

FINAL BILL REPORT

2ESHB 1508

C 8 L 18
Synopsis as Enacted

Brief Description: Promoting student health and readiness through meal and nutrition programs.

Sponsors: House Committee on Appropriations (originally sponsored 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).

House Committee on Education

House Committee on Appropriations

Senate Committee on Early Learning & K-12 Education

Senate Committee on Ways & Means

Background:

Child Nutrition Programs.

There are a variety of child nutrition programs subsidized by the United States Department of Agriculture and administered by the state. The programs include the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and the Special Milk Program. The NSLP and the SBP are federally assisted meal programs that operate in public and nonprofit private schools and residential childcare institutions. These programs provide nutritionally balanced, and low-cost or free lunches to children each school day.

Breakfast After the Bell Programs.

Breakfast After the Bell (BAB) 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. A number of states have adopted legislation requiring schools with large populations of free and reduced price meal-eligible students to implement a BAB program.

Free and Reduced Price Meals.

To qualify for free school meals, a student's family income must be at or below 130 percent of the federal poverty level. Students whose families have an income between 130 percent

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and 185 percent of the federal poverty level are eligible for reduced-price meals. Students whose families earn more than 185 percent of the poverty level pay full price, but the meals are federally subsidized to some extent. According to the 2015-16 free and reduced price meals (FRPM) eligibility data of the Office of the Superintendent of Public Instruction (OSPI), more than 476,000 public school students (44.4 percent) in Washington were reported as eligible for FRPM, with approximately 405,000 public school students (38 percent) reported as eligible for free meals.

Community Eligibility Provision and Provision 2.

The Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act and Provision 2 of the National School Lunch Act provide an alternative to household applications for FRPM by allowing schools with high numbers of low-income students to serve free meals to all students. A school, group of schools, or district is eligible for the CEP if at least 40 percent of its students are identified as eligible for free meals through means other than household applications (for example, students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families, and foster, homeless, and migrant students). In the 2016-17 school year, there were 58 districts and 208 school sites participating in the CEP.

Under Provision 2, in year one, a school makes FRPM eligibility determinations and reports daily meal counts by type for federal meal reimbursement, but all students are served meals at no charge. In years two through four, a school continues to serve all children at no charge, but counts only the total number of reimbursable meals served. In the 2016-17 school year, there were eight districts and one tribal school participating wholly or partially for both breakfast and lunch under Provision 2, and six school districts wholly or partially participating for breakfast only.

School Breakfast Programs.

The federal SBP provides cash assistance to states to operate nonprofit breakfast programs in schools and residential childcare institutions. According to the United States Department of Agriculture, in October 2016, the average daily participation in Washington in the SBP was 201,252.

Under state law, schools meeting certain federal reimbursement requirements must offer school breakfast programs for students. These schools must serve breakfast to all students, but may charge students who do not qualify for FRPM.

State Support for School Breakfasts.

The Legislature has appropriated state funds specifically to support school breakfasts by:

- eliminating the breakfast and lunch copays for students eligible for reduced price meals in kindergarten through third grade;
- reimbursing school districts for school breakfasts served to students eligible for free and reduced price lunches; and
- providing grants to districts to initiate and expand school breakfast programs.

Grants for School Breakfast and Lunch Programs.

To the extent funds are provided in an operating or supplemental budget, the Superintendent of Public Instruction (SPI) may award grants to school districts to:

- increase participation in school breakfast and lunch programs;
- improve program quality; and
- improve the equipment and facilities used in the programs.

School districts seeking the grant funds must demonstrate that they have applied for applicable federal funds before applying for the state grants.

The SPI, to the extent such funds are provided in an operating or supplemental budget, is also directed to increase the state support for school breakfasts and lunches.

Instructional Hours.

In accordance with the state's program of basic education, school districts are required to 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 spent on meals does not count as instructional hours.

School-related Farm Programs.

The Washington State Department of Agriculture (WSDA) operates a Farm to School Program that fosters relationships between schools and agricultural producers in the state. According to the WSDA, the goal of the program is to support expanding economic opportunities for farmers while educating students about the connections between food, farming, health, and the environment. The program provides information and assistance to interested parties, and provides specified assistance and services to schools and farms. The program works closely with the Small Farm and Direct Marketing Program of the WSDA, a program that seeks to increase the economic viability of small farms, build community vitality, and improve the environmental quality of the region.

Summary:

Breakfast After the Bell Programs: Implementation and Definitions.

