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**SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1508**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House 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)

AN ACT Relating to promoting student health and readiness through meal and nutrition programs; amending RCW 28A.150.205 and 28A.235.150; adding new sections to chapter 28A.235 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature finds that thoughtful and evidence-based school food programs are associated with improved outcomes for students, including reductions in tardiness, absenteeism, suspensions, and reported illnesses and visits to nurses' offices. The legislature further finds that thoughtful and evidence-based school food programs are also associated with improved student results on standardized tests and improved graduation rates.

(2) The legislature acknowledges that existing school-related farm programs play an important role in helping students to better understand the relationships between academics, food, farming, and good health.

(3) The legislature finds that the purpose of sections 1 through 7 of this act is to achieve the public policy benefits specified in subsection (1) of this section: Improved student outcomes. To do so, the legislature intends to:

(a) Expand opportunities for students to have a healthy breakfast by requiring schools with large populations of qualifying low-income students to offer breakfast after the bell programs, a program model that has increased breakfast participation rates in other states; and

(b) Increase support for school-related farm programs that have proven successful in supporting students through policies that, among other benefits, promote student health and readiness through healthy local foods and school garden projects; and

(c) Conduct an analysis of breakfast after the bell programs established in accordance with section 3 of this act.

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 through 4 of this act unless the context clearly requires otherwise.

(1) "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 include, but are not limited to:

(a) "Grab and go," where easy-to-eat breakfast foods are available for students to take at the start of the school day or in between morning classes;

(b) "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

(c) "Breakfast in the classroom," where breakfast is served in the classroom, often during homeroom or first period.

(2) "Eligible for free or reduced-price meals" means a student who is eligible under the national school lunch program or school breakfast program to receive lunch or breakfast at no cost to the student or at a reduced cost to the student.

(3) "High-needs school" means any public school: (a) That has enrollment of seventy percent or more students eligible for free or reduced-price meals in the prior school year; or (b) that is using provision two of the national school lunch act or the community eligibility provision under section 104(a) of the federal healthy, hunger-free kids act of 2010 to provide universal meals and that has a claiming percentage for free or reduced-price meals of seventy percent or more.

(4) "Public school" has the same meaning as provided in RCW 28A.150.010.

(5) "School breakfast program" means a program meeting federal requirements under 42 U.S.C. Sec. 1773.

(6) "School lunch program" means a program meeting federal requirements under 42 U.S.C. Sec. 1751.

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

(1)(a) In accordance with section 6 of this act and except as provided in subsection (2) of this section, beginning in the 2019-20 school year, each high-needs school shall offer breakfast after the bell to each student and provide adequate time for students to consume the offered food.

(b) Public schools that are not obligated by this section to offer breakfast after the bell are encouraged to do so. Nothing in this section is intended to prevent a high-needs school from implementing a breakfast after the bell program before the 2019-20 school year.

(2) High-needs schools with at least seventy percent of free or reduced-price eligible children participating in both school lunch and school breakfast are exempt from the provisions of subsection (1) of this section. The office of the superintendent of public instruction shall evaluate individual participation rates annually, and make the participation rates publicly available.

(3) Each high-needs school may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second chance breakfast.

(4) All breakfasts served in a breakfast after the bell program must comply with federal meal patterns and nutrition standards for school breakfast programs under the federal healthy, hunger-free kids act of 2010, (P.L. 111-296) and any federal regulations implementing that act. In addition, each food item served in a breakfast after the bell program must contain less than twenty-five percent, by weight, added sugar. When choosing foods to serve in a breakfast after the bell program, schools must give preference to foods that are healthful and fresh, and if feasible, give preference to Washington-grown food.

(5) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall administer one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under this section. Grant funds provided under this section must be used for the costs associated with launching a breakfast after the bell program, including but not limited to equipment purchases, training, additional staff costs, and janitorial services.

(6) The legislature does not intend to include the programs under this section within the state's obligation for basic education funding under Article IX of the state Constitution.

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

(1) Before January 2, 2019, the office of the superintendent of public instruction shall develop and distribute procedures and guidelines for the implementation of section 3 of this act that comply with federal regulations governing the school breakfast program. The guidelines and procedures must include ways schools and districts can solicit and consider the input of families regarding implementation and continued operation of breakfast after the bell programs. The guidelines and procedures must also include recommendations and best practices for designing, implementing, and operating breakfast after the bell programs that are based upon the implementation and operational experiences of schools of differing sizes and in different geographic regions of the state that have implemented breakfast after the bell programs.

(2) The office of the superintendent of public instruction shall offer training and technical and marketing assistance to all public schools and school districts related to offering breakfast after the bell, including assistance with various funding options available to high-needs schools such as the community eligibility provision under 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the national school lunch act, and claims for reimbursement under the school breakfast program.

