

SENATE BILL REPORT

2ESHB 1508

As Reported by Senate Committee On:
Ways & Means, January 25, 2018

Title: An act relating to promoting student health and readiness through meal and nutrition programs.

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

Sponsors: House Committee on Appropriations (originally sponsored by 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 History: Passed House: 3/02/17, 90-8; 5/02/17, 81-11; 5/25/17, 84-10; 1/10/18, 83-15.
Committee Activity: Ways & Means: 1/24/18, 1/25/18 [DPA, DNP, w/oRec].

Brief Summary of Amended Bill

- Requires high-needs schools to offer breakfast after the bell (BAB) to each student beginning in the 2019-20 school year and only in years in which funding is specifically provided in a budget.
- Directs the Office of Superintendent of Public Instruction (OSPI) to develop guidelines to implement BAB programs, administer one-time start-up grants, and provide state funding to support BAB and other nutrition programs.
- Tasks the Joint Legislative Audit and Review Committee with conducting an analysis of BAB programs by December 1, 2026.
- Authorizes OSPI to coordinate with the Washington State Department of Agriculture (WSDA) to promote new and existing regional market programs, including farm-to-school initiatives and small farm direct marketing assistance.

SENATE COMMITTEE ON WAYS & MEANS

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.

Majority Report: Do pass as amended.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig, Carlyle, Conway, Darneille, Fain, Hasegawa, Hunt, Keiser, Mullet, Palumbo, Pedersen, Ranker, Rivers, Wagoner and Warnick.

Minority Report: Do not pass.

Signed by Senators Honeyford, Assistant Ranking Member; Brown and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senators Bailey and Becker.

Staff: Jeffrey Naas (786-7708)

Background: Free and Reduced-Price Meals. School breakfast and lunch programs are subsidized by the U.S. Department of Agriculture (USDA), 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. For the period of July 1, 2017, to June 30, 2018, 130 percent of the poverty level is \$31,980 for a family of four; 185 percent is \$44,510.

Federal law provides different options for reducing administrative burdens for free and reduced-price meals including community eligibility. Community eligibility allows schools with high numbers of low-income children to serve free breakfast and lunch to all students without collecting school meal applications. OSPI reports that 471,138 or 43.4 percent of public school students were eligible for free and reduced-price meals in Washington in October 2016.

BAB Programs. Some schools have BAB programs where breakfast is offered to students after the beginning of the school day. BAB programs include a number of different food service models.

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.

Grant Funding and State Support for Nutrition Programs. To the extent funds are appropriated, OSPI 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.

To the extent funds are appropriated, OSPI must increase state support for school breakfasts and lunches. In the 2017-19 operating budget, the Legislature appropriated state funds to support nutrition programs by:

- eliminating breakfast and lunch co-pays for students eligible for reduced-price meals;

- providing assistance for supporting summer food service programs and initiating new programs in low-income areas;
- reimbursing school districts for school breakfasts served to students eligible for free and reduced-price meals; and
- providing assistance to school districts for initiating and expanding school breakfast programs.

School-Related Farm Programs. WSDA operates the Farm-to-School program to facilitate increased procurement of Washington grown food by schools and the Small Marketing Assistance program to help farms in their direct marketing efforts.

Summary of Amended Bill: Breakfast After the Bell Programs. Beginning in the 2019-20 school year, each high-needs school must offer BAB to each student and provide adequate time for students to consume the offered food. High-needs school means any public school that:

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

This requirement and other BAB requirements must be implemented only in years in which funding is specifically provided for in a biennial or supplemental Operating Budget.

High-needs schools with at least 70 percent of free or reduced-price eligible children participating in both school lunch and breakfast are exempt from this requirement. Public schools not obligated to offer BAB are encouraged to do so.

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

- grab and go breakfast - where easy-to-eat breakfast foods are available for students to take at the start of the school day or in between morning classes; and
- 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.

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, the period of time designated for student participation in BAB must be considered instructional hours.

Nutrition Standards. All breakfasts served in a BAB program must comply with federal meal patterns and nutrition standards. By December 1, 2018, and as needed thereafter, OSPI must develop and distribute best practices and provide technical assistance to school districts on strategies for selecting food items that are low in added sugar. When choosing foods to serve in a BAB program, schools must give preference to foods that are healthful and fresh, and if feasible, give preference to Washington-grown food.

