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SB-265 Pupil meals: Child Hunger Prevention and Fair Treatment Act of 2017. (2019-2020)

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Senate Bill No. 265

CHAPTER 785

An act to amend Section 49557.5 of the Education Code, relating to pupil meals, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 265, Hertzberg. Pupil meals: Child Hunger Prevention and Fair Treatment Act of 2017.

The Child Hunger Prevention and Fair Treatment Act of 2017, among other things, requires certain local educational agencies, as defined, that provide school meals through the federal National School Lunch Program or the federal School Breakfast Program to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed, treated differently, or served a meal that differs from what a pupil whose parent or guardian does not have unpaid school meal fees would receive under that local educational agency's policy.

This bill instead would require those local educational agencies to ensure that a pupil whose parent or guardian has unpaid school meal fees is not denied a reimbursable meal of the pupil's choice because of the fact that the pupil's parent or guardian has unpaid meal fees and ensure that the pupil is not shamed or treated differently from other pupils. To the extent the bill would impose a higher level of service on school districts, charter schools, and county offices of education, the bill would impose a state-mandated local program.

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 the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 49557.5 of the Education Code is amended to read:

49557.5. (a) For purposes of this section, "local educational agency" means a school, school district, county office of education, or charter school.

(b) (1) A local educational agency, including a local educational agency in which there is a school that is required to serve a free or reduced-price meal during the schoolday pursuant to Section 49550 and at which all pupils are not eligible to be served breakfast and lunch under the Community Eligibility Provision or Provision 2 of the federal National School Lunch Act (42 U.S.C. Sec. 1751 et seq.), shall ensure that a pupil whose parent or guardian has unpaid school meal fees is not denied a reimbursable meal of the pupil's choice because of the fact that the pupil's parent or guardian has unpaid meal fees and shall ensure that the pupil is not shamed or treated differently from other pupils. This paragraph does not prohibit a school from serving an alternative reimbursable meal to a pupil who may need one for dietary or religious reasons, or as a regular menu item.

(2) If a local educational agency is required to provide to the department or to the United States Department of Agriculture a copy of the meal charge policy required pursuant to memorandum SP 46-2016 issued by the United States Department of Agriculture, the local educational agency or governing board or body of the local educational agency, as applicable, shall make that policy public.

(c) School personnel and volunteers at a local educational agency that serves nutritionally adequate meals to pupils during the instructional day shall not allow any disciplinary action that is taken against a pupil to result in the denial or delay of a nutritionally adequate meal, as defined in Section 49553, to that pupil.

(d) A local educational agency shall not take any action directed at a pupil to collect unpaid school meal fees. A local educational agency may attempt to collect unpaid school meal fees from a parent or guardian, but shall not use a debt collector, as defined in Section 803 of the federal Consumer Credit Protection Act (15 U.S.C. Sec. 1692a).

(e) A local educational agency shall notify a parent or guardian of the negative balance of a pupil's school meal account no later than 10 days after the pupil's school meal account has reached a negative balance. Before sending this notification to the parent or guardian, the local educational agency shall exhaust all options and methods to directly certify the pupil for free or reduced-price meals. If the local educational agency is not able to directly certify the pupil, the local educational agency shall provide the parent or guardian with a paper copy of, or an electronic link to, an application with the notification and contact the parent or guardian to encourage application submission.

(f) To the extent that the expense is reimbursable under the federal National School Lunch Program, a local educational agency shall reimburse school meal fees paid by a pupil's parent or guardian when fees were paid or unpaid fees debt accrued during any time that the pupil would have been determined, as identified by the local educational agency's review pursuant to subdivision (e), to be eligible for free or reduced-price school meals.

(g) Nothing in this section is intended to allow for the indefinite accrual of unpaid school meal fees.

(h) This section shall only apply to a local educational agency that provides school meals through the federal National School Lunch Program or the federal School Breakfast Program.

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

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that schools across the state provide sufficient and nutritious lunches to all pupils regardless of any outstanding meal fees, it is necessary for this bill to go into immediate effect.