

SENATE BILL REPORT

SB 5437

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 12, 2015
Ways & Means, February 26, 2015

Title: An act relating to breakfast after the bell programs in certain public schools.

Brief Description: Concerning breakfast after the bell programs.

Sponsors: Senators Litzow, McAuliffe, Fain, Billig, Rivers, Hill, Rolfes, Hasegawa, Jayapal, Habib, Kohl-Welles, Chase, Pedersen and Conway.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/27/15, 2/12/15 [DPS-WM, DNP, w/oRec].

Ways & Means: 2/23/15, 2/26/15 [DP2S, DNP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; McAuliffe, Ranking Member; Billig, Fain, Rivers and Rolfes.

Minority Report: Do not pass.

Signed by Senator Mullet.

Minority Report: That it be referred without recommendation.

Signed by Senator Dammeier, Vice Chair.

Staff: Ailey Kato (786-7434)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5437 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Billig, Conway, Fraser, Hasegawa, Hatfield, Kohl-Welles, O'Ban, Rolfes and Warnick.

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.

Minority Report: Do not pass.

Signed by Senators Brown, Padden and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey, Becker, Hewitt and Parlette.

Staff: Lorrell Noahr (786-7708)

Background: Free and Reduced-Price Meals. School breakfast and lunch programs are subsidized by the U.S. Department of Agriculture, 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.

Provision 2 of the National School Lunch Act reduces administrative burdens for free and reduced-price meals. This provision requires schools to serve meals to participating children at no charge and reduces application burdens to once every four years. It simplifies meal counting and claiming procedures by allowing a school to receive meal reimbursement based on claiming percentages.

Under the Healthy, Hunger-Free Kids Act of 2010, the National School Lunch Program includes a universal meal program called community eligibility. Community eligibility permits eligible schools to provide meal service to all students at no charge, regardless of economic status, while reducing burdens at the household and local levels by eliminating the need to obtain eligibility data from families through a separate collection.

The Office of Superintendent of Public Instruction (OSPI) reports that in October 2013 more than 475,000 or 45.2 percent of public school students were eligible for free and reduced-price meals in Washington. Approximately 38 percent of students were eligible for free meals.

Breakfast After the Bell Programs. These programs include several food service models where breakfast is served after the beginning of the regular school day rather than in the cafeteria before school starts

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.

Summary of Bill (Recommended Second Substitute): Breakfast After the Bell Requirement. Subject to appropriation, the state must provide, and OSPI must administer, one-time start-up allocation grants of up to \$6,000 to each high-needs school implementing a breakfast after the bell program. The grants will be provided over a three-year period beginning in school year 2016-17. The grant 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.

Beginning in the school year for which the high-needs school is provided a start-up grant, the school must offer breakfast after the bell to each student and provide adequate time for students to eat. High-needs school means any public school:

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

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, the following:

- 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;
- 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.

Exemption. High-needs schools with at least 70 percent of free or reduced-price eligible children participating in both school lunch and school breakfast are exempt from offering breakfast after the bell. OSPI must evaluate individual participation rates annually and make the participation rates publicly available.

Instructional Hours. If all students in a high-needs school are provided the opportunity to engage in educational activity planned by and under the direction of school district staff concurrently with the consumption of breakfast, the period of time designated for student participation in breakfast after the bell may be provided during instructional hours.

Any rules adopted by the State Board of Education must permit student participation in breakfast after the bell during instructional hours.

Federal Compliance. All breakfasts served in a breakfast after the bell program must comply with federal meal patterns and nutrition standards for school breakfast programs under federal law and regulations.

Basic Education. The Legislature does not intend to include the funding for programs under this section within the state's obligation for basic education funding under Article IX of the state Constitution.

OSPI. Before January 2, 2016, OSPI must develop and distribute procedures and guidelines for the implementation of breakfast after the bell programs. These guidelines 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.

OSPI must dedicate staff within the office to 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, including the community eligibility provision, programs under provision 2 of the National School Lunch Act, and claims for reimbursement under the school breakfast program.

In fulfilling its responsibilities, OSPI must 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. OSPI must 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.

OSPI must incorporate the annual collection of information about breakfast after the bell delivery models into existing data systems and make the information publicly available.

