

HOUSE BILL REPORT

E2SHB 1272

As Passed House:
January 16, 2020

Title: An act relating to promoting student health and success through adequate school lunch durations.

Brief Description: Concerning school lunch durations.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Thai, Harris, Slatter, Ryu, Riccelli, Kilduff, Caldier, Paul, Peterson, Stonier, Shewmake, Appleton, Orwall, Wylie, Gregerson and Pollet).

Brief History:

Committee Activity:

Education: 2/5/19, 2/18/19 [DPS];

Appropriations: 2/26/19, 2/27/19 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 3/6/19, 95-1.

Floor Activity:

Passed House: 1/16/20, 90-6.

Brief Summary of Engrossed Second Substitute Bill

- Directs the Superintendent of Public Instruction (SPI), through an application-based process, to designate six public schools as demonstration sites to implement and evaluate seated lunch duration procedures for school lunch periods.
- Requires the Office of the Superintendent of Public Instruction to provide technical assistance to the demonstration sites and to report related findings and recommendations.
- Directs the Washington State School Directors' Association to adopt a model policy and procedure related to lunch durations, and authorizes school districts to adopt and enforce policies and procedures consistent with the model policy and procedure.
- Authorizes grant funds awarded by the SPI to school districts to be used for implementing demonstration sites and adopting and enforcing model policies and procedures.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Kilduff, Kraft, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

Staff: Ethan Moreno (786-7386).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 31 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: James Mackison (786-7104).

Background:

Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matter pertaining to public schools, the Superintendent of Public Instruction (SPI) and its office has numerous and broad responsibilities prescribed in statute.

Among other financial powers and duties, the SPI is authorized to award grants to school districts to increase participation in school breakfast and lunch programs, improve program quality, and for other permitted uses. The amount of grant funding that may be awarded by the SPI is determined by legislative appropriations.

Washington State School Directors' Association.

Established by statute, the Washington State School Directors' Association (WSSDA) is the state agency that provides advice and assistance to local school boards. The WSSDA is charged with coordinating policymaking, control, and management of the state's school districts. Among other actions, the WSSDA adopts model policies and procedures, often in response to legislative directives, that school districts may adopt.

School Lunch Duration.

Neither federal nor state laws prescribe a minimum duration for school lunches. However, federal regulations adopted by the Food and Nutrition Service of the United States Department of Agriculture encourage schools to provide sufficient lunch periods that are long enough to give all students adequate time to be served and eat their lunches. Additionally, administrative rules of the Office of the Superintendent of Public Instruction (OSPI) specify

that school breakfast and school lunch periods must allow a reasonable amount of time for each child to take care of personal hygiene and enjoy a complete meal.

The Office of the State Auditor (SAO) is conducting a performance audit evaluating elementary school lunch scheduling practices. According to the SAO, the performance audit will seek to answer the following questions:

- What lunch scheduling practices could schools implement to achieve better student outcomes, such as improved behavior and increased consumption of healthy foods?
- What barriers prevent schools from implementing these practices?

The audit was requested by the SPI and subsequently published by the SAO in August of 2019.

2019 Budget Provisos.

The adopted 2019-2021 Operating Budget, Engrossed Substitute House Bill 1109 (enacted as Chapter 415, Laws of 2019), included directives to the OSPI and the WSSDA, and corresponding funding, related to school lunch durations. The legislation directed the OSPI to select six public schools to serve as demonstration sites for evaluating and implementing best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The legislation also directed the WSSDA to, by February 14, 2020, adopt a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least 20 minutes.

Summary of Engrossed Second Substitute Bill:

Demonstration Sites.

The SPI must designate six public schools that serve students in grade 6 and under as demonstration sites to implement and evaluate procedures to ensure that students have a lunch period that:

- includes a seated lunch duration of at least 20 minutes for the consumption of their food; and
- is reflective of the time spent traveling to and from the location where lunches are served and the time spent obtaining a lunch.

Demonstration sites must be selected through an application process developed by the SPI. The application process must allow schools to identify academic and nonacademic measures that they will monitor as a result of being designated as a demonstration site. A school may not be designated as a demonstration site for less than 90 school days nor more than two school years.