Start-Up Grants. Subject to the availability of amounts appropriated for this specific purpose, OSPI must administer one-time start-up allocation grants to each high-needs school implementing a BAB program.

Grant Funding and State Support for Nutrition Programs. The Legislature does not intend to include BAB programs within the definition or funding of the state's obligation for basic education under Article IX of the state Constitution.

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

- increase awareness of and participation in BAB programs;
- improve nutritional content of program food and the promotion of nutritious food choices by students; and
- promote innovative school-based programs, including developing gardens that provide produce used in school breakfast or lunch programs.

OSPI. Before January 2, 2019, OSPI must develop and distribute procedures and guidelines for the implementation of BAB programs that comply with federal regulations. OSPI must also offer training and technical and marketing assistance, collaborate with nonprofit organizations, and incorporate the annual collection of information regarding BAB programs.

Joint Legislative Audit and Review Committee (JLARC) Analysis. By December 1, 2026, JLARC must submit an analysis of schools that establish BAB programs, including any findings and recommendations. The analysis must include specific topics.

Expiration Date. The BAB and OSPI provisions, except for the grant funding and state support, expire June 30, 2028.

School-Related Farm Programs. The following provisions are subject to the availability of amounts appropriated for these specific purposes.

WSDA. The regional markets programs of WSDA must be a centralized connection point for schools and other institutions for accessing and sharing information, tools, ideas, and best practices for purchasing Washington-grown food. WSDA program staff may provide information, resources, and technical assistance to farms, food businesses, and buyers, including schools, on a variety of topics.

OSPI and School Districts. OSPI and school districts may coordinate with the WSDA to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives and small farm direct marketing assistance. School district representatives involved in these initiatives may include school nutrition staff, purchasing staff, student representatives, and parent organizations.

Grants. OSPI may award grants to school districts to collaborate with community-based organizations, food banks, and farms or gardens for reducing high school dropout occurrences through farm engagement projects. Projects that receive grants must primarily target low-income and disengaged youth and provide participating youth with opportunities

for performing community service, earning credits, receiving development support and services, and improving food security.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S): The striking amendment:

- clarifies that BAB programs are not part the state's definition of basic education;
- removes the word "organic" to describe gardens that may be part of school programs eligible to receive a grant;
- removes the requirement that food in the program contain less than 25 percent added sugar, and;
- requires OSPI to develop guidance for low sugar foods.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Second Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Kids should have access to breakfast even if they come into school after the bells rings. The bill started out as very partisan, but got high vote counts in the House by adding the Department of Agriculture components. This is a simple solution to the big problem of hunger. It is a smart policy and a very good investment. It will help students at nearly 400 schools across Washington by making breakfast part of the school day just like lunch. Each breakfast receives reimbursement from the USDA. The more kids eat, the more reimbursements Washington schools get to feeds kids and hire additional staff. There are three funding components: one-time start-up grants, OSPI funding to administer the program, and the funding for the WSDA to help farmers and improve the quality of the school meals. BAB has been piloted in about 24 schools and it costs about \$6,000 to start a BAB program. There are generally not capital budget costs, but start-up funding is for carts and kiosks which help get the programs running. It has been one of Washington PTA's top five issues since 2015. We should feed kids because it is the right thing to do. To have a quality BAB program across the state, it is imperative that the Legislature help districts with start-up costs. We request funding for grants in the 2018 supplemental budget to ensure that districts have adequate funding to get these programs started in high poverty school. We support an amendment to remove the low sugar weight requirement and have OSPI provide guidance about sugar content. The Auburn school district has successfully implemented BAB programs at elementary, middle, and high schools. Because of the Healthy Hunger Free Kids Act, lunches have improved greatly over the past few years.

OTHER: We support section 8 of the bill which develops partnership between OSPI and WSDA. WSDA has the expertise to connect farmers with the schools. It helps get healthy, locally grown foods to schools. Additional funding of \$250,000 is requested for the regional marketing program to restore funding that was cut during the recession.

Persons Testifying: PRO: Representative Monica Jurado Stonier, Prime Sponsor; Lauren McGowan, United Way of King County; Heather Lindberg, PTA of Washington; Mitch Denning, Alliance of Educational Associations; Janis Campbell-Aikens, Washington School Nutrition Association; Donna Parsons, OSPI.

OTHER: Tom Davis, Washington Farm Bureau.

Persons Signed In To Testify But Not Testifying: No one.