

SENATE BILL REPORT

SHB 1295

As of March 30, 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: Passed House: 3/04/15, 65-33.

Committee Activity: Early Learning & K-12 Education: 3/16/15.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Free and Reduced-Price Meals. School breakfast and lunch programs are subsidized by the U.S. Department of Agriculture, the state, and student co-pays based on family income. In order for students to qualify for free meals, their families' income must be at or below 130 percent of the federal poverty level. Students whose families have income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals.

Provision 2 of the National School Lunch Act reduces administrative burdens for free and reduced-price meals. Any school that participates in the National School Lunch Program or the School Breakfast Program may opt for Provision 2. This provision requires schools to serve meals to participating children at no charge and reduces application burdens to once every four years. It simplifies meal counting and claiming procedures by allowing a school to receive meal reimbursement based on claiming percentages.

Under the Healthy, Hunger-Free Kids Act of 2010, the National School Lunch Program includes a universal meal program called community eligibility. Community eligibility permits eligible schools to provide meal service to all students at no charge, regardless of economic status, while reducing burdens at the household and local levels by eliminating the need to obtain eligibility data from families through a separate collection.

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.

The Office of Superintendent of Public Instruction (OSPI) reports that in October 2013 more than 475,000 or 45.2 percent of public school students were eligible for free and reduced-price meals in Washington. Approximately 38 percent of students were eligible for free meals.

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 meals; and
- providing grants to school districts for new and expanding breakfast programs.

Breakfast After the Bell Programs. These 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.

Instructional Hours. Under the program of basic education, school districts must 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.

A Health Impact Review of this legislation was requested and is available at the Washington State Board of Health's website: sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2015-01-HB1295.pdf.

Summary of Bill: Breakfast After the Bell Requirement. Beginning in the 2016-17 school year, each high-needs school must offer breakfast after the bell to each student and provide adequate time for students to eat. The state must provide and OSPI must administer, one-time start-up allocation grants of \$6,000 to each high-needs school implementing a breakfast after the bell program. The grant must be used for the costs associated with launching a breakfast after the bell program, including, but not limited to, equipment purchases, training, additional staff costs, and janitorial services.

High-needs school means any public school:

- that has enrollment of 70 percent or more students eligible for free or reduced-price meals in the prior school year; or
- that is providing universal meals under federal law and has a claiming percentage for free or reduced-price meals of 70 percent or more.

Each high-needs school may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, the following:

- grab and go, where easy-to-eat breakfast foods are available for students to take at the start of the school day or in between morning classes;
- second chance breakfast, where breakfast foods are available during recess, a nutrition break, or later in the morning, for students who are not hungry first thing in the morning, or who arrive late to school; and

- breakfast in the classroom, where breakfast is served in the classroom, often during homeroom or first period.

All public schools are encouraged to offer breakfast after the bell even if not required to do so.

Exemption. High-needs schools with at least 70 percent of free or reduced-price eligible children participating in both school lunch and school breakfast are exempt from offering breakfast after the bell. OSPI must evaluate individual participation rates annually and make the participation rates publicly available.

Instructional Hours. The definition of instructional hours is modified to specify that the period of time designated for student participation in breakfast after the bell is considered instructional time as long as students are provided the opportunity to engage in educational activity concurrently with the consumption of breakfast.

Federal Compliance. All breakfasts served in a breakfast after the bell program must comply with federal meal patterns and nutrition standards for school breakfast programs under federal law and regulations.

Basic Education. The Legislature does not intend to include breakfast after the bell programs within the state's obligation for basic education funding under Article IX of the state Constitution.

OSPI. Before January 2, 2016, OSPI must develop and distribute procedures and guidelines for the implementation of breakfast after the bell programs, which must be in compliance with federal regulations governing the school breakfast program. These guidelines must include ways schools and districts can solicit and consider families' input regarding implementation and continued operation of breakfast after the bell programs.

OSPI must dedicate staff to offer training and technical and marketing assistance to all public schools and school districts related to offering breakfast after the bell, including assistance with various funding options available to high-needs schools, including the community eligibility provision, programs under Provision 2 of the National School Lunch Act, and claims for reimbursement under the school breakfast program.

In fulfilling its responsibilities, OSPI must collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. OSPI must maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to interested schools.

OSPI must incorporate the annual collection of information about breakfast after the bell delivery models into existing data systems and make the information publicly available.

Null and Void Clause. This act is null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Hungry children struggle to pay attention, learn, and thrive. Academic success is being hindered because of food insecurity. Many students are not eating an adequate breakfast because of parent or bus schedules, social stigma, or lack of financial stability. The national school breakfast program is designed to address hunger, but it only works if children can access it. Serving breakfast after the bell is a simple solution. If breakfast is part of the school day, more students participate in the program. When students eat breakfast, they are healthier, more focused, and better able to learn. In Washington, schools currently have the option to offer breakfast after the bell, but many schools are not choosing this option. Making this program optional is not equitable. This program will help the most vulnerable kids in a limited number of districts. It will provide nutritious food to where it is needed most. There are many different components when starting a breakfast after the bell program. But once staff members are comfortable with their roles, this program runs smoothly. This bill does not change the different methods of paying for school breakfast. A grab-and-go service model is a cost-effective option when universally free breakfast is not feasible. There is no evidence that students will eat two breakfasts because of this program. There is evidence that children who skip meals are more at risk for obesity. In the last couple of years, standards have changed to make sure that more nutritious food is being served in schools. The health impact review of this bill found that evidence indicates that HB 1295 has potential to increase the number of low-income students and students of color who eat breakfast, which in turn has potential to narrow educational opportunity gaps, narrow income gaps, and decrease health disparities. This evidence was rated as strong and very strong.

OTHER: There is concern that schools with certain levels of poverty are mandated to provide breakfast after the bell. Implementation of a breakfast after the bell program should be voluntary. Schools that choose to implement a program should be able to receive a start-up grant. If there is a mandate, school districts with three or more schools that are required to offer breakfast after the bell should be able to phase in these programs over three years. This option would allow school districts to decide which schools would first offer the program. The amount of the start-up grants should be adjusted based on student enrollment. The breakfast after the bell program should be optional, so it is not an unfunded mandate. When federal funding does not cover the full amount required for these programs, school districts will have to make up the difference.

Persons Testifying: PRO: Lauren McGowan, United Way of King County; Erica Barrie, Hoquiam School District; Eduardo Ramos, Student, Wenatchee High School; Vic Colman, Childhood Obesity Prevention Coalition; Sierra Rotakhina, WA State Board of Health.

OTHER: Marie Sullivan, Pasco School District; Raka Bhattacharya, OSPI Policy Analyst.

Persons Signed in to Testify But Not Testifying: No one.