

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1594

**Introduced by Assembly Member Eng
(Principal coauthor: Assembly Member Alejo)**

February 6, 2012

An act to add Section 47610.1 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL’S DIGEST

AB 1594, as amended, Eng. Charter schools: pupil nutrition.

(1) Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday and authorizes them to use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program, the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or to provide those meals at the expense of the school district or county office of education.

Existing law exempts charter schools from the laws governing school districts except those of the Charter Schools Act, those establishing minimum age for public school attendance, specified building code regulations, and other specified laws.

This bill would require a charter school to provide each needy pupil with one nutritionally adequate free or reduced-price meal during each schoolday, thereby imposing a state-mandated local program. The bill

would exclude a charter school that offers only nonclassroom-based instruction *or only online instruction* from this requirement.

(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) Many California families struggle to make ends meet; limited
4 financial resources can make it difficult for families, including
5 children, to access nutritious food.

6 (2) Currently, California charter schools are exempt from the
7 requirement ~~that they~~ to provide a low-income pupil a daily
8 nutritionally adequate, free or reduced-price school meal.

9 (3) As the number of charter schools continues to grow across
10 California, so do the number of low-income charter school pupils
11 who may not have access to the free or reduced-price meals that
12 they are eligible for and offered in a traditional public school.

13 (4) School meals play an essential role in supporting the
14 academic achievement and overall well-being of all pupils,
15 particularly low-income pupils who may not have access to a
16 nutritionally adequate meal otherwise.

17 (b) Because a hungry child cannot learn, the Legislature intends
18 that all California public schools, including charter schools, provide
19 for each needy pupil one nutritionally adequate free or
20 reduced-price meal during each schoolday.

21 SEC. 2. Section 47610.1 is added to the Education Code, to
22 read:

23 47610.1. (a) A charter school shall provide each needy pupil
24 with one nutritionally adequate free or reduced-price meal, as
25 defined in subdivision (a) of Section 49553, during each schoolday.

1 (b) This section does not apply to a charter school that offers
2 only nonclassroom-based instruction *or only online instruction*.

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