

AMENDED IN ASSEMBLY JUNE 2, 2015

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 makes available to its pupils adequate time to eat after being 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 and develop a plan to implement, in consultation with the school district, ways to increase pupils’ time to 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~~ *may use available* 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~~ *federal and state law*.

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

1 resources to effectively implement these standards. These
2 investments are wasted if pupils do not eat lunch during the
3 schoolday.

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

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

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

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

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

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 *in accordance with the regulations that govern these programs,*
3 or may do so at the expense of the school district or county office
4 of education.

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

13 SEC. 3. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.