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## Education Committee

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### HB 1295

**Brief Description:** Concerning breakfast after the bell programs.

**Sponsors:** Representatives Hudgins, Magendanz, S. Hunt, Walsh, Walkinshaw, Lytton, Senn, Jinkins, Sawyer, Stokesbary, Reykdal, Robinson, McBride, Stanford, Tharinger, Bergquist, Clibborn, Pollet, Fey, Gregerson and Tarleton.

#### Brief Summary of Bill

- Requires high-needs schools to offer school breakfast after the beginning of the school day, called Breakfast After the Bell (BAB), beginning in the 2016-17 school year.
- Requires the state to provide financial assistance to support the costs of implementing a BAB program at these schools.
- Provides that the time students spend eating BAB count toward minimum instructional hours, as long as educational activities are provided concurrently with breakfast.
- Provides that the BAB programs are not included within the state's obligation for basic education funding.
- Specifies that the Office of the Superintendent of Public Instruction must help schools implement the BAB programs.

**Hearing Date:** 1/27/15

**Staff:** Megan Wargacki (786-7194).

#### **Background:**

##### Child Nutrition Programs.

A variety of Child Nutrition Programs, subsidized by the United States Department of Agriculture (USDA) and administered by the state, provide healthy food to children, including the National School Lunch Program, the School Breakfast Program, the Child and Adult Care

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Food Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and the Special Milk Program.

#### Free and Reduced Price Meals.

In order for students to qualify for free meals, their family's income must be at or below 130 percent of the federal poverty level. Students whose families have an income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals (up to 40 cents for lunch). Students whose families earn more than 185 percent of the poverty level pay full price, but the meals are still federally subsidized to an extent. For the 2013-14 school year, almost 476,000 or 45.2 percent of public school students were reported as eligible for free and reduced price meals (FRPM). Over 38 percent of these students were eligible for free meals.

#### Community Eligibility Provision and Provision 2.

The Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act and Provision 2 of the National School Lunch Act provide an alternative to household applications for FRPM by allowing schools with high numbers of low-income students to serve free meals to all students. A school, group of schools, or district is eligible for the CEP if at least 40 percent of its students are identified as eligible for free meals through means other than household applications (for example, students directly certified through the Supplemental Nutrition Assistance Program (SNAP) and the Temporary Assistance for Needy Families (TANF); and foster, homeless, and migrant students). In the 2014-15 school year, there are 32 districts participating in the CEP.

Under Provision 2, in year 1, a school makes FRPM eligibility determinations and reports daily meal counts by type for federal meal reimbursement, but all students are served at no charge. In years 2-4, a school continues to serve all children at no charge, but counts only the total number of reimbursable meals served.

#### School Breakfast.

The federal School Breakfast Program provides cash assistance to states to operate nonprofit breakfast programs in schools and residential childcare institutions. In 2012-13, 271 school districts offered school breakfast in 1,864 schools. The average daily participation for breakfast was 165,810 students, which represents 15.7 percent of the total enrollment of students. The average daily participation in breakfast for FRPM students was about 34 percent, although 87 percent of all school breakfasts are served to FRPM students. Breakfast participation rates are significantly lower than lunch participation rates. Approximately 70 percent of FRPM students participate in school lunch.

#### Severe Needs Schools.

Under federal guidelines, schools where 40 percent or more of the lunches served in the second preceding are considered "severe needs" schools and qualify for additional federal reimbursement for breakfasts. Under state law, these schools are required to offer school breakfast programs for students. These schools must serve breakfast to all students, but may charge students who do not qualify for FRPM. In 2012-13 there were 1,660 severe needs schools in Washington.

#### State Support for Breakfast.

The Legislature has appropriated state funds specifically to support school breakfasts by:

1. eliminating the breakfast co-pay for students eligible for reduced price meals;
2. reimbursing school districts for school breakfasts served to students eligible for free and reduced price lunch; and
3. providing grants to districts to start and expand school breakfast programs.

#### Breakfast After the Bell.

Breakfast After the Bell (BAB) programs include several food service models where breakfast is served after the beginning of the regular school day, rather than in the cafeteria before school starts. Research on school breakfasts in other states and in Washington indicates that participation in school breakfast is significantly higher in schools using the BAB programs. A number of states have adopted legislation requiring schools with large populations of FRPM students to implement a BAB programs.

Under Basic Education, school districts are required to provide a specified minimum number of instructional hours per year, which are defined as those hours during which students are provided the opportunity to engage in educational activity planned by, and under the direction of, school district staff. Time actually spent on meals does not count under the definition.

#### **Summary of Bill:**

High-needs schools must to offer school breakfast after the beginning of the school day, called BAB, beginning in the 2016-17 school year. "High-needs schools" are any public schools that: (a) have an enrollment of 70 percent or more students eligible for FRPM in the prior school year; or (b) are using Provision 2 or the CEP to provide universal meals and have a claiming percentage for FRPM of 70 percent or more. Exemptions are made for schools with 70% or more students eligible for FRPM and participating in both lunch and breakfast. The state must provide financial assistance to support the costs of implementing a BAB program at participating high-needs schools.

All breakfasts served in a BAB program must comply with federal meal patterns and nutrition standards for school breakfast programs, but schools may determine their own BAB service model. The time students spend eating BAB count toward minimum instructional hours, as long as educational activities are provided concurrently with breakfast. BAB programs are not included within the state's obligation for basic education funding.

The Office of the Superintendent of Public Instruction (OSPI) must develop and distribute procedures and guidelines to implement the BAB and dedicate staff to offer training and other BAB assistance. In addition, the OSPI must collaborate with knowledgeable organizations and seek philanthropic partnerships.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.