

2ESHB 1508 - S COMM AMD
By Committee on Ways & Means

ADOPTED 01/31/2018

1 Strike everything after the enacting clause and insert the
2 following:

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

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

14 (3) The legislature finds that the purpose of sections 1 through
15 7 of this act is to achieve the public policy benefits specified in
16 subsection (1) of this section: Improved student outcomes. To do so,
17 the legislature intends to:

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

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

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

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

1 The definitions in this section apply throughout sections 3
2 through 4 of this act unless the context clearly requires otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (4) All breakfasts served in a breakfast after the bell program
17 must comply with federal meal patterns and nutrition standards for
18 school breakfast programs under the federal healthy, hunger-free kids
19 act of 2010, (P.L. 111-296) and any federal regulations implementing
20 that act. By December 1, 2018, and as needed thereafter, the office
21 of the superintendent of public instruction must develop and
22 distribute best practices and provide technical assistance to school
23 districts on strategies for selecting food items that are low in
24 added sugar. When choosing foods to serve in a breakfast after the
25 bell program, schools must give preference to foods that are
26 healthful and fresh, and if feasible, give preference to Washington-
27 grown food.

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

36 (6) The legislature does not intend to include the breakfast
37 after the bell programs under this section, including the provision
38 of breakfast, within the definition or funding of the program of
39 basic education under Article IX of the state Constitution.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.235

2 RCW to read as follows:

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

16 (2) The office of the superintendent of public instruction shall
17 offer training and technical and marketing assistance to all public
18 schools and school districts related to offering breakfast after the
19 bell, including assistance with various funding options available to
20 high-needs schools such as the community eligibility provision under
21 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the
22 national school lunch act, and claims for reimbursement under the
23 school breakfast program.

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

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

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

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

1 (1) "Instructional hours" means those hours students are provided
2 the opportunity to engage in educational activity planned by and
3 under the direction of school district staff, as directed by the
4 administration and board of directors of the district, inclusive of
5 intermissions for class changes, recess, and teacher/parent-guardian
6 conferences that are planned and scheduled by the district for the
7 purpose of discussing students' educational needs or progress, and
8 exclusive of time actually spent for meals.

9 (2)(a) If students are provided the opportunity to engage in
10 educational activity that is part of the regular instructional
11 program concurrently with the consumption of breakfast, the period of
12 time designated for student participation in breakfast after the
13 bell, as defined in section 2 of this act, must be considered
14 instructional hours.

15 (b) Breakfast after the bell programs, as defined in section 2 of
16 this act, including the provision of breakfast, are not considered
17 part of the definition or funding of the program of basic education
18 under Article IX of the state Constitution.

19 NEW SECTION. Sec. 6. A new section is added to chapter 28A.235
20 RCW to read as follows:

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

28 Sec. 7. RCW 28A.235.150 and 1993 c 333 s 3 are each amended to
29 read as follows:

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

33 (i) Increase awareness of and participation in school breakfast
34 and lunch programs(~~(, —to)~~), including breakfast after the bell
35 programs;

36 (ii) Improve program quality(~~(, —and —to)~~), including the
37 nutritional content of program food and the promotion of nutritious
38 food choices by students;

1 (iii) Promote innovative school-based programs, including but not
2 limited to developing gardens that provide produce used in school
3 breakfast or lunch programs; and

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

5 (b) If applicable, school districts shall demonstrate that they
6 have applied for applicable federal funds before applying for funds
7 under this subsection.

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

12 (3) As used in this section, "breakfast after the bell" has the
13 definition in section 2 of this act.

14 NEW SECTION. Sec. 8. A new section is added to chapter 28A.235
15 RCW to read as follows:

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

27 (2) Subject to the availability of amounts appropriated for this
28 specific purpose, the regional markets programs of the department of
29 agriculture must be a centralized connection point for schools and
30 other institutions for accessing and sharing information, tools,
31 ideas, and best practices for purchasing Washington-grown food.

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

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

37 (ii) Targeted technical assistance to farmers, food businesses,
38 and buyers, including schools, about business planning, access to

1 markets, product development, distribution infrastructure, and
2 sourcing, procuring, and promoting Washington-grown foods.

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

5 (i) Support new and existing farm businesses;

6 (ii) Maintain the economic viability of farms;

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

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

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

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

24 (b) Overcoming seasonality constraints;

25 (c) Providing budgeting assistance;

26 (d) Navigating procurement requirements; and

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

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

36 (5) Subject to the availability of amounts appropriated for this
37 specific purpose, the office of the superintendent of public
38 instruction may award grants to school districts to collaborate with
39 community-based organizations, food banks, and farms or gardens for
40 reducing high school dropout occurrences through farm engagement

1 projects. Projects established by school districts that receive
2 grants in accordance with this section must:

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

5 (b) Provide participating youth with opportunities for:

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

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

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

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

18 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.235
19 RCW to read as follows:

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

25 (a) Tardiness and absenteeism;

26 (b) Suspensions;

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

28 (d) Results on standardized tests; and

29 (e) Graduation rates.

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

32 (3) The office of the superintendent of public instruction and
33 the education and research data center of the office of financial
34 management shall assist in providing any data required to conduct the
35 analysis. The analysis, including any findings and recommendations,
36 must be completed and submitted to the superintendent of public
37 instruction and, in accordance with RCW 43.01.036, the education
38 committees of the house of representatives and the senate by December
39 1, 2026.

1 NEW SECTION. **Sec. 10.** Sections 3, 4, and 6 of this act expire
2 June 30, 2028.

3 NEW SECTION. **Sec. 11.** This act may be known and cited as the
4 Washington kids ready to learn act of 2018."

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ADOPTED 01/31/2018

5 On page 1, line 2 of the title, after "programs;" strike the
6 remainder of the title and insert "amending RCW 28A.150.205 and
7 28A.235.150; adding new sections to chapter 28A.235 RCW; creating new
8 sections; and providing an expiration date."

EFFECT: Clarifies that breakfast after the bell programs, including the provision of breakfast, is not intended to be included within the definition or funding of the program of basic education under Article IX of the state Constitution.

Includes this language within the definition of instructional hours.

Removes the requirement that breakfast items served in a breakfast after the bell program contain less than 25 percent, by weight, added sugar.

Requires the Office of the Superintendent of Public Instruction to develop and distribute best practices and provide technical assistance on strategies for selecting food items that are low in added sugar by December 1, 2018.

Removes the word "organic" to describe gardens, which is a type of innovative school-based program that may receive a grant.

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