
Education Committee

HB 1508

Brief Description: Promoting student health and readiness through meal and nutrition programs.

Sponsors: Representatives Stonier, Dolan, Ortiz-Self, Riccelli, Orwall, Peterson, Sawyer, Doglio, Gregerson, Slatter, Frame, Macri, Bergquist, Senn, Ryu, Kloba, Stanford, Sells, Farrell, Lovick, McBride, Pollet, Hudgins, Jinkins, Kagi, Appleton, Goodman, Tharinger, Clibborn, Ormsby, Cody, Santos, Fey and Pettigrew.

Brief Summary of Bill

- Requires qualifying high-needs schools, beginning in the 2018-19 school year, to offer breakfast after the bell (BAB) programs to students after the beginning of the school day.
- Specifies that the period of time designated for student participation in a BAB program is considered instructional time if required conditions are met.
- Establishes a BAB lighthouse project, and directs the Office of the Superintendent of Public Instruction (OSPI) to select two high schools and two elementary schools to participate in the project.
- Modifies school meal grant provisions to include provisions for BAB programs and other purposes.
- Directs districts with school lunch programs to begin eliminating lunch copays for qualifying students in pre-kindergarten through grade 12 and to complete the copay phase out in the 2020-21 school year.
- Authorizes the OSPI and school districts to coordinate with the Washington State Department of Agriculture to promote new and existing farm-to-school programs and small direct marketing farm programs in districts.

Hearing Date: 2/2/17

Staff: Ethan Moreno (786-7386).

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.

Background:

Child Nutrition Programs.

There are a variety of child nutrition programs subsidized by the United States Department of Agriculture and administered by the state. The programs include the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and the Special Milk Program. The NSLP and the SBP are federally assisted meal programs operating in public and nonprofit private schools and residential childcare institutions. The programs provide nutritionally balanced, low-cost, or free lunches to children each school day.

Breakfast After the Bell Programs.

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 indicates that participation in school breakfast programs is higher in schools using innovative breakfast models, such as breakfast in the classroom models that make breakfast part of the school day. A number of states have adopted legislation requiring schools with large populations of free and reduced price meal-eligible students to implement a BAB program.

Free and Reduced Price Meals.

In order for students to qualify for free school 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. Students whose families earn more than 185 percent of the poverty level pay full price, but the meals are federally subsidized to some extent. According to the 2015-16 free and reduced price meals (FRPM) eligibility data of the Office of the Superintendent of Public Instruction (OSPI), over 476,000 public school students (44.4 percent) in Washington were reported as eligible for FRPM, with more than 405,000 public school students (38 percent) reported as 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 provides 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 or Temporary Assistance for Needy Families, and foster, homeless, and migrant students). In the 2016-17 school year, there are 58 districts and 208 school sites 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 meals 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 2016-17 school year, there are eight districts and one tribal school participating wholly or partially in both breakfast and lunch under Provision 2, and six school districts wholly or partially participating for breakfast only.

School Breakfast Programs.

The federal SBP provides cash assistance to states to operate nonprofit breakfast programs in schools and residential childcare institutions. According to the United States Department of Agriculture, in October 2016, the average daily participation in Washington in the school breakfast program was 201,252.

Under federal guidelines, if 40 percent or more of the lunches served to students at a school in the second preceding school year were served at a free or reduced price, the school is eligible for federal severe need reimbursements. Under state law, severe need 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.

State Support for School Breakfasts.

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

- eliminating the breakfast and lunch copays for students eligible for reduced price meals in kindergarten through third grade;
- reimbursing school districts for school breakfasts served to students eligible for free and reduced price lunches; and
- providing grants to districts to initiate and expand school breakfast programs.

Grants for School Breakfast and Lunch Programs.

To the extent funds are provided in an operating or supplemental budget, the Superintendent of Public Instruction (SPI) may award grants to school districts to:

- increase participation in school breakfast and lunch programs;
- improve program quality; and
- improve the equipment and facilities used in the programs.

School districts seeking the grant funds must demonstrate that they have applied for applicable federal funds before applying for the state grants.

The SPI, to the extent such funds are provided in an operating or supplemental budget, is directed increase the state support for school breakfasts and lunches.

Instructional Hours.

In accordance with the state's program of 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 spent on meals does not count as instructional hours.

School-related Farm Programs.

The Washington State Department of Agriculture (WSDA) operates a Farm to School Program that fosters relationships between schools and agricultural producers in the state. According to the WSDA, the goal of the program is to support expanding economic opportunities for farmers while educating students about the connections between food, farming, health, and the environment. The program provides information and assistance to interested parties, and provides specified assistance and services to schools and farms. The program works closely with the Small Farm and Direct Marketing Program of the WSDA, a program that seeks to increase

the economic viability of small farms, build community vitality, and improve the environmental quality of the region.

