

2 **SSB 5971 - H AMD 000639 WITHDRAWN 4-23-93**

3 By Representative Dorn

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. The legislature finds that hungry children
8 do not come to school prepared to learn. It is of utmost importance
9 that all children be provided adequate time for meals and for basic
10 nutrition so that they may grow, be ready to learn, and be prepared to
11 compete in the future. The legislature intends that by the 1995-96
12 school year, breakfasts and lunches will be served in every public
13 school in the state.

14 **Sec. 2.** RCW 28A.235.140 and 1989 c 239 s 2 are each amended to
15 read as follows:

16 (1) For the purposes of this section:

17 (a) "School lunch programs" or "lunch programs" means a program
18 meeting federal requirements defined in 42 U.S.C. Secs. 1751 through
19 1760 and 1779.

20 (b) "Free or reduced-price lunches" means lunches served by a
21 school district that qualify for federal reimbursement as free or
22 reduced-price lunches under the national school lunch program.

23 ~~((b))~~ (c) "School breakfast program" or "breakfast program" means
24 a program meeting federal requirements defined in 42 U.S.C. Secs. 1773
25 and 1779.

26 ~~((c) "Severe need school" means a school that qualifies for a~~
27 ~~severe need school reimbursement rate from federal funds for school~~
28 ~~breakfasts served to children from low income families.))~~

29 (2) ~~((School districts shall be required to develop and implement~~
30 ~~plans for a school breakfast program in severe need schools, pursuant~~
31 ~~to the schedule in this section. For the second year prior to the~~
32 ~~implementation of the district's school breakfast program, and for each~~
33 ~~subsequent school year, each school district shall submit data enabling~~
34 ~~the superintendent of public instruction to determine which schools~~
35 ~~within the district will qualify as severe need schools. In developing~~

1 its plan, each school district shall consult with an advisory committee
2 including school staff and community members appointed by the board of
3 directors of the district.

4 (3) Using district wide data on school lunch participation during
5 the 1988-89 school year, the superintendent of public instruction shall
6 adopt a schedule for implementation of school breakfast programs in
7 severe need schools as follows:

8 (a) School districts where at least forty percent of lunches served
9 to students are free or reduced price lunches shall submit a plan for
10 implementation of a school breakfast program in severe need schools to
11 the superintendent of public instruction no later than July 1, 1990.
12 Each such district shall implement a school breakfast program in all
13 severe need schools no later than the second day of school in the
14 1990-91 school year and in each school year thereafter.

15 (b) School districts where at least twenty five but less than forty
16 percent of lunches served to students are free or reduced price lunches
17 shall submit a plan for implementation of a school breakfast program in
18 severe need schools to the superintendent of public instruction no
19 later than July 1, 1991. Each such district shall implement a school
20 breakfast program in all severe need schools no later than the second
21 day of school in the 1991-92 school year and in each school year
22 thereafter.

23 (c) School districts where less than twenty five percent of lunches
24 served to students are free or reduced price lunches shall submit a
25 plan for implementation of a school breakfast program in severe need
26 schools to the superintendent of public instruction no later than July
27 1, 1992. Each such district shall implement a school breakfast program
28 in all severe need schools no later than the second day of school in
29 the 1992-93 school year and in each school year thereafter.

30 (d) School districts that did not offer a school lunch program in
31 the 1988-89 school year are encouraged to implement such a program and
32 to provide a school breakfast program in all severe need schools when
33 eligible.

34 (4) The requirements in this section shall lapse if the federal
35 reimbursement rate for breakfasts served in severe need schools is
36 eliminated.

37 (5)) By April 15, 1994, school districts shall provide a school
38 breakfast program in each school within the district that provided a
39 school lunch program in the 1992-93 school year.

1 (3) By September 15, 1995, all school districts shall implement
2 either a breakfast or lunch program in all schools within the district
3 that do not have a breakfast or a lunch program.

4 (4) By September 15, 1996, all school districts shall provide both
5 a breakfast and lunch program in each school within the district.

6 (5) The superintendent of public instruction may grant a one-time
7 waiver of the requirements of subsection (2), (3), or (4) of this
8 section for up to two years upon the application of a school district
9 that can demonstrate that implementation of the program in a school is
10 not possible because food preparation, storage, or serving facilities
11 are unavailable.

12 (6) School districts are encouraged to use state agricultural
13 commodities for school breakfasts and lunches.

14 (7) Students who do not meet family-income criteria for free or
15 reduced-price breakfasts or lunches shall be eligible to participate in
16 the school breakfast and lunch programs established under this section,
17 and school districts may charge for the breakfasts and lunches served
18 to these students. The requirement that school districts provide
19 school breakfast and lunch programs ((established)) under this section
20 ((shall be supported entirely by federal funds and commodities, charges
21 to students, and other local resources available for this purpose,
22 and)) shall not create or imply any state funding obligation for these
23 costs. The legislature does not intend to include these programs
24 within the state's obligation for basic education funding under Article
25 IX of the Constitution.

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

28 (1) To the extent funds are appropriated, the superintendent of
29 public instruction may award grants to school districts to increase
30 participation in school breakfast and lunch programs, to improve the
31 quality of the programs, or to improve the equipment and facilities
32 used in the programs. School districts shall demonstrate that they
33 have applied for applicable federal funds before applying for funds
34 under this subsection.

35 (2) To the extent funds are appropriated, the superintendent of
36 public instruction shall increase the state support for school
37 breakfasts and lunches.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.235
2 RCW to read as follows:

3 The superintendent of public instruction shall report annually each
4 January to the governor and the legislature on the following:

5 (1) The school districts and the schools within the district
6 serving school breakfasts and lunches as required under RCW
7 28A.235.140;

8 (2) The school districts and the names of the school board members
9 and school district superintendent for each school district that has
10 not met the requirements of RCW 28A.235.140;

11 (3) The school districts and schools for which waivers under RCW
12 28A.235.140(5) have been granted; and

13 (4) Information about the cost of providing school breakfast and
14 lunch programs and the amount of state and federal funding provided.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.235
16 RCW to read as follows:

17 (1) The superintendent of public instruction shall administer
18 available funds for the federal summer food service program.

19 (2) The superintendent of public instruction may award grants, to
20 the extent funds are appropriated, to eligible organizations to help
21 start new summer food service programs for children or to help expand
22 summer food services for children.

23 **Sec. 6.** RCW 28A.235.100 and 1990 c 33 s 245 are each amended to
24 read as follows:

25 The superintendent of public instruction shall have power to
26 promulgate rules and regulations as may be necessary to effectuate the
27 purposes of ((RCW 28A.235.040 through 28A.235.110)) this chapter.

28 NEW SECTION. **Sec. 7.** Section 4 of this act shall expire February
29 1, 1998.

30 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this
31 act, referencing this act by bill number, is not provided by June 30,
32 1993, in the omnibus appropriations act, this act shall be null and
33 void."

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