
HOUSE BILL 1508

State of Washington 65th Legislature 2017 Regular Session

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

Read first time 01/23/17. Referred to Committee on Education.

1 AN ACT Relating to promoting student health and readiness through
2 meal and nutrition programs; amending RCW 28A.150.205, 28A.235.150,
3 and 28A.235.160; adding new sections to chapter 28A.235 RCW; creating
4 new sections; and providing an expiration date.

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

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

8 The definitions in this section apply throughout sections 2
9 through 4 of this act unless the context clearly requires otherwise.

10 (1) "Breakfast after the bell" means a breakfast that is offered
11 to students after the beginning of the school day. Examples of
12 breakfast after the bell models include, but are not limited to:

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

16 (b) "Second chance breakfast," where breakfast foods are
17 available during recess, a nutrition break, or later in the morning,
18 for students who are not hungry first thing in the morning, or who
19 arrive late to school; and

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

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

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

13 (4) "Public school" has the same meaning as provided in RCW
14 28A.150.010.

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

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

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

21 (1)(a) In accordance with section 6 of this act and except as
22 provided in subsection (2) of this section, beginning in the 2018-19
23 school year, each high-needs school shall offer breakfast after the
24 bell to each student and provide adequate time for students to
25 consume the offered food.

26 (b) Public schools that are not obligated by this section to
27 offer breakfast after the bell are encouraged to do so. Nothing in
28 this section is intended to prevent a high-needs school from
29 implementing a breakfast after the bell program before the 2018-19
30 school year.

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

37 (3) Each high-needs school may determine the breakfast after the
38 bell service model that best suits its students. Service models

1 include, but are not limited to, breakfast in the classroom, grab and
2 go breakfast, and second chance breakfast.

3 (4) All breakfasts served in a breakfast after the bell program
4 must comply with federal meal patterns and nutrition standards for
5 school breakfast programs under the federal healthy, hunger-free kids
6 act of 2010, (P.L. 111-296) and any federal regulations implementing
7 that act. When choosing foods to serve in a breakfast after the bell
8 program, schools must give preference to foods that are healthful,
9 fresh, and Washington grown.

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

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

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

23 (1) Before January 2, 2018, the office of the superintendent of
24 public instruction shall develop and distribute procedures and
25 guidelines for the implementation of section 2 of this act that
26 comply with federal regulations governing the school breakfast
27 program. The guidelines and procedures must include ways schools and
28 districts can solicit and consider the input of families regarding
29 implementation and continued operation of breakfast after the bell
30 programs.

31 (2) The office of the superintendent of public instruction shall
32 offer training and technical and marketing assistance to all public
33 schools and school districts related to offering breakfast after the
34 bell, including assistance with various funding options available to
35 high-needs schools such as the community eligibility provision under
36 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the
37 national school lunch act, and claims for reimbursement under the
38 school breakfast program.

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

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

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

15 (1) Subject to the availability of amounts appropriated for this
16 specific purpose, the breakfast after the bell lighthouse project is
17 established. The purpose of the pilot project is to promote best
18 practices for designing, implementing, and operating breakfast after
19 the bell programs by learning from experiences in schools of
20 differing sizes.

21 (2) The office of the superintendent of public instruction must
22 select four schools to participate in the pilot project: One high
23 school with an enrollment of six hundred or more full-time equivalent
24 students; one high school with an enrollment of fewer than three
25 hundred full-time equivalent students; one elementary school with an
26 enrollment of four hundred or more full-time equivalent students; and
27 one elementary school with an enrollment of fewer than two hundred
28 full-time equivalent students.

29 (3) The schools selected as lighthouses under this section must
30 apply to the office of the superintendent of public instruction to
31 participate in the pilot project. The selected schools, either by
32 providing technical assistance or other guidance, must serve as
33 resources and examples to other schools of how to successfully
34 design, implement, and operate breakfast after the bell programs.

35 (4) This section expires July 1, 2020.

36 **Sec. 5.** RCW 28A.150.205 and 1992 c 141 s 502 are each amended to
37 read as follows:

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

3 "Instructional hours" means those hours students are provided the
4 opportunity to engage in educational activity planned by and under
5 the direction of school district staff, as directed by the
6 administration and board of directors of the district, inclusive of
7 intermissions for class changes, recess, and teacher/parent-guardian
8 conferences that are planned and scheduled by the district for the
9 purpose of discussing students' educational needs or progress, and
10 exclusive of time actually spent for meals. If students are provided
11 the opportunity to engage in educational activity concurrently with
12 the consumption of breakfast, and the provision of breakfast allows
13 the regular instructional program to continue functioning, the period
14 of time designated for student participation in breakfast after the
15 bell, as defined in section 1 of this act, must be considered
16 instructional hours.