If funded in a biennial or supplemental operating budget, beginning in the 2019-20 school year, each high-needs school, unless meeting exemption criteria, must offer a BAB program at the beginning of the school day and provide adequate time for the students to consume the offered food. The requirement to offer BAB programs in qualifying schools expires June 30, 2028.

Pertinent terms for BAB programs are defined, including:

- "*breakfast after the bell*" means a breakfast that is offered to students after the beginning of the school day. Examples of breakfast after the bell models are also specified in the definition; and
- "*high-needs school*" means any public school that: has an enrollment of 70 percent or more students eligible for FRPM in the prior school year; or is using Provision 2 or the CEP to provide universal meals and has a claiming percentage of 70 percent or more for FRPM.

High-needs schools with 70 percent or more FRPM eligible students participating in both breakfast and lunch programs are exempt from the requirement to offer a BAB program.

The period of time designated for student participation in a BAB program is considered part of instructional time (and instructional hours) if students are provided the opportunity to engage in educational activity that is part of the regular instructional program concurrently with the consumption of breakfast.

All breakfasts served in a BAB program must comply with federal meal patterns and nutrition standards for school breakfast programs, but schools may determine the BAB service model that best suits their students. When choosing foods to serve in a BAB program, schools must give preference to healthful and fresh, and if feasible, foods grown in Washington.

The BAB programs, including the provision of breakfast, are not considered part of the definition or funding of the program of basic education under Article IX of the state Constitution.

Agency Duties and Grants.

The OSPI must develop and distribute procedures and guidelines by January 2, 2019, to implement BAB programs, and must offer related training and technical marketing assistance to public schools and school districts. The OSPI must also:

- maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to schools interested in a BAB program;
- incorporate the annual collection of information about BAB delivery models into existing data systems and make the information publically available; and
- by December 1, 2018 and as needed thereafter, develop and distribute best practices and provide technical assistance to school districts on strategies for selecting food items that are low in added sugar.

With limited exceptions, the BAB-related duties of the OSPI expire on June 30, 2028.

To the extent that funds are appropriated for this purpose, the OSPI must administer one-time start-up allocation grants to each high-needs school implementing a BAB program. The grant funds 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.

To the extent funds are appropriated for this purpose, the SPI may award grants to school districts to:

- increase awareness of and participation in school breakfast and lunch programs, including BAB programs;
- improve program quality, including the nutritional content of food and the promotion of nutritious food choices by students;
- promote innovative school-based programs, including but not limited to developing gardens that provide produce used in school breakfast or lunch programs; and
- improve the equipment and facilities used in the programs.

If applicable, school districts must demonstrate that they have applied for applicable federal funds before applying for the grant funds.

The SPI is also directed, to the extent funds are appropriated for this purpose, to increase the state support for BAB programs.

Analysis of Breakfast after the Bell Programs.

The Joint Legislative Audit and Review Committee must conduct an analysis of BAB programs established in schools. The analysis of the schools establishing BAB programs must include a review of any changes in student:

- tardiness and absenteeism;
- suspensions;
- reported illnesses and visits to nurses' offices;
- results on standardized tests; and
- graduation rates.

The analysis must also include a review of the outcomes of similar programs or efforts in other states. The analysis, including any findings and recommendations, must be completed and submitted to the SPI and the education committees of the House of Representatives and the Senate by December 1, 2026.

School-related Farm Programs.

The OSPI, to the extent funds are appropriated for this purpose, is authorized to coordinate with the WSDA to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives and small farm direct marketing assistance. In coordinating with the WSDA, the OSPI is encouraged to provide technical assistance, including outreach and best practices strategies, to school districts with farm-to-school initiatives. Additionally, school districts and other institutions may coordinate with the WSDA to promote and facilitate new and existing farm-to-school initiatives.

Subject to the provision of funding for this purpose, the regional markets programs of the WSDA must be a centralized connection point for schools and other institutions for accessing and sharing information, tools, ideas, and best practices for purchasing Washington-grown food.

The regional markets programs may also support school districts in establishing or expanding farm-to-school initiatives by providing information and guidance to overcome barriers to purchasing Washington-grown food.

The OSPI may award grants to school districts to collaborate with community-based organizations, food banks, and farms or gardens for reducing high school dropout occurrences through farm engagement projects. Projects established by school districts that are eligible for grants must comply with specified criteria.

Votes on Final Passage:

2017 Regular Session

House 90 8

2017 First Special Session

House 81 11

2017 Second Special Session

House 84 10

2018 Regular Session

House 83 15

Senate 43 5 (Senate amended)

House 87 8 (House concurred)

Effective: June 7, 2018