pupil, including, but not necessarily limited  
39 to, the federal School Breakfast Program, the federal National  
40 School Lunch Program, the federal Summer Food Service Program,

1 the federal Seamless Summer Option, or the state meal program,  
2 or may do so at the expense of the school district or county office  
3 of education.

4 (c) In order to comply with the provision of subdivision (a)  
5 requiring adequate time for pupils to eat after being served, ~~a school~~  
6 ~~district or county office of education~~ *the appropriate school food*  
7 *authority* may, to the extent that funds are available, use federally  
8 or state-regulated nonprofit school food service cafeteria accounts  
9 to defray any ~~costs allowable costs from~~ *under the federal National*  
10 *School Lunch Program and in accordance with* that funding source  
11 before considering other funding streams.

12 SEC. 3. If the Commission on State Mandates determines that  
13 this act contains costs mandated by the state, reimbursement to  
14 local agencies and school districts for those costs shall be made  
15 pursuant to Part 7 (commencing with Section 17500) of Division  
16 4 of Title 2 of the Government Code.