
HOUSE BILL 2536

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Hudgins, Dahlquist, Bergquist, Lytton, Pettigrew, Orwall, Kagi, Morrell, Roberts, Tharinger, Haigh, Goodman, Walkinshaw, Riccelli, Pollet, and S. Hunt

Read first time 01/20/14. Referred to Committee on Education.

1 AN ACT Relating to breakfast after the bell programs in certain
2 public schools; and adding new sections to chapter 28A.235 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.235
5 RCW to read as follows:

6 (1) The legislature finds clear evidence that school breakfast is
7 associated with improved outcomes for students, including fewer
8 discipline incidents, better attendance, and improved performance on
9 standardized tests. However, Washington ranks thirty-ninth in the
10 nation for participation in the school breakfast program at the same
11 time that childhood poverty and food insecurity are at record highs in
12 the state. While many students eat breakfast at home, there are
13 significant numbers of children who come to school hungry. Therefore,
14 the legislature intends to expand the opportunity for students to get
15 a healthy breakfast by requiring schools with large populations of low-
16 income students who are eligible for free and reduced price meals to
17 serve breakfast after the bell, a model that has increased breakfast
18 participation rates in various states across the nation.

1 (2) The legislature intends to establish a three-year, phased-in
2 process for providing breakfast after the bell in high needs schools
3 and provide technical assistance through dedicated staff within the
4 office of the superintendent of public instruction to successfully
5 implement the model, as well as assistance through local public-private
6 partnerships between the office of the superintendent of public
7 instruction and nonprofit organizations knowledgeable about hunger and
8 food security issues.

9 (3) The legislature further recognizes that providing all students
10 in high needs schools with a free breakfast is a promising means of
11 maximizing participation in school breakfast programs as well as
12 improving the performance of all students. The legislature intends to
13 work with schools to identify funding mechanisms to institute universal
14 breakfast.

15 (4) Finally, the legislature encourages schools providing breakfast
16 after the bell to use a model that allows breakfast time to be part of
17 instructional time.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235
19 RCW to read as follows:

20 The definitions in this section apply throughout sections 3 and 4
21 of this act unless the context clearly requires otherwise.

22 (1) "Breakfast after the bell" means a breakfast that is offered to
23 students after the beginning of the school day.

24 (2) "Eligible for free or reduced price meals" means a student who
25 is eligible under the national school lunch program or the school
26 breakfast program to receive lunch or breakfast at no cost to the
27 student or at a reduced cost to the student.

28 (3) "High needs school" means any public school that has an
29 enrollment of seventy percent or more students eligible for free or
30 reduced price meals in the prior school year.

31 (4) "Public school" has the same meaning as provided in RCW
32 28A.150.010.

33 (5) "School breakfast program" means a program meeting federal
34 requirements under 42 U.S.C. Sec. 1773.

35 (6) "School lunch program" means a program meeting federal
36 requirements under 42 U.S.C. Sec. 1751.

1 (7) "Universal breakfast" means a school breakfast that is offered
2 free of charge for all students.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.235
4 RCW to read as follows:

5 (1)(a) Beginning in the 2014-15 school year, the office of the
6 superintendent of public instruction shall dedicate staff within the
7 office to assist all high needs schools that are interested in offering
8 breakfast after the bell to make the change from their current
9 breakfast model. The staff shall also encourage all interested high
10 needs schools to explore options for providing universal breakfast
11 after the bell.

12 (b) Beginning in the 2015-16 school year, except as provided in
13 subsection (2) of this section, each school that has an enrollment of
14 eighty-five percent or more students eligible for free or reduced price
15 meals in the prior school year must offer breakfast after the bell to
16 each student in the school.

17 (c) Beginning in the 2016-17 school year, except as provided in
18 subsection (2) of this section, each high needs school must offer
19 breakfast after the bell to each student in the school.

20 (d) All public schools are encouraged to offer breakfast after the
21 bell even if not required to do so under this section.

22 (2)(a) High needs schools with participation rates in school
23 breakfast of seventy percent or more of the students eligible for free
24 or reduced price meals are exempt from the provisions of subsection (1)
25 of this section. The office of the superintendent of public
26 instruction, in consultation with community food and nutrition experts,
27 shall issue guidelines for calculating school breakfast participation
28 rates.

29 (b) A school district or charter school may apply to the office of
30 the superintendent of public instruction for a one-year waiver of the
31 requirements under subsection (1) of this section by demonstrating that
32 providing breakfast after the bell in a particular high needs school
33 will result in undue financial hardship for the district or charter
34 school. School districts or charter schools may annually reapply no
35 more than twice for such a waiver based on the same criteria as the
36 initial waiver.

1 (3)(a) Each high needs school may determine the breakfast after the
2 bell service model that best suits its students. Service models
3 include, but are not limited to, breakfast in the classroom, grab and
4 go breakfast, or a breakfast after first period.

5 (b) Breakfast after the bell may be served at a time to be
6 determined by the high needs school, so long as it occurs at breakfast
7 time after the beginning of the school day.

8 (c) If all students in a high needs school are provided the
9 opportunity to engage in educational activity planned by and under the
10 direction of school district staff concurrently with the serving and
11 consumption of breakfast, the period of time designated for student
12 participation in breakfast after the bell shall be considered
13 instructional hours under RCW 28A.150.205.

14 (4) All breakfasts served in a breakfast after the bell program
15 must comply with federal meal patterns and nutrition standards for
16 school breakfast programs under the federal healthy, hunger-free kids
17 act of 2010, (P.L. 111-296) and any federal regulations interpreting
18 that act.

19 (5) The legislature does not intend to include the programs under
20 this section within the state's obligation for basic education funding
21 under Article IX of the state Constitution.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.235
23 RCW to read as follows:

24 (1) Before August 1, 2014, the office of the superintendent of
25 public instruction shall develop and distribute procedures and
26 guidelines for the implementation of section 3 of this act, which must
27 be in compliance with the school breakfast program and the school lunch
28 program.

29 (2) The office of the superintendent of public instruction shall
30 dedicate staff within the office to offer technical assistance to all
31 public schools and school districts related to offering breakfast after
32 the bell, including assistance with various available funding
33 mechanisms to support breakfast after the bell programs such as
34 universal breakfast, the community eligibility option under 42 U.S.C.
35 Sec. 1759a, programs under provision two of the national school lunch
36 act, and claims for reimbursement under the school breakfast program.

1 (3) In fulfilling its responsibilities under this section, the
2 office of the superintendent of public instruction shall collaborate
3 with nonprofit organizations knowledgeable on hunger and food security
4 issues and best practices for improving student access to school
5 breakfast. The office shall also seek partnerships with philanthropic
6 organizations interested in supporting breakfast after the bell in high
7 needs schools.

8 (4) Any federal or state moneys received by a public school or
9 school district as reimbursement for breakfasts served under this
10 section may only be used for the food and operations associated with
11 the food service program of the school or district.

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