Null and Void Clause. This act is null and void unless funded in the budget.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute): Subject to appropriation, the breakfast after the bell (BAB) program start-up grants are phased in over a three-year period giving priority to the highest poverty schools. The school must implement the BAB program beginning in the year the start-up grant is awarded. The mandatory requirement that the period of time designated for the participation of BAB must be counted as instructional hours is changed to permissive.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended First Substitute): Language is added that specifies that the list of BAB models is not exhaustive. A provision is added that the state must provide and OSPI must administer one-time start-up allocation grants of up to \$6,000 to each high-needs school implementing a BAB program. The grant must be used for the costs associated with launching a BAB program including, but not limited to, equipment purchases, training, additional staff costs, and janitorial services. OSPI must evaluate individual participation rates annually and make the participation rates publicly available. The time that students engage in educational activity and consume breakfast must be provided during instructional hours. A provision is added that the State Board of Education must only adopt rules that permit student participation in BAB during instructional hours. The Legislature does not intend to include the funding for BAB programs within basic education funding. OSPI must maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to interested schools. OSPI must incorporate the annual collection of information about BAB delivery models into existing data systems and make the information publicly available. A null and void provision is added.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education): PRO: Hungry kids struggle to learn and thrive. Hungry children are distracted and grumpy. The current model of serving breakfast before the school day is not working for a variety of reasons, including transportation and stigma. It is difficult to get to school early enough to eat breakfast. Making breakfast part of the school day allows schools to serve breakfast to more students, which leads to better outcomes. This program will have a positive impact for high poverty schools. Serving breakfast after the bell is a small change, but it makes a big difference. This program can decrease discipline incidents, and increase attendance rates and test scores. On-task behavior for students increases when students eat breakfast. With this program, there have been fewer complaints from students about headaches, stomachaches, and other health issues. Currently, schools can opt into having a breakfast after the bell program, but schools are not choosing to opt in. The start-up costs included in the bill are critical for making these programs a reality. Start-up grants can cover the cost of carts, kiosks, marketing materials, and other things that are needed to implement the program. The grab-and-go model is easy for students to use. Students can eat breakfast while they complete an entry task in the classroom; this helps engage students. Some teachers were worried about breakfast in the classroom being messy, but it has not been a problem. The technical and marketing assistance from OSPI will be helpful for principals. Secondary schools have lower participation in breakfast programs. Teenagers sleep in and they are often not hungry when they get to school. Improved marketing could help increase teenagers' participation in breakfast programs.

OTHER: The bill amends, by reference, the definition of instructional hours in the basic education statute to say that time spent for breakfast after the bell may be counted in determining compliance with the law. The definition for instructional hours should be approached deliberately and thoughtfully and not amended by reference. This program can be implemented without compromising the integrity of basic education requirements. The bill should clarify that financial assistance will be provided to schools.

Persons Testifying (Early Learning & K-12 Education): PRO: Lauren McGowan, United Way of King County; Katie Moshauer, WA Appleseed; Craig Huckins, Hoquiam School District, School Nutrition Director; Lyne Olson, School Nurse Organization of WA; Heather Lindberg, WA State PTA; Rayonna Tobin, Aki Kurose Middle School; Sarah Schafer, Teacher, Mt. View Elementary, Highline School District; Katharine Ryan, Food Lifeline; Bob Cooper, WA Assn. of Colleges for Teacher Education; Jerry Bender, Assn. of WA School Principals; Pauline Thomas, Carol Barker, Auburn School District; Ginny Lindberg, Student.

OTHER: Jack Archer, State Board of Education; Mitch Denning, Alliance of Educational Assns.

Staff Summary of Public Testimony on Substitute (Ways & Means): PRO: Washington State ranks 43rd in the nation for participation in school breakfast for low-income students. Demonstration projects underway across the state have shown an increase in students accessing school breakfast programs and an increase in federal reimbursements for meals served. High-needs schools need a financial guarantee to offset start-up costs for this program. School districts will be able to determine which model will work best at the local level. Meals provided by schools include numerous Washington State agricultural products. Increasing the amount of meals served will grow the state's economy, as well as kids.

OTHER: Without the full funding of the state's basic education system, additional mandatory requirements of school districts become unfunded mandates.

Persons Testifying (Ways & Means): PRO: Lauren McGowan, United Way of King County; Katie Mosehauer, WA Appleseed; David Westberg, Operating Engineers #609.

OTHER: Raka Bhattacharya, OSPI.