

ESHB 1508 - H AMD 653

By Representative Stonier

ADOPTED 01/10/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 NEW SECTION. **Sec. 1.** (1) The legislature finds that thoughtful
4 and evidence-based school food programs are associated with improved
5 outcomes for students, including reductions in tardiness,
6 absenteeism, suspensions, and reported illnesses and visits to
7 nurses' offices. The legislature further finds that thoughtful and
8 evidence-based school food programs are also associated with improved
9 student results on standardized tests and improved graduation rates.

10 (2) The legislature acknowledges that existing school-related
11 farm programs play an important role in helping students to better
12 understand the relationships between academics, food, farming, and
13 good health.

14 (3) The legislature finds that the purpose of sections 1 through
15 7 of this act is to achieve the public policy benefits specified in
16 subsection (1) of this section: Improved student outcomes. To do so,
17 the legislature intends to:

18 (a) Expand opportunities for students to have a healthy breakfast
19 by requiring schools with large populations of qualifying low-income
20 students to offer breakfast after the bell programs, a program model
21 that has increased breakfast participation rates in other states; and

22 (b) Increase support for school-related farm programs that have
23 proven successful in supporting students through policies that, among
24 other benefits, promote student health and readiness through healthy
25 local foods and school garden projects; and

26 (c) Conduct an analysis of breakfast after the bell programs
27 established in accordance with section 3 of this act.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235
29 RCW to read as follows:

30 The definitions in this section apply throughout sections 3
31 through 4 of this act unless the context clearly requires otherwise.

1 (1) "Breakfast after the bell" means a breakfast that is offered
2 to students after the beginning of the school day. Examples of
3 breakfast after the bell models include, but are not limited to:

4 (a) "Grab and go," where easy-to-eat breakfast foods are
5 available for students to take at the start of the school day or in
6 between morning classes;

7 (b) "Second chance breakfast," where breakfast foods are
8 available during recess, a nutrition break, or later in the morning,
9 for students who are not hungry first thing in the morning, or who
10 arrive late to school; and

11 (c) "Breakfast in the classroom," where breakfast is served in
12 the classroom, often during homeroom or first period.

13 (2) "Eligible for free or reduced-price meals" means a student
14 who is eligible under the national school lunch program or school
15 breakfast program to receive lunch or breakfast at no cost to the
16 student or at a reduced cost to the student.

17 (3) "High-needs school" means any public school: (a) That has
18 enrollment of seventy percent or more students eligible for free or
19 reduced-price meals in the prior school year; or (b) that is using
20 provision two of the national school lunch act or the community
21 eligibility provision under section 104(a) of the federal healthy,
22 hunger-free kids act of 2010 to provide universal meals and that has
23 a claiming percentage for free or reduced-price meals of seventy
24 percent or more.

25 (4) "Public school" has the same meaning as provided in RCW
26 28A.150.010.

27 (5) "School breakfast program" means a program meeting federal
28 requirements under 42 U.S.C. Sec. 1773.

29 (6) "School lunch program" means a program meeting federal
30 requirements under 42 U.S.C. Sec. 1751.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.235
32 RCW to read as follows:

33 (1)(a) In accordance with section 6 of this act and except as
34 provided in subsection (2) of this section, beginning in the 2019-20
35 school year, each high-needs school shall offer breakfast after the
36 bell to each student and provide adequate time for students to
37 consume the offered food.

38 (b) Public schools that are not obligated by this section to
39 offer breakfast after the bell are encouraged to do so. Nothing in

1 this section is intended to prevent a high-needs school from
2 implementing a breakfast after the bell program before the 2019-20
3 school year.

4 (2) High-needs schools with at least seventy percent of free or
5 reduced-price eligible children participating in both school lunch
6 and school breakfast are exempt from the provisions of subsection (1)
7 of this section. The office of the superintendent of public
8 instruction shall evaluate individual participation rates annually,
9 and make the participation rates publicly available.

10 (3) Each high-needs school may determine the breakfast after the
11 bell service model that best suits its students. Service models
12 include, but are not limited to, breakfast in the classroom, grab and
13 go breakfast, and second chance breakfast.

14 (4) All breakfasts served in a breakfast after the bell program
15 must comply with federal meal patterns and nutrition standards for
16 school breakfast programs under the federal healthy, hunger-free kids
17 act of 2010, (P.L. 111-296) and any federal regulations implementing
18 that act. In addition, each food item served in a breakfast after the
19 bell program must contain less than twenty-five percent, by weight,
20 added sugar. When choosing foods to serve in a breakfast after the
21 bell program, schools must give preference to foods that are
22 healthful and fresh, and if feasible, give preference to Washington-
23 grown food.

24 (5) Subject to the availability of amounts appropriated for this
25 specific purpose, the superintendent of public instruction shall
26 administer one-time start-up allocation grants to each high-needs
27 school implementing a breakfast after the bell program under this
28 section. Grant funds provided under this section must be used for the
29 costs associated with launching a breakfast after the bell program,
30 including but not limited to equipment purchases, training,
31 additional staff costs, and janitorial services.

