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**SECOND SUBSTITUTE HOUSE BILL 1272**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Thai, Harris, Slatter, Ryu, Riccelli, Kilduff, Caldier, Paul, Peterson, Stonier, Shewmake, Appleton, Orwall, Wylie, Gregerson, and Pollet)

AN ACT Relating to promoting student health and success through adequate school lunch durations; amending RCW 28A.235.150; adding new sections to chapter 28A.235 RCW; creating a new section; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature recognizes that proper nutrition is essential for a student's overall physical and emotional health, and that good health promotes success within and outside of academic environments.

(2) The legislature also recognizes that it has made recent and historic investments in Washington's public school system, but that the benefits of those investments cannot be fully realized if students' nutritional needs are unmet.

(3) The legislature finds that all students should have a lunch period that provides them with an adequate amount of time to obtain, sit down, and consume a meal, and that when students have inadequate lunch periods, they may make meal choices of convenience that do not promote physical and emotional health.

(4) The legislature further finds that federal regulations adopted by the food and nutrition service of the United States department of agriculture to implement the national school lunch act, Title 42 U.S.C. Sec. 1751 et seq., encourage schools to provide sufficient lunch periods that are long enough to give all students adequate time to be served and to eat their lunches, but that in many instances, the duration of school lunch periods are constrained by educational and other factors.

(5) The legislature, therefore, intends to promote school lunch periods of adequate duration through designated demonstration sites, the development and implementation of model policies and procedures, and other actions intended to ensure that students have an adequate amount of time to obtain, sit down, and consume a meal.

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

The definitions in this section apply throughout sections 3 and 5 of this act and RCW 28A.235.150 unless the context clearly requires otherwise.

(1) "Lunch period" means the total time that students are allotted for obtaining and consuming lunches. "Lunch period" includes the student time spent obtaining and consuming a lunch.

(2) "Seated lunch duration" means the time that students have to sit and consume their lunch. "Seated lunch duration" is determined by subtracting the time students spend traveling to and from the cafeteria or other location where lunches are served, and obtaining a lunch, from the lunch period. "Seated lunch duration" includes time required for properly returning cafeteria trays or other items and clean-up duties generally expected of all students.

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

(1)(a) The superintendent of public instruction shall designate six public schools as demonstration sites to implement and evaluate procedures to ensure that students have a lunch period that:

(i) Includes a seated lunch duration of at least twenty minutes for the consumption of their food; and

(ii) Is reflective of the time spent traveling to and from the location where lunches are served and the time spent obtaining a lunch.

(b) The selected demonstration sites must reflect diversity of school types, locations, and student populations. The selection process must include, but not be limited to, considerations related to school geography, student enrollment, socioeconomic factors, and school campus size.

(2) Schools designated as demonstration sites may not serve students in a grade higher than six and must be selected through an application process developed for this purpose by the superintendent of public instruction. The application process must allow applicant schools to identify academic and nonacademic measures that they will monitor as a result of being designated as a demonstration site. A school may not be designated as a demonstration site for less than ninety school days nor more than two school years.

(3) Schools designated as demonstration sites must share recommendations, technical guidance, average seated lunch durations before and after implementing procedures in accordance with subsection (1) of this section and other applicable data, and best practices with the office of the superintendent of public instruction and any school or school district seeking to implement similar lunch period procedures.

(4) The office of the superintendent of public instruction shall provide technical assistance to schools selected as demonstration sites.

(5) The office of the superintendent of public instruction shall report its findings and recommendations to the governor, and in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by July 1, 2021. The report required by this subsection must include a summary of the information provided by schools to the office of the superintendent of public instruction under subsection (3) of this section.

(6) This section expires August 31, 2021.

**Sec.**  RCW 28A.235.150 and 2018 c 8 s 7 are each amended to read as follows:

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

(i) Increase awareness of and participation in school breakfast and lunch programs, including breakfast after the bell programs;

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

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

(iv) Improve the equipment and facilities used in the programs; and

(v) Implement demonstration sites in accordance with section 3 of this act and adopt and enforce policies and procedures under section 5 of this act.

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

(2) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction shall increase the state support for school breakfasts and lunches, including breakfast after the bell programs.

(3) As used in this section, "breakfast after the bell" has the definition in RCW 28A.235.200.

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

(1) By February 14, 2020, the Washington state school directors' association established in chapter 28A.345 RCW shall adopt a model policy and procedure that school districts may use to ensure that students have a lunch period that:

(a) Includes a seated lunch duration of at least twenty minutes for the consumption of their food;

(b) Is reflective of the time spent traveling to and from the location where lunches are served and the time spent obtaining a lunch; and

(c) Incorporates, to the extent appropriate and feasible, pertinent recommendations from the office of the state auditor.

(2) By the beginning of the 2020-21 school year, school districts may adopt and enforce policies and procedures consistent with the model policy and procedures required by this section.

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