
Education Committee

SHB 1295

Brief Description: Concerning breakfast after the bell programs.

Sponsors: House Committee on Education (originally sponsored by 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 that high-needs schools offer school breakfast after the beginning of the school day, called Breakfast After the Bell (BAB), beginning in the 2016-17 school year.
- Requires start-up grants of \$6,000 be made available to each school implementing a BAB program.
- Specifies that the Office of the Superintendent of Public Instruction must help schools implement the BAB programs.
- Changes the definition of "instructional hours" to include the time that students spend eating the BAB, as long as educational activities are provided concurrently with breakfast.
- Provides that the BAB programs are not included within the obligation of the state for basic education funding.
- Includes a null and void clause.

Hearing Date: 1/11/16

Staff: Megan Wargacki (786-7194).

Background:

Child Nutrition Programs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A variety of Child Nutrition Programs, subsidized by the United States Department of Agriculture 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 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 federally subsidized to an extent. For the 2014-15 school year, over 471,000, or 44 percent, of public school students were reported as eligible for free and reduced price meals (FRPM). Over 37 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) or the Temporary Assistance for Needy Families (TANF); and foster, homeless, and migrant students). In the 2014-15 school year, there are 53 districts participating in the CEP.

Under Provision 2, in year one, 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 two through four, a school continues to serve all children at no charge, but counts only the total number of reimbursable meals served. In the 2014-15 school year, there were 12 schools participating in both breakfast and lunch, and four schools participating in breakfast only, under Provision 2.

School Breakfast.

The federal School Breakfast Program provides cash assistance to states to operate nonprofit breakfast programs in schools and residential childcare institutions. In 2014-15, 276 school districts offered school breakfast in 1,841 schools. The average daily participation for breakfast was 174,256 students, which represents over 16 percent of the total enrollment of students. The average daily participation in breakfast for free eligible students was over 76 percent, and for reduced price eligible students was about 10 percent. Approximately 71 percent of FRPM students participate in school lunch.

Severe Needs Schools.

Under federal guidelines, schools where 40 percent or more of the lunches claimed in the second preceding school year were served at free or reduced price 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 2014-15 there were 1,724 severe needs schools in Washington.

State Support for Breakfast.

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

- eliminating the breakfast co-pay for students eligible for reduced price meals;
- reimbursing school districts for school breakfasts served to students eligible for free and reduced price lunch; and
- 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 a BAB program. A number of states have adopted legislation requiring schools with large populations of FRPM-eligible students to implement a BAB program. All schools are encouraged to offer a BAB program

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 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 percent or more FRPM eligible students to offer a BAB program participating in both breakfast and lunch .

One-time start-up allocation grants of \$6,000 must be made available to each high-needs school implementing a BAB program.

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 Office of the Superintendent of Public Instruction (OSPI) must develop and distribute procedures and guidelines to implement the BAB program and dedicate staff to offer training and other BAB assistance. The OSPI must also make the BAB school-participation rates publically available, maintain a list of opportunities for philanthropic support of school breakfast programs, make the list available to schools interested in the BAB program, and incorporate the annual collection of information about BAB-delivery models into existing data systems and make the information publically available.

The definition of instructional hours is modified to specify that the period of time designated for student participation in a BAB program is considered part of instructional time if students are provided the opportunity to engage in educational activity concurrently with the consumption of breakfast.

The BAB programs are not included within the obligation of the state for basic education funding.

A null and void clause is included.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.