

---

## Appropriations Subcommittee on Education

---

### HB 2536

**Brief Description:** Creating the breakfast after the bell program.

**Sponsors:** Representatives Hudgins, Dahlquist, Bergquist, Lytton, Pettigrew, Orwall, Kagi, Morrell, Roberts, Tharinger, Haigh, Goodman, Walkinshaw, Riccelli, Pollet and S. Hunt.

#### Brief Summary of Bill

- Phases-in over a four-year period a requirement for schools that enroll 70 percent or more low income students to offer school breakfast after the beginning of the school day, called a Breakfast After the Bell (BAB) program.
- Requires the Office of the Superintendent of Public Instruction to develop policies and provide technical assistance to schools regarding changing their breakfast service model to a BAB program, beginning in the 2014-15 school year.
- Allows time spent during the BAB to count toward minimum instructional hours as long as educational activities are provided concurrently with breakfast.

**Hearing Date:** 2/7/14

**Staff:** Jessica Harrell (786-7349).

#### Background:

##### *Free and Reduced Price Meals.*

School breakfast and lunch programs are subsidized by the federal Department of Agriculture, the state, and student co-pays based on family income. In order for students to qualify for free meals, their family's 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. Students whose families earn more than 185

---

*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.*

percent of the poverty level pay full price, but the meals are still federally subsidized to an extent.

For the 2012-13 school year, more than 476,000 or 45.7 percent of public school students were reported as eligible for free and reduced price meals (FRL). Approximately 39 percent of students were eligible for free meals.

#### *School Breakfast.*

In 2012-13, 271 school districts offered school breakfast in 1,864 schools. The average daily participation for breakfast was 165,810 students, which represents 15.7 percent of the total enrollment of students. The average daily participation in breakfast for FRL students was about 34 percent, although 87 percent of all school breakfasts are served to FRL students. Breakfast participation rates are significantly lower than lunch participation rates. Approximately 70 percent of FRL students participate in school lunch.

#### *Severe Needs Schools.*

Under federal guidelines, schools where more than 40 percent of the lunches served in the previous year were for FRL students are considered "severe needs" schools and qualify for additional federal reimbursement for breakfasts. Under state law, these schools are required to offer school breakfast programs for students. In 2012-13 there were 1,660 severe needs schools in Washington.

#### *State Support for Breakfast.*

The Legislature has appropriated state funds specifically to support school breakfasts in two ways:

1. Eliminating the breakfast co-pay for students eligible for reduced price meals (\$0.30 per breakfast); and
2. Providing additional funding to school breakfast programs for every free and reduced price breakfast served (\$0.17 per breakfast).

A small amount is also available for grants to try new breakfast programs. For the 2013-15 biennium, this state support is approximately \$5.8 million per year.

#### *Breakfast After the Bell.*

Breakfast After the Bell (BAB) includes 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 and in Washington indicates that participation in school breakfast is significantly higher in schools using BAB programs. A number of states have adopted legislation requiring schools with large populations of FRL students to implement BAB programs.

Under 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 actually spent on meals does not count under the definition.

#### **Summary of Bill:**

Definitions are provided, including defining the BAB as breakfast served after the beginning of the school day. A high needs school is defined as a public school or charter school enrolling 70 percent or more FRL students in the previous school year. Universal breakfast is a breakfast program that is provided to all students at no cost.

Beginning in 2014-15, the Office of the Superintendent of Public Instruction (OSPI) must dedicate staff to assist interested high needs schools with changing their service model to a BAB program. The staff must also encourage interested schools to explore universal BAB.

Beginning in 2015-16, schools enrolling 85 percent or more FRL students in the previous school year must offer a BAB program. Beginning in 2016-17, all high needs school must offer a BAB program, although all schools are encouraged to do so. High needs schools with breakfast participation rates of 70 percent or more FRL students are exempt from the requirement. School districts or charter schools may apply for a one-year waiver of the requirement due to undue financial hardship, but may reapply no more than twice.

Schools may each determine their own BAB service model, but must comply with federal nutrition standards and regulations. If all students are provided an opportunity to engage in educational activity concurrently with breakfast, the time is considered instructional hours under Basic Education, although the BAB programs are not considered part of Basic Education. Moneys received as reimbursement for breakfast may only be used for food service program costs.

The OSPI must conduct the following activities in support of BAB programs:

- develop procedures and guidelines by August 2014;
- dedicate staff to offer technical assistance to schools, including assistance with various funding mechanisms to support BAB programs;
- collaborate with non-profit organizations who are knowledgeable on hunger and food security issues; and
- seek partnerships with philanthropic organizations interested in supporting the BAB programs in high needs schools.

**Appropriation:** None.

**Fiscal Note:** Available.

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