32 (6) The legislature does not intend to include the programs under
33 this section within the state's obligation for basic education
34 funding under Article IX of the state Constitution.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.235
36 RCW to read as follows:

37 (1) Before January 2, 2019, the office of the superintendent of
38 public instruction shall develop and distribute procedures and
39 guidelines for the implementation of section 3 of this act that

1 comply with federal regulations governing the school breakfast
2 program. The guidelines and procedures must include ways schools and
3 districts can solicit and consider the input of families regarding
4 implementation and continued operation of breakfast after the bell
5 programs. The guidelines and procedures must also include
6 recommendations and best practices for designing, implementing, and
7 operating breakfast after the bell programs that are based upon the
8 implementation and operational experiences of schools of differing
9 sizes and in different geographic regions of the state that have
10 implemented breakfast after the bell programs.

11 (2) The office of the superintendent of public instruction shall
12 offer training and technical and marketing assistance to all public
13 schools and school districts related to offering breakfast after the
14 bell, including assistance with various funding options available to
15 high-needs schools such as the community eligibility provision under
16 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the
17 national school lunch act, and claims for reimbursement under the
18 school breakfast program.

19 (3) In accordance with this section, the office of the
20 superintendent of public instruction shall collaborate with nonprofit
21 organizations knowledgeable about equity, the opportunity gap, hunger
22 and food security issues, and best practices for improving student
23 access to school breakfast. The office shall maintain a list of
24 opportunities for philanthropic support of school breakfast programs
25 and make the list available to schools interested in breakfast after
26 the bell programs.

27 (4) The office of the superintendent of public instruction shall
28 incorporate the annual collection of information about breakfast
29 after the bell delivery models into existing data systems and make
30 the information publicly available.

31 **Sec. 5.** RCW 28A.150.205 and 1992 c 141 s 502 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise, the definition in
34 this section applies throughout RCW 28A.150.200 through 28A.150.295.

35 "Instructional hours" means those hours students are provided the
36 opportunity to engage in educational activity planned by and under
37 the direction of school district staff, as directed by the
38 administration and board of directors of the district, inclusive of
39 intermissions for class changes, recess, and teacher/parent-guardian

1 conferences that are planned and scheduled by the district for the
2 purpose of discussing students' educational needs or progress, and
3 exclusive of time actually spent for meals. If students are provided
4 the opportunity to engage in educational activity concurrently with
5 the consumption of breakfast, and the provision of breakfast allows
6 the regular instructional program to continue functioning, the period
7 of time designated for student participation in breakfast after the
8 bell, as defined in section 2 of this act, must be considered
9 instructional hours.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.235
11 RCW to read as follows:

12 The office of the superintendent of public instruction, school
13 districts, and affected schools shall implement sections 2 through 4,
14 chapter . . . , Laws of 2018 (sections 2 through 4 of this act) only
15 in years in which funding is specifically provided for the purposes
16 of chapter, Laws of 2018 (this act), referencing
17 chapter . . . , Laws of 2018 (this act) by bill or chapter number or
18 statutory references, in a biennial or supplemental operating budget.

19 **Sec. 7.** RCW 28A.235.150 and 1993 c 333 s 3 are each amended to
20 read as follows:

21 (1)(a) To the extent funds are appropriated for this specific
22 purpose, the superintendent of public instruction may award grants to
23 school districts to:

24 (i) Increase awareness of and participation in school breakfast
25 and lunch programs(~~, and to~~), including breakfast after the bell
26 programs;

27 (ii) Improve program quality(~~, and to~~), including the
28 nutritional content of program food and the promotion of nutritious
29 food choices by students;

30 (iii) Promote innovative school-based programs, including but not
31 limited to developing organic gardens that provide produce used in
32 school breakfast or lunch programs; and

33 (iv) Improve the equipment and facilities used in the programs.

34 (b) If applicable, school districts shall demonstrate that they
35 have applied for applicable federal funds before applying for funds
36 under this subsection.

37 (2) To the extent funds are appropriated for this specific
38 purpose, the superintendent of public instruction shall increase the

1 state support for school breakfasts and lunches, including breakfast
2 after the bell programs.

3 (3) As used in this section, "breakfast after the bell" has the
4 definition in section 2 of this act.

5 NEW SECTION. Sec. 8. A new section is added to chapter 28A.235
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this
8 specific purpose, the office of the superintendent of public
9 instruction may coordinate with the department of agriculture to
10 promote and facilitate new and existing regional markets programs,
11 including farm-to-school initiatives established in accordance with
12 RCW 15.64.060, and small farm direct marketing assistance in
13 accordance with RCW 15.64.050. In coordinating with the department of
14 agriculture, the office of the superintendent of public instruction
15 is encouraged to provide technical assistance, including outreach and
16 best practices strategies, to school districts with farm-to-school
17 initiatives.

