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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1272

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State of Washington

66th Legislature

2019 Regular Session

**By** House Appropriations (originally sponsored by Representatives Thai, Harris, Slatter, Ryu, Riccelli, Kilduff, Caldier, Paul, Peterson, Stonier, Shewmake, Appleton, Orwall, Wylie, Gregerson, and Pollet)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to promoting student health and success through  
2 adequate school lunch durations; amending RCW 28A.235.150; adding new  
3 sections to chapter 28A.235 RCW; creating a new section; and  
4 providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that proper  
7 nutrition is essential for a student's overall physical and emotional  
8 health, and that good health promotes success within and outside of  
9 academic environments.

10 (2) The legislature also recognizes that it has made recent and  
11 historic investments in Washington's public school system, but that  
12 the benefits of those investments cannot be fully realized if  
13 students' nutritional needs are unmet.

14 (3) The legislature finds that all students should have a lunch  
15 period that provides them with an adequate amount of time to obtain,  
16 sit down, and consume a meal, and that when students have inadequate  
17 lunch periods, they may make meal choices of convenience that do not  
18 promote physical and emotional health.

19 (4) The legislature further finds that federal regulations  
20 adopted by the food and nutrition service of the United States  
21 department of agriculture to implement the national school lunch act,

1 Title 42 U.S.C. Sec. 1751 et seq., encourage schools to provide  
2 sufficient lunch periods that are long enough to give all students  
3 adequate time to be served and to eat their lunches, but that in many  
4 instances, the duration of school lunch periods are constrained by  
5 educational and other factors.

6 (5) The legislature, therefore, in accordance with corresponding  
7 provisions in the 2019-2021 omnibus operating appropriations act,  
8 intends to promote school lunch periods of adequate duration through  
9 designated demonstration sites, the development and implementation of  
10 model policies and procedures, and other actions intended to ensure  
11 that students have an adequate amount of time to obtain, sit down,  
12 and consume a meal.

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

15 The definitions in this section apply throughout sections 3 and 5  
16 of this act and RCW 28A.235.150 unless the context clearly requires  
17 otherwise.

18 (1) "Lunch period" means the total time that students are  
19 allotted for obtaining and consuming lunches. "Lunch period" includes  
20 the student time spent obtaining and consuming a lunch.

21 (2) "Seated lunch duration" means the time that students have to  
22 sit and consume their lunch. "Seated lunch duration" is determined by  
23 subtracting the time students spend traveling to and from the  
24 cafeteria or other location where lunches are served, and obtaining a  
25 lunch, from the lunch period. "Seated lunch duration" includes time  
26 required for properly returning cafeteria trays or other items and  
27 clean-up duties generally expected of all students.

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

30 (1)(a) The superintendent of public instruction shall designate  
31 six public schools as demonstration sites to implement and evaluate  
32 procedures to ensure that students have a lunch period that:

33 (i) Includes a seated lunch duration of at least twenty minutes  
34 for the consumption of their food; and

35 (ii) Is reflective of the time spent traveling to and from the  
36 location where lunches are served and the time spent obtaining a  
37 lunch.

1 (b) The selected demonstration sites must reflect diversity of  
2 school types, locations, and student populations. The selection  
3 process must include, but not be limited to, considerations related  
4 to school geography, student enrollment, socioeconomic factors, and  
5 school campus size.

6 (2) Schools designated as demonstration sites may not serve  
7 students in a grade higher than six and must be selected through an  
8 application process developed for this purpose by the superintendent  
9 of public instruction. The application process must allow applicant  
10 schools to identify academic and nonacademic measures that they will  
11 monitor as a result of being designated as a demonstration site. A  
12 school may not be designated as a demonstration site for less than  
13 ninety school days nor more than two school years.

14 (3) Schools designated as demonstration sites must share  
15 recommendations, technical guidance, average seated lunch durations  
16 before and after implementing procedures in accordance with  
17 subsection (1) of this section and other applicable data, and best  
18 practices with the office of the superintendent of public instruction  
19 and any school or school district seeking to implement similar lunch  
20 period procedures.

21 (4) The office of the superintendent of public instruction shall  
22 provide technical assistance to schools selected as demonstration  
23 sites.

24 (5) The office of the superintendent of public instruction shall  
25 report its findings and recommendations to the governor, and in  
26 accordance with RCW 43.01.036, the education committees of the house  
27 of representatives and the senate by July 1, 2021. The report  
28 required by this subsection must include a summary of the information  
29 provided by schools to the office of the superintendent of public  
30 instruction under subsection (3) of this section.

31 (6) This section expires August 31, 2021.

32 **Sec. 4.** RCW 28A.235.150 and 2018 c 8 s 7 are each amended to  
33 read as follows:

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

37 (i) Increase awareness of and participation in school breakfast  
38 and lunch programs, including breakfast after the bell programs;

1 (ii) Improve program quality, including the nutritional content  
2 of program food and the promotion of nutritious food choices by  
3 students;

4 (iii) Promote innovative school-based programs, including but not  
5 limited to developing gardens that provide produce used in school  
6 breakfast or lunch programs; (~~and~~)

7 (iv) Improve the equipment and facilities used in the programs;  
8 and

9 (v) Implement demonstration sites in accordance with section 3 of  
10 this act and adopt and enforce policies and procedures under section  
11 5 of this act.

12 (b) If applicable, school districts shall demonstrate that they  
13 have applied for applicable federal funds before applying for funds  
14 under this subsection.

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

19 (3) As used in this section, "breakfast after the bell" has the  
20 definition in RCW 28A.235.200.

21 NEW SECTION. Sec. 5. A new section is added to chapter 28A.235  
22 RCW to read as follows:

23 (1) By February 14, 2020, the Washington state school directors'  
24 association established in chapter 28A.345 RCW shall adopt a model  
25 policy and procedure that school districts may use to ensure that  
26 students have a lunch period that:

27 (a) Includes a seated lunch duration of at least twenty minutes  
28 for the consumption of their food;

29 (b) Is reflective of the time spent traveling to and from the  
30 location where lunches are served and the time spent obtaining a  
31 lunch; and

32 (c) Incorporates, to the extent appropriate and feasible,  
33 pertinent recommendations from the office of the state auditor.

34 (2) By the beginning of the 2023-24 school year, school districts  
35 may adopt and enforce policies and procedures consistent with the  
36 model policy and procedures required by this section.

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