

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2449

Introduced by Assembly Member Bocanegra

February 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, as amended, Bocanegra. 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, ~~in accordance with the relevant 2013 guidelines of the State Department of Education.~~ *served. The bill would declare that the State Department of Education specifies that an adequate time to eat*

is 20 minutes after being served lunch. The bill would require a school that determines it is not providing 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 ~~require~~ 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 ~~first use may, to the extent that funds are available, use~~ federally or state-regulated nonprofit school food service cafeteria accounts to defray any allowable costs ~~that are allowable~~ from that funding ~~source. source before considering other funding streams.~~

The bill would also make nonsubstantive changes to this provision.

(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, they cannot learn,
- 5 grow, or achieve at their full potential.
- 6 (2) Because children spend at least 175 days per year at school,
- 7 school meal programs can help ensure that children have access
- 8 to adequate nutrients and develop healthy eating behaviors.
- 9 (3) Mealtimes are an essential part of the schoolday, supporting
- 10 childrens' academic success along with their physical, social, and
- 11 emotional well-being.
- 12 (4) The federal Healthy, Hunger-Free Kids Act of 2010
- 13 substantially improved the nutritional standards of the National
- 14 School Lunch Program. California has invested significant
- 15 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 enough time to eat lunch
5 during the schoolday. When pressed for time, pupils often throw
6 away portions of their lunches, buy less nutritious snacks instead
7 of lunch, or skip lunch entirely, even when they are hungry.

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

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

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

19 49550. (a) Notwithstanding any other law, a school district or
20 county office of education maintaining kindergarten or any of
21 grades 1 to 12, inclusive, shall provide for each needy pupil one
22 nutritionally adequate free or reduced-price meal during each
23 schoolday, except for family day care homes that shall be
24 reimbursed for 75 percent of the meals served. School districts
25 and county offices of education shall ensure that each of the schools
26 in their respective jurisdictions provides their pupils adequate time
27 to eat after being served, ~~in accordance with the relevant 2013~~
28 ~~guidelines of the department.~~ *served. The department specifies*
29 *adequate time to eat as 20 minutes after being served lunch. If a*
30 *school determines that it is currently not providing pupils with*
31 *adequate time to eat, the school, in coordination with the school*
32 *district or county office of education, shall develop and begin to*
33 *implement a plan to increase pupils' time to eat commencing with*
34 *the 2015–16 school year.*

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 ~~shall first use~~ *may, to the*
7 *extent that funds are available, use* federally or state-regulated
8 nonprofit school food service cafeteria accounts to defray any
9 ~~allowable costs that are allowable from that funding source.~~ *source*
10 *before considering other funding streams.*

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