

HOUSE BILL REPORT

SHB 1295

As Passed House:
March 4, 2015

Title: An act relating to breakfast after the bell programs in certain public schools.

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 History:

Committee Activity:

Education: 1/27/15, 2/5/15 [DPS];
Appropriations: 2/24/15, 2/26/15 [DPS(ED)].

Floor Activity:

Passed House: 3/4/15, 65-33.

Brief Summary of Substitute 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 the state to provide start-up grants of \$6,000 to each school implementing a BAB program.
- Provides that the BAB programs are not included within the obligation of the state for basic education funding.
- Specifies that the Office of the Superintendent of Public Instruction must help schools implement the BAB programs.
- Changes the definition of "instructional hour" to include the time that students spend eating the BAB, as long as educational activities are provided concurrently with breakfast.
- Includes a null and void clause.

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.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Fagan, Gregory, Griffey, S. Hunt, Kilduff, Lytton, Orwall, Pollet and Springer.

Minority Report: Do not pass. Signed by 3 members: Representatives Hargrove, Klippert and McCaslin.

Minority Report: Without recommendation. Signed by 1 member: Representative Hayes.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Carlyle, Cody, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, G. Hunt, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger and Walkinshaw.

Minority Report: Do not pass. Signed by 6 members: Representatives Chandler, Ranking Minority Member; Buys, Condotta, Schmick, Taylor and Van Werven.

Staff: Jessica Harrell (786-7349).

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 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 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 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 to four, 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 year 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:

- 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 the

BAB programs. A number of states have adopted legislation requiring schools with large populations of FRPM students to implement the 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 Substitute 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 students eligible for FRPM and participating in both breakfast and lunch .

The state must provide one-time start-up allocation grants of \$6,000 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 BAB programs are not included within the obligation of the state for basic education funding.

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-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.

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.

Staff Summary of Public Testimony (Education):

(In support) Feeding kids is something everyone can agree to. About 1.1 million people qualify for food stamps, poverty has increased, and there are more homeless students than ever. Hungry kids don't learn as well, they can't regulate their behavior, and are grumpy. This bill would directly impact the effects of poverty and hunger, especially when the state is expecting higher achievement. The Governor put money in his budget for the bill. Kids are currently eating under this model; in these schools there are no hungry kids. The bill applies to high-needs schools, with high numbers of FRPM and to those with community provision that provide food to all. Most programs are grab and go models. There are also share bins so that any kid can eat, even if they don't get free or reduced price meals. This program has the potential to increase consumption of breakfast, particularly for low-income students. Daily breakfast has positive incomes on health, educational attainment, and earning potential. The National School Breakfast program is not being accessed at the rate we would like it to be. The bill is only targeted to about 400 schools, and some schools will offer to pay for all breakfasts regardless of income. Breakfast before school has more costs, while the BAB programs generate more revenue because there are more customers. Start-up costs are fundamental because breakfast costs are generally covered once the programs get going.

For many kids, the food they get at school is the only food they get. Many kids complain about a stomach ache because they have not eaten. They have not eaten because they do not live near a grocery store, there is no food in their house, or they woke up late. Many kids arrive late, if they have not eaten they are sent to the kitchen, and while eating, they are missing out on educational opportunities. The expectation that students will get to school in time to have breakfast in the cafeteria before school starts is unrealistic because of transportation issues or family issues. Students skip breakfast before school because they would be late if they waited in the cafeteria line. Teachers can start on time if students eat in the classroom. The biggest supporters of these programs, besides food service workers, are security staff. Many students leave campus to get food and often do not come back, which is a problem for staff and a safety concern.

(In support with concerns) Basic education is amended by reference. The time spent for breakfast may erode instructional time. The bill may need an amendment to the instructional time statute, rather than amending by reference.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill would make breakfast available to students after the start of the school day and would provide certain schools with \$6,000 to start the program. The bill does not require a specific breakfast model, nor that those breakfasts be offered for free. There are three specific ways schools can recoup the costs of school breakfast: (1) a combination of federal and state reimbursements and student payments; (2) the universal breakfast program community eligibility; and (3) the universal breakfast program provision two. A school district may select any option.

Starting the day with breakfast is a proven way to achieve educational attainment. Washington ranks forty-third in the nation for the number of low income children who participate in school breakfast. There are dramatic increases in participation in states who have adopted the Breakfast After the Bell (BAB) program. A study this year showed that more children were participating by moving breakfast to after the start of the school day. Schools need an average of \$6,000 to launch a BAB program. Schools who currently have the option to participate are not participating. This bill guarantees that high need schools with very vulnerable children will have access to school breakfast. This program will not work without the \$6,000 startup money.

Only 33 percent of students who are eligible to receive free breakfast utilize the resource for several reasons: busses are late, children are dropped off late, and children socialize or chose not to participate because of the low-income stigma. Up to 25 percent of Washington students go hungry on a regular basis. Currently, elementary schools in a Washington school district have a successful BAB program. The meals happen in the classrooms. Children eat and perform tasks during the breakfast time. Custodial issues are dealt with effectively, and schools needed additional equipment to implement the program.

(Opposed) None.

(Other) Nutrition is a valuable piece of education. This program is not fully funded. Some school districts would have to make up the difference with local money when federal dollars do not cover required expenditures. Therefore, this proposed program should be optional instead of mandatory.

Persons Testifying (Education): (In support) Representative Hudgins, prime sponsor; Sierra Rotakhina, State Board of Health; Lauren McGowan, United Way King County; Katie Moshauer, Washington Apple Seed; Craig Huckins, Tukwila School District; Lyne Olson, School Nurse Organization of Washington; Heather Lindberg and Ginny Lindberg, Washington State Parents Teachers Association; Rayonna Tobin, Aki Kurose Middle School; Kamaria Lyles; Ella Dreamer; Wendy Rader-Konofalski, Washington Education Association; Sarah Schafer, Mountain View Elementary; Bob Cooper, Association of Colleges for Teacher Education; David Westberg, Operating Engineers Local 609; Claire Lane, Anti-Hunger Coalition; Christina Wong, Northwest Harvest; Mitch Denning, Alliance of Education Association; and Carol Barke and Paula Thomas, Auburn School District.

(In support with concerns) Julia Suliman, State Board of Education.

Persons Testifying (Appropriations): (In support) Representative Hunter, prime sponsor; Lauren McGowan, United Way of King County; Katie Mosehauer, Washington Appleseed; Mitch Denning, Alliance of Education Associations; Janis Campbell-Aikens, Auburn School District; and Kristi Shafer, Washington State Parent Teacher Association.

(Other) Raka Bhattacharia, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.