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

19 The office of the superintendent of public instruction, school
20 districts, and affected schools shall implement sections 1 through 4,
21 chapter . . . , Laws of 2017 (sections 1 through 4 of this act) only
22 in years in which funding is specifically provided for the purposes
23 of chapter, Laws of 2017 (this act), referencing
24 chapter . . . , Laws of 2017 (this act) by bill or chapter number or
25 statutory references, in a biennial or supplemental operating budget.

26 NEW SECTION. **Sec. 7.** The legislature recognizes that the
27 challenges and difficulties of food insecurity affect Washington
28 households throughout the state. The legislature recognizes also that
29 many families rely on the food and nutritional benefits of reduced-
30 price school lunches, and that hungry students face additional
31 barriers to academic success.

32 The legislature further recognizes that the state's 2016-2017
33 biennial operating budget included funding for eliminating lunch
34 copays for qualifying kindergarten through third grade students, and
35 that extending this copay elimination to students in the fourth
36 through twelfth grades is an appropriate and cost-effective way to
37 promote the health and academic success of students who qualify for
38 reduced-price lunches.

1 **Sec. 8.** RCW 28A.235.150 and 1993 c 333 s 3 are each amended to
2 read as follows:

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

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

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

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

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

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

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

23 (3) As used in this section, "breakfast after the bell" has the
24 definition in section 1 of this act.

25 **Sec. 9.** RCW 28A.235.160 and 2005 c 287 s 1 are each amended to
26 read as follows:

27 (1) For the purposes of this section:

28 (a) "Free or reduced-price lunch" means a lunch served by a
29 school district participating in the national school lunch program to
30 a student qualifying for national school lunch program benefits based
31 on family size-income criteria.

32 (b) "Lunch copay" means the amount a student who qualifies for a
33 reduced-price lunch is charged for a reduced-price lunch.

34 (c) "School lunch program" means a meal program meeting the
35 requirements defined by the superintendent of public instruction
36 under subsection (2)(b) of this section.

37 (~~(c)~~) (d) "School breakfast program" means a program meeting
38 federal requirements defined in 42 U.S.C. Sec. 1773.

1 ~~((d))~~ (e) "Severe-need school" means a school that qualifies
2 for a severe-need school reimbursement rate from federal funds for
3 school breakfasts served to children from low-income families.

4 ~~((e))~~ (f) "Summer food service program" means a meal or snack
5 program meeting the requirements defined by the superintendent of
6 public instruction under subsection (4) of this section.

7 (2) School districts shall implement a school lunch program in
8 each public school in the district in which educational services are
9 provided to children in any of the grades kindergarten through four
10 and in which twenty-five percent or more of the enrolled students
11 qualify for a free or reduced-price lunch. In developing and
12 implementing its school lunch program, each school district may
13 consult with an advisory committee including school staff, community
14 members, and others appointed by the board of directors of the
15 district.

16 (a) Applications to determine free or reduced-price lunch
17 eligibility shall be distributed and collected for all households of
18 children in schools containing any of the grades kindergarten through
19 four and in which there are no United States department of
20 agriculture child nutrition programs. The applications that are
21 collected must be reviewed to determine eligibility for free or
22 reduced-price lunches. Nothing in this section shall be construed to
23 require completion or submission of the application by a parent or
24 guardian.

25 (b) Using the most current available school data on free and
26 reduced-price lunch eligibility, the superintendent of public
27 instruction shall adopt a schedule for implementation of school lunch
28 programs at each school required to offer such a program under
29 subsection (2) of this section as follows:

30 (i) Schools not offering a school lunch program and in which
31 twenty-five percent or more of the enrolled students are eligible for
32 free or reduced-price lunch shall implement a school lunch program
33 not later than the second day of school in the 2005-06 school year
34 and in each school year thereafter.

35 (ii) The superintendent shall establish minimum standards
36 defining the lunch meals to be served, and such standards must be
37 sufficient to qualify the meals for any available federal
38 reimbursement.

1 (iii) Nothing in this section shall be interpreted to prevent a
2 school from implementing a school lunch program earlier than the
3 school is required to do so.

