

# SENATE BILL REPORT

## SB 6444

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As of February 6, 2014

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

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

**Sponsors:** Senators Litzow, Angel, Tom, Bailey, Billig, Fain and Keiser.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/05/14.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Katherine Taylor (786-7434)

**Background:** The Office of Superintendent of Public Instruction (OSPI) is the primary agency charged with overseeing K-12 public education in Washington State. OSPI works with the state's 295 school districts.

Under current law, school districts must develop and implement plans for a school breakfast program in severe-need schools, pursuant to a certain schedule. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district must submit data enabling OSPI to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district must consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

Using district-wide data on school lunch participation during the 1988-89 school year, OSPI must adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:

- School districts where at least 40 percent of lunches served to students are free or reduced-price lunches must submit a plan for implementation of a school breakfast program in severe-need schools to OSPI no later than July 1, 1990. Each such district must implement a school breakfast program in all severe-need schools no later than the second day of school in the 1990-91 school year and in each school year thereafter.
- School districts where at least 25 but less than 40 percent of lunches served to students are free or reduced-price lunches must submit a plan for implementation of a

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school breakfast program in severe-need schools to OSPI no later than July 1, 1991. Each such district must implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

- School districts where less than 25 percent of lunches served to students are free or reduced-price lunches must submit a plan for implementation of a school breakfast program in severe-need schools to OSPI no later than July 1, 1992. Each such district must implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.
- School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

These requirements must lapse if the federal reimbursement rate for breakfasts served in severe-need schools is eliminated.

Students who do not meet family-income criteria for free breakfasts must be eligible to participate in the school breakfast programs established, and school districts may charge for the breakfasts served to these students. Requirements that school districts have school breakfast programs under this section must not create or imply any state funding obligation for these costs. The Legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** Beginning in the 2014-15 school year and continuing into the 2015-16 school year, OSPI must dedicate staff within its office to assist all high-needs schools that are interested in offering breakfast after the bell to make the change from their current breakfast model. The staff must also encourage all interested high-needs schools to explore options for expanding breakfast after the bell to include all students.

Beginning in the 2016-17 school year, except in certain circumstances, each elementary school that enrolls students in any of grades kindergarten through five that has an enrollment of 85 percent or more students eligible for free or reduced-price meals in the prior school year must offer breakfast after the bell to each student in the school.

Beginning in the 2017-18 school year, except in certain circumstances, each high-needs school must offer breakfast after the bell to each student in the school.

All public schools are encouraged to offer breakfast after the bell even if not required to do so.

High-needs schools with participation rates in school breakfast of 70 percent or more of the students eligible for free or reduced-price meals are exempt from the certain provisions. OSPI, in consultation with community food and nutrition experts, must issue guidelines for calculating school breakfast participation rates.

A school district or charter school may apply to OSPI for a one-year waiver of the requirements by demonstrating that providing breakfast after the bell in a particular high-needs school will result in undue financial hardship for the district or charter school. School districts or charter schools may annually reapply no more than twice for such a waiver based on the same criteria as the initial waiver.

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, or a breakfast after first period.

Breakfast after the bell may be served at a time to be determined by the high-needs school, so long as it occurs at breakfast time after the beginning of the school day.

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 serving and consumption of breakfast, the period of time designated for student participation in breakfast after the bell must be considered instructional hours.

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 and any federal regulations interpreting that act.

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.

Before August 1, 2014, OSPI must develop and distribute procedures and guidelines for the implementation of certain parts of this act, which must be in compliance with the school breakfast program and the school lunch program.

OSPI must dedicate staff within the office to offer technical assistance to all public schools and school districts related to offering breakfast after the bell, including assistance with various available funding mechanisms to support breakfast after the bell programs such as universal breakfast, the community eligibility option, programs under provision two 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 on hunger, food security issues, and best practices for improving student access to school breakfast. OSPI must also seek partnerships with philanthropic organizations interested in supporting breakfast after the bell in high-needs schools.

Any federal or state monies received by a public school or school district as reimbursement for breakfasts served may only be used for the food and operations associated with the food service program of the school or district.

Several definitions are provided.

**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:** PRO: We are enthusiastic about this bill. Child hunger is at an all-time high. This will help to remove stigma. We support this bill because it establishes a mandate. Serving breakfast in high-need schools is already a mandate, but this would make it better. We do not expect schools to do this alone. This just asks for breakfast to be served at a more appropriate time. More and more of our kids are victims of the opportunity gap. This will foster a better learning environment. Instruction can begin while breakfast is being eaten. Many students who are eligible for this breakfast do not get it. This is not an unfunded mandate.

CON: This is a challenge. OSPI does not have federal staff because this is federal funding. More fruit has to be added to meals, but there is no funding for it. The Federal Way School District has tried breakfast after the bell.

**Persons Testifying:** PRO: Katie Mosehauer, WA Appleseed; Wendy Rader-Konofalsky, WA Education Assn.; Lauren McGowan, Carol Wood, United Way of King County; Dave Westberg, Operating Engineers #609.

CON: Mitch Denning, Alliance of Educational Assns.