

AMENDED IN ASSEMBLY APRIL 7, 2015
AMENDED IN ASSEMBLY MARCH 18, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 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, 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 makes available to its* pupils adequate time to eat after being ~~served~~ *served lunch*. 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, upon annual review of its bell schedule, that it is currently not providing pupils with adequate time to eat, to ~~identify~~, *identify and develop a plan to implement*, in consultation with the school district, ways to increase pupils’ time to ~~eat~~. *eat lunch*. To the extent this requirement would create new duties for schools and school 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, 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 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 shall ensure that each of the schools in their respective jurisdictions
27 ~~provides their~~ *makes available to its* pupils adequate time to eat
28 after being ~~served~~. *served lunch*. The department specifies adequate
29 time to eat school lunch as 20 minutes after being served. 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 in consultation with the school district, shall identify *and develop*
33 *a plan to implement* ways to increase pupils' time to ~~eat~~. *eat lunch*.

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

1 or may do so at the expense of the school district or county office
2 of education.

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

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