18 (2) Subject to the availability of amounts appropriated for this
19 specific purpose, the regional markets programs of the department of
20 agriculture must be a centralized connection point for schools and
21 other institutions for accessing and sharing information, tools,
22 ideas, and best practices for purchasing Washington-grown food.

23 (a) In accordance with this subsection (2), program staff from
24 the department of agriculture may provide:

25 (i) Scale-appropriate information and resources to farms to help
26 them respond to the growing demand for local and direct marketed
27 products; and

28 (ii) Targeted technical assistance to farmers, food businesses,
29 and buyers, including schools, about business planning, access to
30 markets, product development, distribution infrastructure, and
31 sourcing, procuring, and promoting Washington-grown foods.

32 (b) In accordance with this subsection (2), program staff from
33 the department of agriculture may provide technical assistance to:

34 (i) Support new and existing farm businesses;

35 (ii) Maintain the economic viability of farms;

36 (iii) Support compliance with applicable federal, state, and
37 local requirements; and

38 (iv) Support access and preparation efforts for competing in
39 markets that are a good fit for their scale and products, including

1 schools and public institutions, and direct-to-consumer markets that
2 include, but are not limited to, farmers' markets, local retailers,
3 restaurants, value-added product developments, and agritourism
4 opportunities.

5 (3) Subject to the availability of amounts appropriated for this
6 specific purpose, the regional markets programs of the department of
7 agriculture may support school districts in establishing or expanding
8 farm-to-school initiatives by providing information and guidance to
9 overcome barriers to purchasing Washington-grown food. In accordance
10 with this subsection (3), regional markets program activities may
11 include, but are not limited to:

12 (a) Connecting schools and other institutions with farmers and
13 distribution chains;

14 (b) Overcoming seasonality constraints;

15 (c) Providing budgeting assistance;

16 (d) Navigating procurement requirements; and

17 (e) Developing educational materials that can be used in
18 cafeterias, classrooms, and in other educational environments.

19 (4) Subject to the availability of amounts appropriated for this
20 specific purpose, school districts and other institutions may
21 coordinate with the department of agriculture to promote and
22 facilitate new and existing farm-to-school initiatives. School
23 district representatives involved in these initiatives may include,
24 but not limited to, school nutrition staff, purchasing staff, student
25 representatives, and parent organizations.

26 (5) Subject to the availability of amounts appropriated for this
27 specific purpose, the office of the superintendent of public
28 instruction may award grants to school districts to collaborate with
29 community-based organizations, food banks, and farms or gardens for
30 reducing high school dropout occurrences through farm engagement
31 projects. Projects established by school districts that receive
32 grants in accordance with this section must:

33 (a) Primarily target low-income and disengaged youth who have
34 dropped out or who are at risk of dropping out of high school; and

35 (b) Provide participating youth with opportunities for:

36 (i) Performing community service, including, but not limited to,
37 building food gardens for low-income families, and work-based
38 learning and employment during the school year and summer through
39 farm or garden programs;

1 (ii) Earning core and elective credits applied toward high school
2 graduation, including but not limited to, science, health, and career
3 and technical education credits;

4 (iii) Receiving development support and services, including
5 social and emotional learning, counseling, leadership training, and
6 career and college guidance; and

7 (iv) Improving food security for themselves and their community
8 through the project.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.235
10 RCW to read as follows:

11 (1) The joint legislative audit and review committee shall
12 conduct an analysis of breakfast after the bell programs established
13 in schools in accordance with section 3 of this act. The analysis of
14 the schools establishing breakfast after the bell programs shall
15 include a review of any changes in student:

- 16 (a) Tardiness and absenteeism;
- 17 (b) Suspensions;
- 18 (c) Reported illnesses and visits to nurses' offices;
- 19 (d) Results on standardized tests; and
- 20 (e) Graduation rates.

21 (2) The analysis shall also include a review of the outcomes of
22 similar programs or efforts in other states.

23 (3) The office of the superintendent of public instruction and
24 the education and research data center of the office of financial
25 management shall assist in providing any data required to conduct the
26 analysis. The analysis, including any findings and recommendations,
27 must be completed and submitted to the superintendent of public
28 instruction and, in accordance with RCW 43.01.036, the education
29 committees of the house of representatives and the senate by December
30 1, 2026.

31 NEW SECTION. **Sec. 10.** Sections 3, 4, and 6 of this act expire
32 June 30, 2028.

33 NEW SECTION. **Sec. 11.** This act may be known and cited as the
34 Washington kids ready to learn act of 2018."

35 Correct the title.

EFFECT: Removes provisions making the act null and void if funding for the act is not provided in the omnibus appropriations act by June 30, 2017, and advances all applicable calendar and school year date references by one year.

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