
SUBSTITUTE SENATE BILL 5971

State of Washington 53rd Legislature 1993 1st Special Session

By Senate Committee on Ways & Means (originally sponsored by Senators Pelz, Talmadge and Bauer; by request of Governor Lowry)

Read first time 04/13/93. Referred to Committee on .

1 AN ACT Relating to child nutrition programs; amending RCW
2 28A.235.140 and 28A.235.100; adding new sections to chapter 28A.235
3 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that hungry children
6 do not come to school prepared to learn. It is of utmost importance
7 that all children be provided adequate time for meals and for basic
8 nutrition so that they may grow, be ready to learn, and be prepared to
9 compete in the future. The legislature intends that by the 1995-96
10 school year, breakfasts and lunches will be served in every public
11 school in the state.

12 **Sec. 2.** RCW 28A.235.140 and 1989 c 239 s 2 are each amended to
13 read as follows:

14 (1) For the purposes of this section:

15 (a) "Free or reduced-price lunches" means lunches served by a
16 school district that qualify for federal reimbursement as free or
17 reduced-price lunches under the national school lunch program.

1 (b) "School breakfast program" means a program meeting federal
2 requirements defined in 42 U.S.C. Sec. 1773.

3 ~~((c) "Severe need school" means a school that qualifies for a
4 severe need school reimbursement rate from federal funds for school
5 breakfasts served to children from low income families.))~~

6 (2) ~~((School districts shall be required to develop and implement
7 plans for a school breakfast program in severe need schools, pursuant
8 to the schedule in this section. For the second year prior to the
9 implementation of the district's school breakfast program, and for each
10 subsequent school year, each school district shall submit data enabling
11 the superintendent of public instruction to determine which schools
12 within the district will qualify as severe need schools. In developing
13 its plan, each school district shall consult with an advisory committee
14 including school staff and community members appointed by the board of
15 directors of the district.~~

16 (3) ~~Using district wide data on school lunch participation during
17 the 1988-89 school year, the superintendent of public instruction shall
18 adopt a schedule for implementation of school breakfast programs in
19 severe need schools as follows:~~

20 (a) ~~School districts where at least forty percent of lunches served
21 to students are free or reduced price lunches shall submit a plan for
22 implementation of a school breakfast program in severe need schools to
23 the superintendent of public instruction no later than July 1, 1990.
24 Each such district shall implement a school breakfast program in all
25 severe need schools no later than the second day of school in the
26 1990-91 school year and in each school year thereafter.~~

27 (b) ~~School districts where at least twenty five but less than forty
28 percent of lunches served to students are free or reduced price lunches
29 shall submit a plan for implementation of a school breakfast program in
30 severe need schools to the superintendent of public instruction no
31 later than July 1, 1991. Each such district shall implement a school
32 breakfast program in all severe need schools no later than the second
33 day of school in the 1991-92 school year and in each school year
34 thereafter.~~

35 (c) ~~School districts where less than twenty five percent of lunches
36 served to students are free or reduced price lunches shall submit a
37 plan for implementation of a school breakfast program in severe need
38 schools to the superintendent of public instruction no later than July
39 1, 1992. Each such district shall implement a school breakfast program~~

1 ~~in all severe need schools no later than the second day of school in~~
2 ~~the 1992-93 school year and in each school year thereafter.~~

3 ~~(d) School districts that did not offer a school lunch program in~~
4 ~~the 1988-89 school year are encouraged to implement such a program and~~
5 ~~to provide a school breakfast program in all severe need schools when~~
6 ~~eligible.~~

7 ~~(4) The requirements in this section shall lapse if the federal~~
8 ~~reimbursement rate for breakfasts served in severe need schools is~~
9 ~~eliminated.~~

10 ~~(5))~~ During the 1993-94 school year, school districts shall
11 implement a school breakfast program in each school within the district
12 that provides a school lunch program.

13 (3) Beginning with the 1994-95 school year, all school districts
14 shall implement either a breakfast or lunch program in all schools
15 within the district that do not have a breakfast or a lunch program.

16 (4) Beginning with the 1995-96 school year, all school districts
17 shall implement both a breakfast and lunch program in each school
18 within the district.

19 (5) The superintendent of public instruction may waive the
20 requirements of subsection (2), (3), or (4) of this section for up to
21 two years, upon the application of a school district that can
22 demonstrate that implementation of the program in a school would be
23 difficult because the school building is under construction or being
24 remodeled.

25 (6) School districts are encouraged to use state agricultural
26 commodities for school breakfasts and lunches.

27 (7) Students who do not meet family-income criteria for free or
28 reduced-price breakfasts or lunches shall be eligible to participate in
29 the school breakfast and lunch programs established under this section,
30 and school districts may charge for the breakfasts and lunches served
31 to these students. The requirement that school districts provide
32 school breakfast and lunch programs ((established)) under this section
33 ((shall be supported entirely by federal funds and commodities, charges
34 to students, and other local resources available for this purpose,
35 and)) shall not create or imply any state funding obligation for these
36 costs. The legislature does not intend to include these programs
37 within the state's obligation for basic education funding under Article
38 IX of the Constitution.

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

3 State funds received by school districts under this chapter for the
4 school breakfast or lunch program shall be used to support the
5 operating costs of the program including labor and shall not be used
6 for capital expenditures unless specifically appropriated for capital
7 expenditures.

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

10 (1) To the extent funds are appropriated, the superintendent of
11 public instruction may award grants to school districts to increase
12 participation, improve the quality of the program, or improve equipment
13 in school breakfast and lunch programs. School districts shall
14 demonstrate that they have applied for applicable federal funds before
15 applying for funds under this subsection.

16 (2) To the extent funds are appropriated, the superintendent of
17 public instruction shall increase the state support for school
18 breakfasts and lunches.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.235
20 RCW to read as follows:

21 The superintendent of public instruction shall report annually each
22 January to the governor and the legislature on the following:

23 (1) The school districts and the schools within the district
24 serving school breakfasts and lunches as required under RCW
25 28A.235.140;

26 (2) The school districts and the names of the school board members
27 and school district superintendent for each school district that has
28 not met the requirements of RCW 28A.235.140; and

29 (3) Information about the cost of providing school breakfast and
30 lunches and the amount of state and federal funding provided.

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

33 (1) The superintendent of public instruction shall administer funds
34 for the federal summer food service program.

35 (2) The superintendent of public instruction may award grants, to
36 the extent funds are appropriated, to eligible organizations to help

1 start new summer food service programs for children or to help expand
2 summer food services for children.

3 **Sec. 7.** RCW 28A.235.100 and 1990 c 33 s 245 are each amended to
4 read as follows:

5 The superintendent of public instruction shall have power to
6 promulgate rules and regulations as may be necessary to effectuate the
7 purposes of ((RCW 28A.235.040 through 28A.235.110)) this chapter.

8 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this
9 act, referencing this act by bill number, is not provided by June 30,
10 1993, in the omnibus appropriations act, this act shall be null and
11 void.

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