

HOUSE BILL REPORT

E3SHB 1295

As Passed House:
January 27, 2016

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 Appropriations (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], 1/11/16, 1/14/16 [DP2S];

Appropriations: 2/24/15, 2/26/15 [DPS(ED)], 1/18/16, 1/21/16 [DP3S(w/o sub ED)].

Floor Activity:

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

Floor Activity:

Passed House: 1/27/16, 69-28.

Brief Summary of Engrossed Third 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 2017-18 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 breakfast in a BAB program, if certain requirements are met.
- Provides that the BAB programs are not included within the obligation of the state for basic education funding.

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 second substitute bill be substituted therefor and the second 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, Griffey, Harris, S. Hunt, Kilduff, Kuderer, Orwall, Pollet, Rossetti and Springer.

Minority Report: Do not pass. Signed by 4 members: Representatives Hargrove, Hayes, Klippert and McCaslin.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by 23 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Wilcox, Assistant Ranking Minority Member; Cody, Fitzgibbon, Hansen, Harris, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Robinson, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger and Walkinshaw.

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

Minority Report: Without recommendation. Signed by 3 members: Representatives Condotta, Dent and G. Hunt.

Staff: Jessica Harrell (786-7349).

Background:

Child Nutrition Programs.

A variety of Child Nutrition Programs, subsidized by the United States Department of Agriculture and administered by the state, provide healthy food to children. The program includes 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 the 2014-15 school year, 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.

Instructional Hours.

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 Engrossed Third Substitute Bill:

High-needs schools must offer school breakfast after the beginning of the school day, called BAB, beginning in the 2017-18 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. When choosing foods to serve in a BAB program, schools must give preference to foods that are healthy, fresh, and Washington grown. In addition, each food item served must contain less than 25 percent by weight added sugar.

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, and the provision of breakfast allows the regular instructional program to continue functioning.

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

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 29, 2016.

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

Staff Summary of Public Testimony (Education):

(In support) This bill has passed out of the House twice. Starting the day with a nutritious breakfast is a proven way to increase educational achievement. Research shows that a BAB program helps students learn more effectively.

The program has been implemented in Highline, Auburn, Wenatchee, and Tukwila. United Way has been piloting some of these programs with investments from a variety of organizations. It's a great program that works well and can be implemented in a way that meets the local needs of the district. This bill levels the playing field for all schools throughout the state so that there will not be hungry students in any school. It would take what has been learned from districts that have already implemented a BAB program and spread this information to districts that are reluctant to start their own program.

The traditional approach requiring breakfast in the cafeteria before school begins does not work for the neediest students. There are barriers to eating breakfast before school, including transportation and stigma. Buses frequently arrive at school at the time that the cafeteria is closing for breakfast. Many families have trouble getting their students to school early enough to eat breakfast. Washington is forty-third in the nation for participation among low-income students in before-school-breakfast programs. This is because schools across the country have figured out that a BAB program works.

Making breakfast part of the school day, just like lunch, increases students' ability to participate in meal programs and generates additional funding from the federal government for meal programs. Frequently, school meals are the only meals that low-income children can rely upon. Free meals allow these families to stretch their dollars further. This bill mandate is important to make sure that every child has access to school breakfast. A BAB program is proven way to increase access to a system that is already in place.

This bill would increase breakfast participation in high needs schools, thereby increasing the opportunity to learn. The \$6,000 grants are necessary to help with start-up costs. The null and void clause is important because funding is necessary to avoid an unfunded mandate. The timeline for implementation is okay under the amendment.

The Washington State Board of Health Impact Review findings for the original bill are still pertinent to the substitute bill. Scientific literature on this topic was reviewed, including over 30 quality articles, including review articles that summarized dozens of other articles or studies. This bill has the potential to increase breakfast participation, particularly among low-income students and students of color, and this may improve educational outcomes, narrow educational opportunity gaps, narrow income gaps, improve health, and decrease health disparities. For each of these connections the evidence was strong or very strong.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) In schools where programs similar to those proposed by this bill are already in place, there is noticeable improvement in students' lives as well as educational outcomes. Breakfast After the Bell is a good program that will improve outcomes.

Hungry students struggle to learn and thrive. Breakfast After Bell can improve educational outcomes. The current Breakfast Before the Bell programs are helpful, but not as effective as they could be because they're before school starts. Washington is forty-third in the nation for feeding hungry kids. Breakfast After the Bell can provide a solution to that ranking. This bill provides one-time startup funds that will provide the supplies needed for implementation.

There are many schools in the state that deal with child poverty and they aren't just in the urban areas, but rather are spread throughout the state. Breakfast After the Bell provides for the basic needs of students through the state. The grant is very important because it gives districts the opportunity to try to establish a Breakfast After the Bell program and to take that risk.

Breakfast After the Bell is helpful because a student might not get to eat if they aren't able to get to school before the bell rings. They would be hungry all day. Breakfast After the Bell makes sure that they won't be hungry and they can eat even if they can't get to school before the bell.

(Opposed) None.

(Other) The bill will help breakfast participation and help meet a critical need in high needs schools. The grant will occur in the next biennium and is strongly supported. The change in the instructional hour definition is also supported because it's a smooth process. There should be a null and void clause in case the bill is not fully funded.

Persons Testifying (Education): Representative Hudgins, prime sponsor; Lauren McGowan, United Way of King County; Mitch Denning, Washington School Nutrition Association; Christina Wong, Northwest Harvest; Heather Lindberg, Washington State PTA; Sierra Rotakhina, Washington State Board of Health; and Gerald Wright, Solid Grounds

Persons Testifying (Appropriations): (In support) Representative Hudgins, prime sponsor; Lauren McGowan, United Way of King County; Mitch Denning, Washington School Nutrition Association; Nick Federici, United Ways of the Pacific Northwest; Heather Lindberg, Washington State Parent Teacher Association; Ginny Lindberg; Poppy Lindberg; and Betsy P. Elgar, Friends of Betsy P. Elgar Committee.

(Opposed) None.

(Other) Mitch Denning, Alliance of Educational Associations.

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

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