Summary of Bill:

Breakfast After the Bell Programs: Implementation and Definitions.

If funded in a biennial or supplemental operating budget, beginning in the 2018-19 school year, each high-needs school, unless meeting exemption criteria, must offer a BAB program at the beginning of the school day, and provide adequate time for the students to consume the offered food.

Pertinent terms for BAB programs are defined, including:

- "*breakfast after the bell*" means a breakfast that is offered to students after the beginning of the school day. Examples of breakfast after the bell models are also specified in the definition; and
- "*high-needs school*" means any public school that: has an enrollment of 70 percent or more students eligible for FRPM in the prior school year; or is using Provision 2 or the CEP to provide universal meals and has a claiming percentage of 70 percent or more for FRPM.

High needs schools with 70 percent or more FRPM eligible students participating in both breakfast and lunch programs are exempt from the BAB requirement.

The period of time designated for student participation in a BAB program is considered part of instructional time (and instructional hours) 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.

All breakfasts served in a BAB program must comply with federal meal patterns and nutrition standards for school breakfast programs, but schools may determine the BAB service model that best suits its students. When choosing foods to serve in a BAB program, schools must give preference to foods that are healthful, fresh, and grown in Washington.

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

Agency Duties and Grants.

The OSPI must develop and distribute procedures and guidelines to implement BAB programs, and offer related training and technical marketing assistance to public schools and school districts. The OSPI is directed to maintain a list of opportunities for philanthropic support of school breakfast programs, and to make the list available to schools interested in a BAB program. The OSPI is also tasked with incorporating the annual collection of information about BAB delivery models into existing data systems and to make the information publically available.

To the extent that funds are appropriated for this purpose, the OSPI must administer one-time start-up allocation grants to each high-needs school implementing a BAB program. The grant

funds must be used for the costs associated with launching a BAB program, including but not limited to, equipment purchases, training, additional staff costs, and janitorial services.

Grant Funding/Lighthouses.

To the extent that funds are appropriated for this purpose, the BAB lighthouse project is established. The stated purpose of the pilot project is to promote best practices for designing, implementing, and operating BAB programs by learning from experiences in schools of differing sizes. The pilot project expires July 1, 2020.

The OSPI is charged with selecting four schools to participate in the pilot project:

- one high school with an enrollment of 600 or more full-time equivalent (FTE) students;
- one high school with an enrollment of fewer than 300 FTE students;
- one elementary school with an enrollment of 400 or more FTE students; and
- one elementary school with an enrollment of fewer than 200 FTE students.

The schools selected as lighthouses must apply to the OSPI to participate in the pilot project. The selected schools, either by providing technical assistance or other guidance, must serve as resources and examples to other schools of how to successfully design, implement, and operate BAB programs.

To the extent funds are appropriated for this purpose, the SPI may award grants to school districts to:

- increase awareness of and participation in school breakfast and lunch programs, including BAB programs;
- improve program quality, including the nutritional content of program food and the promotion of nutritious food choices by students;
- promote innovative school-based programs, including but not limited to developing organic gardens that provide produce used in school breakfast or lunch programs; and
- improve the equipment and facilities used in the programs.

If applicable, school districts must demonstrate that they have applied for applicable federal funds before applying for the grant funds.

The SPI is also directed, to the extent funds are appropriated for this purpose, to increase the state support for school breakfasts and lunches, including BAB programs.

Elimination of Lunch Co-Pays.

To the extent that funds are appropriated for this purpose, beginning in the 2017-18 school year, school districts with school lunch programs must begin to eliminate lunch copays for students in pre-kindergarten through grade 12 who qualify for reduced-price lunches.

"Lunch copay" is defined as the amount a student who qualifies for a reduced-price lunch is charged for a reduced-price lunch.

The elimination of lunch copays must begin with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year, until all lunch copays are completely eliminated in the 2020-21 school year.

School-related Farm Programs.

The OSPI and school districts, to the extent that funds are appropriated for this purpose, are authorized to coordinate with the Washington State Department of Agriculture (WSDA) to promote and facilitate new and existing farm-to-school programs and small and direct marketing farm programs in school districts. In coordinating with the WSDA, the OSPI is encouraged to provide technical support and assistance, including outreach strategies and best practices, to school districts with or considering the establishment of farm to school programs and small and direct marketing farm programs within their district. School districts, in coordinating with the WSDA, are encouraged to designate one or more staff members to be a single point of contact for the WSDA and the OSPI for the farm programs.

Appropriation: None.

Fiscal Note: Requested on January 30, 2017.

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