The selected demonstration sites must reflect diversity of school types, locations, and student populations. The selection process must include, but not be limited to, considerations related to school geography, student enrollment, socioeconomic factors, and school campus size. Additionally, the OSPI must provide technical assistance to schools selected as demonstration sites.

Schools designated as demonstration sites must share recommendations, technical guidance, average seated lunch durations before and after implementing new procedures, and best

practices with the OSPI and schools or districts seeking to implement similar lunch period procedures.

The OSPI must report its findings and recommendations to the Governor and the education committees of the House of Representatives and the Senate by July 1, 2021.

Model Policy and Procedure.

The WSSDA is directed by February 14, 2020, to adopt a model policy and procedures that school districts may use to ensure that students have a lunch period that:

- includes a seated lunch duration of at least 20 minutes for the consumption of their food;
- is reflective of the time spent traveling to and from the location where lunches are served and the time spent obtaining a lunch; and
- incorporates, to the extent appropriate and feasible, pertinent recommendations from the SAO.

By the beginning of the 2023-24 school year, school districts may adopt and enforce policies and procedures consistent with the model policy and procedures required of the WSSDA.

Grant Provisions.

The SPI, subject to funding by the Legislature for this purpose, may award grants to school districts to implement demonstration sites selected by the SPI, and to adopt and enforce lunch period policies and procedures consistent with those required of the WSSDA.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Education):

(In support) Hungry students cannot learn: the Legislature demonstrated its understanding of this connection last year with the passage of the Breakfast After the Bell bill. This bill represents a thoughtful approach to examining adequate lunch durations—mandating a specific number of minutes is not the correct path. The selection of demonstration sites as called for in the bill represents an appropriate way to address the issue and give students adequate time for meals.

Child and adult labor laws call for 30-minute lunch periods, yet none of the elementary schools in Seattle comply with federal recommendations for 20-minute lunch periods. The same practices are occurring throughout the state. Rushed eating is directly related to obesity. Lunch periods of 20 minutes should be supported and recess should be before lunch.

Some students come home hungry because they do not have enough time at school to sit and eat their lunches. Lunch scheduling challenges do exist, but meeting the needs of hungry children should be the priority.

This bill is a common sense approach to a statewide problem. Some students receive only 15 minutes for lunch, with nine minutes for sitting and eating. For some students, this is their only opportunity to eat an adequate meal.

Students can get as little as three minutes to eat, but school districts claim they cannot change practices to address the problem. This is a systemic problem and it has a negative impact on physical and emotional health of children. A law is necessary to change the practices of schools and to protect the students.

This bill has been developed with stakeholder input. The permissive adoption of the WSSDA model policy is appropriate. A reference to "passing time" in the definition of lunch period should be removed.

This legislation will lead to the development of best practices that will help to inform other schools. Schools with high participation rates have less time to eat: it takes more time to serve more students. Without sufficient time for eating, students throw away food and go home hungry.

Nutrition is linked to student health and performance. Adequate lunch durations allow students to consume healthy food. School scheduling is very complex, and the demonstration site approach in the bill should be supported.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Not mandating a policy allows districts to tailor policies for lunch durations to meet their needs. It takes younger children longer to get through lines, in their seats, and ready to eat healthy foods. The House Education Committee amended the bill to remove the passing period, which is part of instructional time, from the definition of lunch period.

(Opposed) None.

Persons Testifying (Education): Representative Thai, prime sponsor; Mark Milgrove; Caressa Milgrove; Kristine Crawford; Zhifang Yang-Denor and Colette Yang-Denor, Lunch and Recess Matter; Amy Ulrich, Washington State Parent Teacher Association; Leanna Eko, Office of Superintendent of Public Instruction; Mitch Denning, Alliance of Educational Associations; and Sandra Conradi, Washington School Nutrition Association.

Persons Testifying (Appropriations): Claire Lane, Anti-Hunger and Nutrition Coalition; and Mitch Denning, Alliance of Educational Associations.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.