4 (3) To (~~{the}~~) the extent funds are appropriated for this
5 purpose, each school district shall implement a school breakfast
6 program in each school where more than forty percent of students
7 eligible to participate in the school lunch program qualify for free
8 or reduced-price meal reimbursement by the school year 2005-06. For
9 the second year before the implementation of the district's school
10 breakfast program, and for each subsequent school year, each school
11 district shall submit data enabling the superintendent of public
12 instruction to determine which schools within the district will
13 qualify for this requirement. Schools where lunch programs start
14 after the 2003-04 school year, where forty percent of students
15 qualify for free or reduced-price meals, must begin school breakfast
16 programs the second year following the start of a lunch program.

17 (4) Each school district shall implement a summer food service
18 program in each public school in the district in which a summer
19 program of academic, enrichment, or remedial services is provided and
20 in which fifty percent or more of the children enrolled in the school
21 qualify for free or reduced-price lunch. However, the superintendent
22 of public instruction shall develop rules establishing criteria to
23 permit an exemption for a school that can demonstrate availability of
24 an adequate alternative summer feeding program. Sites providing meals
25 should be open to all children in the area, unless a compelling case
26 can be made to limit access to the program. The superintendent of
27 public instruction shall adopt a definition of compelling case and a
28 schedule for implementation as follows:

29 (a) Beginning the summer of 2005 if the school currently offers a
30 school breakfast or lunch program; or

31 (b) Beginning the summer following the school year during which a
32 school implements a school lunch program under subsection (2)(b) of
33 this section.

34 (5) Schools not offering a breakfast or lunch program may meet
35 the meal service requirements of subsections (2)(b) and (4) of this
36 section through any of the following:

37 (a) Preparing the meals on-site;

38 (b) Receiving the meals from another school that participates in
39 a United States department of agriculture child nutrition program; or

1 (c) Contracting with a nonschool entity that is a licensed food
2 service establishment under RCW 69.07.010.

3 (6) Requirements that school districts have a school lunch,
4 breakfast, or summer nutrition program under this section shall not
5 create or imply any state funding obligation for these costs. The
6 legislature does not intend to include these programs within the
7 state's obligation for basic education funding under Article IX of
8 the state Constitution.

9 (7) Subject to the availability of amounts appropriated for this
10 specific purpose, beginning in the 2017-18 school year, school
11 districts with school lunch programs must begin to eliminate lunch
12 copays for students in prekindergarten through twelfth grade who
13 qualify for reduced-price lunches. This phase out must begin with
14 schools with the highest poverty levels, defined as those schools
15 with the highest percentages of students qualifying for free and
16 reduced-price lunch support in the prior school year, until lunch
17 copays are completely eliminated in the 2020-21 school year.

18 (8) The requirements in this section shall lapse if the federal
19 reimbursement for any school breakfasts, lunches, or summer food
20 service programs is eliminated.

21 ~~((+8))~~ (9) School districts may be exempted from the
22 requirements of this section by showing good cause why they cannot
23 comply with the office of the superintendent of public instruction to
24 the extent that such exemption is not in conflict with federal or
25 state law. The process and criteria by which school districts are
26 exempted shall be developed by the office of the superintendent of
27 public instruction in consultation with representatives of school
28 directors, school food service, community-based organizations and the
29 Washington state PTA.

30 NEW SECTION. Sec. 10. A new section is added to chapter 28A.235
31 RCW to read as follows:

32 (1) Subject to the availability of amounts appropriated for this
33 specific purpose, the office of the superintendent of public
34 instruction may coordinate with the department of agriculture to
35 promote and facilitate new and existing farm-to-school programs and
36 small and direct marketing farm programs within school districts. In
37 coordinating with the department of agriculture, the office of the
38 superintendent of public instruction is encouraged to provide
39 technical support and assistance, including outreach strategies and

1 best practices, to school districts with or considering the
2 establishment of farm-to-school programs and small and direct
3 marketing farm programs within their district.

4 (2) Subject to the availability of amounts appropriated for this
5 specific purpose, school districts may coordinate with the department
6 of agriculture to promote and facilitate new and existing farm-to-
7 school programs and small and direct marketing farm programs within
8 their district. In coordinating with the department, school districts
9 are encouraged to designate one or more staff members to be, with
10 respect to farm-to-school programs and small and direct marketing
11 farm programs, a single point of contact for the department of
12 agriculture and the office of the superintendent of public
13 instruction.

14 NEW SECTION. **Sec. 11.** This act may be known and cited as the
15 Washington kids ready to learn act of 2017.

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