(3) In accordance with this section, the office of the superintendent of public instruction shall collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The office shall maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to schools interested in breakfast after the bell programs.

(4) The office of the superintendent of public instruction shall incorporate the annual collection of information about breakfast after the bell delivery models into existing data systems and make the information publicly available.

**Sec.**  RCW 28A.150.205 and 1992 c 141 s 502 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

"Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals. 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 breakfast after the bell, as defined in section 2 of this act, must be considered instructional hours.

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

The office of the superintendent of public instruction, school districts, and affected schools shall implement sections 2 through 4, chapter . . . , Laws of 2018 (sections 2 through 4 of this act) only in years in which funding is specifically provided for the purposes of chapter . . ., Laws of 2018 (this act), referencing chapter . . . , Laws of 2018 (this act) by bill or chapter number or statutory references, in a biennial or supplemental operating budget.

**Sec.**  RCW 28A.235.150 and 1993 c 333 s 3 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((~~, to~~)), including breakfast after the bell programs;

(ii) Improve program quality((~~, and to~~)), 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 organic gardens that provide produce used in school breakfast or lunch programs; and

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

(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 section 2 of this act.

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

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may coordinate with the department of agriculture to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives established in accordance with RCW 15.64.060, and small farm direct marketing assistance in accordance with RCW 15.64.050. In coordinating with the department of agriculture, the office of the superintendent of public instruction is encouraged to provide technical assistance, including outreach and best practices strategies, to school districts with farm-to-school initiatives.

(2) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture 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.

(a) In accordance with this subsection (2), program staff from the department of agriculture may provide:

(i) Scale-appropriate information and resources to farms to help them respond to the growing demand for local and direct marketed products; and

(ii) Targeted technical assistance to farmers, food businesses, and buyers, including schools, about business planning, access to markets, product development, distribution infrastructure, and sourcing, procuring, and promoting Washington-grown foods.

(b) In accordance with this subsection (2), program staff from the department of agriculture may provide technical assistance to:

(i) Support new and existing farm businesses;

(ii) Maintain the economic viability of farms;

(iii) Support compliance with applicable federal, state, and local requirements; and

(iv) Support access and preparation efforts for competing in markets that are a good fit for their scale and products, including schools and public institutions, and direct-to-consumer markets that include, but are not limited to, farmers' markets, local retailers, restaurants, value-added product developments, and agritourism opportunities.

(3) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture may support school districts in establishing or expanding farm-to-school initiatives by providing information and guidance to overcome barriers to purchasing Washington-grown food. In accordance with this subsection (3), regional markets program activities may include, but are not limited to:

(a) Connecting schools and other institutions with farmers and distribution chains;

(b) Overcoming seasonality constraints;

(c) Providing budgeting assistance;

(d) Navigating procurement requirements; and

(e) Developing educational materials that can be used in cafeterias, classrooms, and in other educational environments.

(4) Subject to the availability of amounts appropriated for this specific purpose, school districts and other institutions may coordinate with the department of agriculture to promote and facilitate new and existing farm-to-school initiatives. School district representatives involved in these initiatives may include, but not limited to, school nutrition staff, purchasing staff, student representatives, and parent organizations.

(5) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction 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 established by school districts that receive grants in accordance with this section must:

(a) Primarily target low-income and disengaged youth who have dropped out or who are at risk of dropping out of high school; and

(b) Provide participating youth with opportunities for:

(i) Performing community service, including, but not limited to, building food gardens for low-income families, and work-based learning and employment during the school year and summer through farm or garden programs;

(ii) Earning core and elective credits applied toward high school graduation, including but not limited to, science, health, and career and technical education credits;

(iii) Receiving development support and services, including social and emotional learning, counseling, leadership training, and career and college guidance; and

(iv) Improving food security for themselves and their community through the project.

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

(1) The joint legislative audit and review committee shall conduct an analysis of breakfast after the bell programs established in schools in accordance with section 3 of this act. The analysis of the schools establishing breakfast after the bell programs shall include a review of any changes in student:

(a) Tardiness and absenteeism;

(b) Suspensions;

(c) Reported illnesses and visits to nurses' offices;

(d) Results on standardized tests; and

(e) Graduation rates.

(2) The analysis shall also include a review of the outcomes of similar programs or efforts in other states.

(3) The office of the superintendent of public instruction and the education and research data center of the office of financial management shall assist in providing any data required to conduct the analysis. The analysis, including any findings and recommendations, must be completed and submitted to the superintendent of public instruction and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2026.

NEW SECTION. **Sec.**  Sections 3, 4, and 6 of this act expire June 30, 2028.

NEW SECTION. **Sec.**  This act may be known and cited as the Washington kids ready to learn act of 2018.

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