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AB-558 School meals: Child Nutrition Act of 2022. (2021-2022)

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Assembly Bill No. 558

CHAPTER 905

An act to add Article 7.5 (commencing with Section 49495) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, relating to school meals.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 558, Nazarian. School meals: Child Nutrition Act of 2022.

Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, and each charter school to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, and authorizes a school district or county office of education to use funds available from any federal program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, to comply with that requirement. Existing law, commencing with the 2022–23 school year, requires a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, or charter school to provide 2 nutritiously adequate school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-priced meal, with a maximum of one free meal for each meal service period, as provided.

This bill would require the State Department of Education, in consultation with the State Department of Social Services, to develop, and to post on its internet website by July 1, 2023, guidance for local educational agencies participating in the federal School Breakfast Program that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at a local educational agency schoolsite. The bill would define "eligible nonschoolaged child" to mean a child who is not enrolled in school and who is a sibling, half sibling, or stepsibling of, or a foster child residing with, a pupil who is eligible for a free or reduced-price breakfast. The bill would require a guardian of an eligible nonschoolaged child to be present in order for the nonschoolaged child to receive breakfast or a morning snack.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. This act shall be known, and may be cited, as the Child Nutrition Act of 2022.

SEC. 2. The Legislature finds and declares all of the following:

(a) The federal School Breakfast Program is a federally funded program that assists public schools in providing nutritious breakfasts for free or at a reduced price to pupils enrolled in schools.

(b) The federal Child and Adult Care Food Program provides federal reimbursement to eligible institutions for nutritious meals and snacks served to eligible children and adults.

(c) Many children in California do not eat breakfast on a regular basis because their families cannot afford enough food.

(d) Studies have shown that children whose nutritional needs are met throughout the day have fewer discipline problems and their ability to learn is enhanced.

(e) With the knowledge of the harm caused to children when they go hungry, and research showing the negative correlation between brain development and hunger, the state should be optimizing every opportunity to prevent hunger for young children.

SEC. 3. Article 7.5 (commencing with Section 49495) is added to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 7.5. Breakfast and Morning Snacks for Nonschoolaged Children

49495. (a) The department shall, in consultation with the State Department of Social Services, develop guidance for local educational agencies participating in the federal School Breakfast Program that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at a local educational agency schoolsite.

(b) The guidance shall highlight opportunities to maximize federal reimbursement through the federal School Breakfast Program and the federal Child and Adult Care Food Program.

(c) A guardian of an eligible nonschoolaged child shall be present at the local educational agency schoolsite in order for the nonschoolaged child to receive breakfast or a morning snack at the schoolsite pursuant to this section.

(d) The department shall, in consultation with the State Department of Social Services, develop the guidance in a manner that does not jeopardize federal funding for school meal programs and that maximizes federal meal reimbursement.

(e) The department shall post the guidance on its internet website by July 1, 2023. The department is not required to mail the guidance to local educational agencies.

(f) This section does not require a local educational agency to take any action.

49496. For purposes of this article, the following definitions apply:

(a) "Eligible nonschoolaged child" means a child who is not enrolled in school and who is a sibling, half sibling, or stepsibling of, or a foster child residing with, a pupil who meets the federal eligibility criteria for a free or reduced-price breakfast at a local educational agency participating in the federal School Breakfast Program that maintains kindergarten or any of grades 1 to 6, inclusive.

(b) "Guardian" means a parent, stepparent, grandparent, or other adult family member or caretaker who is caring for an eligible nonschoolaged child.

(c) "Local educational agency" means a school district, county office of education, or charter school.