

E3SHB 1295 - S COMM AMD

By Committee on Early Learning & K-12 Education

1 Strike everything after the enacting clause and insert the
2 following:

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

19 (2) The legislature intends to establish a process for providing
20 breakfast after the bell in high-needs schools beginning in the
21 2016-17 school year and to successfully implement the program by
22 providing technical and marketing assistance through dedicated staff
23 within the office of the superintendent of public instruction. The
24 legislature also intends that breakfast after the bell programs be
25 implemented with the input of families of students at the affected
26 schools.

27 (3) The legislature encourages schools providing breakfast after
28 the bell to use a model that allows breakfast time to be part of
29 instructional time or a model that can be implemented during an
30 existing passing period, such as a nutrition break. As long as
31 breakfast is offered to all students after the instructional day has

1 begun, schools and districts have great flexibility in choosing how
2 to serve breakfast after the bell.

3 (4) Finally, nothing in this act is intended to preempt the
4 responsibility of parents to care for their children, including
5 feeding them nutritious meals before arriving at school. Moreover,
6 the legislature's focus on breakfast after the bell is not intended
7 to indicate interest in ceasing school breakfast programs that offer
8 breakfast before the start of the school day. Rather, it is an
9 attempt to expand opportunities for hungry children to eat breakfast
10 on school days.

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

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

15 (1) "Breakfast after the bell" means a breakfast that is offered
16 to students after the beginning of the school day. Examples of
17 breakfast after the bell models include, but are not limited to:

18 (a) "Grab and go," where easy-to-eat breakfast foods are
19 available for students to take at the start of the school day or in
20 between morning classes;

21 (b) "Second chance breakfast," where breakfast foods are
22 available during recess, a nutrition break, or later in the morning,
23 for students who are not hungry first thing in the morning, or who
24 arrive late to school; and

25 (c) "Breakfast in the classroom," where breakfast is served in
26 the classroom, often during homeroom or first period.

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

31 (3) "High-needs school" means any public school: (a) That has
32 enrollment of seventy percent or more students eligible for free or
33 reduced-price meals in the prior school year; or (b) that is using
34 provision two of the national school lunch act or the community
35 eligibility provision under section 104(a) of the federal healthy,
36 hunger-free kids act of 2010 to provide universal meals and that has
37 a claiming percentage for free or reduced-price meals of seventy
38 percent or more.

1 (4) "Public school" has the same meaning as provided in RCW
2 28A.150.010.

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

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

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

9 (1)(a) Beginning in the 2017-18 school year, except as provided
10 in subsection (2) of this section, each high-needs school shall offer
11 breakfast after the bell to each student and provide adequate time
12 for students to eat. The state shall provide and the office of the
13 superintendent of public instruction shall administer, one-time
14 start-up allocation grants of six thousand dollars to each high-needs
15 school implementing a breakfast after the bell program. The grant
16 must be used for the costs associated with launching a breakfast
17 after the bell program, including, but not limited to, equipment
18 purchases, training, additional staff costs, and janitorial services.

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

21 (2) High-needs schools with at least seventy percent of free or
22 reduced-price eligible children participating in both school lunch
23 and school breakfast are exempt from the provisions of subsection (1)
24 of this section. The office of the superintendent of public
25 instruction shall evaluate individual participation rates annually,
26 and make the participation rates publicly available.

27 (3)(a) Each high-needs school may determine the breakfast after
28 the bell service model that best suits its students. Service models
29 include, but are not limited to, breakfast in the classroom, grab and
30 go breakfast, and second chance breakfast.

31 (b) If all students in a high-needs school are provided the
32 opportunity to engage in educational activity planned by and under
33 the direction of school district staff concurrently with the
34 consumption of breakfast, and the provision of breakfast allows the
35 regular instructional program to continue functioning, the period of
36 time designated for student participation in breakfast after the bell
37 may be provided during instructional hours under RCW 28A.150.205.

38 (4) All breakfasts served in a breakfast after the bell program
39 must comply with federal meal patterns and nutrition standards for

1 school breakfast programs under the federal healthy, hunger-free kids
2 act of 2010, (P.L. 111-296) and any federal regulations implementing
3 that act. When choosing foods to serve in a breakfast after the bell
4 program, schools must give preference to foods that are healthy,
5 fresh, and Washington-grown. In addition, each food item served must
6 contain less than twenty-five percent by weight added sugar.

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

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

12 (1) Before January 2, 2017, the office of the superintendent of
13 public instruction shall develop and distribute procedures and
14 guidelines for the implementation of section 3 of this act, which
15 must be in compliance with federal regulations governing the school
16 breakfast program. These guidelines must include ways schools and
17 districts can solicit and consider the input of families regarding
18 implementation and continued operation of breakfast after the bell
19 programs.

20 (2) The office of the superintendent of public instruction shall
21 dedicate staff within the office to offer training and technical and
22 marketing assistance to all public schools and school districts
23 related to offering breakfast after the bell, including assistance
24 with various funding options available to high-needs schools,
25 including the community eligibility provision under 42 U.S.C. Sec.
26 1759a(a)(1), programs under provision two of the national school
27 lunch act, and claims for reimbursement under the school breakfast
28 program.

29 (3) In fulfilling its responsibilities under this section, the
30 office of the superintendent of public instruction shall collaborate
31 with nonprofit organizations knowledgeable about equity, the
32 opportunity gap, hunger and food security issues, and best practices
33 for improving student access to school breakfast. The office shall
34 maintain a list of opportunities for philanthropic support of school
35 breakfast programs and make the list available to schools interested
36 in breakfast after the bell.

37 (4) The office of the superintendent of public instruction shall
38 incorporate the annual collection of information about breakfast

1 after the bell delivery models into existing data systems and make
2 the information publicly available.

3 NEW SECTION. **Sec. 5.** The office of the superintendent of public
4 instruction, school districts, and affected schools shall implement
5 the provisions of this act only after funding is specifically
6 provided for the purposes of the act, referencing this act by bill or
7 chapter number, in a biennial or supplemental operating budget.

8 NEW SECTION. **Sec. 6.** The office of the superintendent of public
9 instruction may convene a work group to determine how to reduce the
10 sugar content in all school meals with the goal of reaching twenty-
11 five percent by weight added sugar. Any report or recommendations
12 from this work group should be submitted to the appropriate
13 committees of the legislature and to school districts."

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14 On page 1, line 2 of the title, after "schools;" strike the
15 remainder of the title and insert "adding new sections to chapter
16 28A.235 RCW; and creating new sections."

EFFECT: Changes language that the time that students engage in
educational activity and consume breakfast must be "considered"
instructional hours to may be "provided during" instructional hours.

States that the Legislature does not intend to include the
"funding for" breakfast after the bell programs within basic
education funding.

Removes the section amending the definition of instructional
hours.

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