

2 **ESHB 2850** - S AMD - 000299

3 By Senators Talmadge, Prentice and McDonald

4 RULED BEYOND SCOPE AND OBJECT 3/3/94

5 On page 9, after line 11, insert the following:

6 "Sec. 10. RCW 28A.235.140 and 1993 c 333 s 1 are each amended to  
7 read as follows:

8 (1) For the purposes of this section:

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

12 (b) "School breakfast program" means a program meeting federal  
13 requirements defined in 42 U.S.C. Sec. 1773.

14 (c) "Severe-need school" means a school that qualifies for a  
15 severe-need school reimbursement rate from federal funds for school  
16 breakfasts served to children from low-income families.

17 (2) School districts shall be required to develop and implement  
18 plans for a school breakfast program in severe-need schools(~~(, pursuant~~  
19 ~~to the schedule in this section. For the second year prior to the~~  
20 ~~implementation of the district's school breakfast program, and for each~~  
21 ~~subsequent school year, each school district shall submit data enabling~~  
22 ~~the superintendent of public instruction to determine which schools~~  
23 ~~within the district will qualify as severe-need schools)). In~~  
24 developing its plan, each school district shall consult with an  
25 advisory committee including school staff and community members  
26 appointed by the board of directors of the district. School districts  
27 shall provide a breakfast program in any school as long as the school  
28 qualifies as a severe-need school or there is data available to confirm  
29 and substantiate the severe-needs status of the school.

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

34 (a) ~~School districts where at least forty percent of lunches served~~  
35 ~~to students are free or reduced price lunches shall submit a plan for~~  
36 ~~implementation of a school breakfast program in severe-need schools to~~

1 the superintendent of public instruction no later than July 1, 1990.  
2 Each such district shall implement a school breakfast program in all  
3 severe-need schools no later than the second day of school in the  
4 1990-91 school year and in each school year thereafter.

5 (b) School districts where at least twenty five but less than forty  
6 percent of lunches served to students are free or reduced price lunches  
7 shall submit a plan for implementation of a school breakfast program in  
8 severe-need schools to the superintendent of public instruction no  
9 later than July 1, 1991.) Each such district shall implement a school  
10 breakfast program in all severe-need schools no later than the second  
11 day of school in the 1991-92 school year and in each school year  
12 thereafter.

13 ((c) School districts where less than twenty five percent of  
14 lunches served to students are free or reduced price lunches shall  
15 submit a plan for implementation of a school breakfast program in  
16 severe-need schools to the superintendent of public instruction no  
17 later than July 1, 1992. Each such district shall implement a school  
18 breakfast program in all severe-need schools no later than the second  
19 day of school in the 1992-93 school year and in each school year  
20 thereafter.

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

25 (4) The requirements in this section shall lapse if the federal  
26 reimbursement rate for breakfasts served in severe-need schools is  
27 eliminated.

28 (5) Students who do not meet family-income criteria for free  
29 breakfasts shall be eligible to participate in the school breakfast  
30 programs established under this section, and school districts may  
31 charge for the breakfasts served to these students except as provided  
32 in section 13 of this act. Requirements that school districts have  
33 school breakfast programs under this section shall not create or imply  
34 any state funding obligation for these costs. The legislature does not  
35 intend to include these programs within the state's obligation for  
36 basic education funding under Article IX of the Constitution.

37 (6) School districts that as of the effective date of this act do  
38 not have a school lunch program shall develop a plan for a school lunch  
39 program and establish a feasible timeline for instituting the program.

1       **Sec. 11.** RCW 28A.235.150 and 1993 c 333 s 3 are each amended to  
2 read as follows:

3       (1) To the extent funds are appropriated, the superintendent of  
4 public instruction may award grants to school districts to increase  
5 participation in school breakfast and lunch programs, to improve  
6 program quality, and to improve the equipment and facilities used in  
7 the programs. School districts shall demonstrate that they have  
8 applied for applicable federal funds before applying for funds under  
9 this subsection. Funds appropriated under this subsection are intended  
10 to increase participation by eligible students in school food programs,  
11 and shall be used solely to enhance school breakfast and lunch  
12 programs.

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

16       (3) The superintendent of public instruction shall identify six  
17 severe-need schools under RCW 28A.235.140 and award to these schools  
18 grants to be used directly to feed more students. The following  
19 criteria shall be included in selecting the schools:

20       (a) Severe-needs schools, as established by data;

21       (b) A high percentage of students eligible for low-income meals, as  
22 determined by dividing the number of free and reduced price meal  
23 applications or letters of direct certification by the total school  
24 enrollment; and

25       (c) The small size of the school district does not enable the  
26 school to benefit from economies of scale in food services.

27       (4) The superintendent of public instruction shall apply for all  
28 available federal funds for school lunch and breakfast program  
29 outreach.

30       **Sec. 12.** RCW 28A.235.155 and 1993 c 333 s 4 are each amended to  
31 read as follows:

32       (1) The superintendent of public instruction shall administer funds  
33 for the federal summer food service program.

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

1       (3) The superintendent of public instruction shall apply for all  
2 available federal funds for summer food service program outreach.

3       NEW SECTION. Sec. 13. A new section is added to chapter 28A.235  
4 RCW to read as follows:

5       School districts are encouraged to take advantage of the  
6 opportunity to serve all enrolled students in designated high-needs  
7 schools under special assistance known as Provision 2, 7 C.F.R. 245(b).  
8 The superintendent of public instruction shall ensure that information  
9 on Provision 2 is provided to all school districts with schools where  
10 more than seventy-five percent of students qualify for free or reduced-  
11 price school meals by the end of 1994.

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

14       Within six months of the effective date of this act, and every two  
15 years thereafter, school districts with breakfast or lunch programs  
16 shall assess whether the programs allow the students sufficient and  
17 realistic time to be served and to eat. If the assessment shows that  
18 there is insufficient time for personal hygiene, serving, and  
19 consumption of school meals, the school shall allow more time by any  
20 feasible means, including the use of adult volunteer help, additional  
21 cafeteria shifts, or more staffing. Failure to properly assess such  
22 programs and correct problems identified by assessment, or to promptly  
23 investigate and take appropriate action on complaints regarding  
24 compliance with this section shall be remedied by the superintendent of  
25 public instruction.

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

28       School districts shall ensure that food sold on school grounds is  
29 consistent with the dietary guidelines for Americans as provided in the  
30 edition of "Nutrition & Your Health: Dietary Guidelines for  
31 Americans," by the United States departments of agriculture and health  
32 and human services in print on the effective date of this act, or a  
33 later edition as adopted by reference by the superintendent by rule."

34       Re-number the remaining sections consecutively and correct internal  
35 references accordingly.

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4 On page 1, line 3 of the title, after "28A.150.230," insert  
5 "28A.235.140, 28A.235.150, 28A.235.155,"

6 On page 1, line 4 of the title, after "(uncodified);" insert  
7 "adding new sections to chapter 28A.235 RCW;"

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