

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5971

Chapter 333, Laws of 1993

53rd Legislature
1993 Regular Session

CHILD NUTRITION PROGRAMS--REQUIREMENTS AND ADMINISTRATION
BY SUPERINTENDENT OF PUBLIC INSTRUCTION

EFFECTIVE DATE: 7/25/93

Passed by the Senate April 25, 1993
YEAS 31 NAYS 15

JOEL PRITCHARD

President of the Senate

Passed by the House April 24, 1993
YEAS 96 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved May 12, 1993

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5971** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 12, 1993 - 11:01 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5971

AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Pelz, Talmadge and Bauer; by request of Governor Lowry)

Read first time 04/13/93.

1 AN ACT Relating to child nutrition programs; amending RCW
2 28A.235.140 and 28A.235.100; adding new sections to chapter 28A.235
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28A.235.140 and 1989 c 239 s 2 are each amended to
6 read as follows:

7 (1) For the purposes of this section:

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

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

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

16 (2) School districts shall be required to develop and implement
17 plans for a school breakfast program in severe-need schools, pursuant
18 to the schedule in this section. For the second year prior to the
19 implementation of the district's school breakfast program, and for each

1 subsequent school year, each school district shall submit data enabling
2 the superintendent of public instruction to determine which schools
3 within the district will qualify as severe-need schools. In developing
4 its plan, each school district shall consult with an advisory committee
5 including school staff and community members appointed by the board of
6 directors of the district.

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

11 (a) School districts where at least forty percent of lunches served
12 to students are free or reduced-price lunches shall submit a plan for
13 implementation of a school breakfast program in severe-need schools to
14 the superintendent of public instruction no later than July 1, 1990.
15 Each such district shall implement a school breakfast program in all
16 severe-need schools no later than the second day of school in the
17 1990-91 school year and in each school year thereafter.

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

26 (c) School districts where less than twenty-five percent of lunches
27 served to students are free or reduced-price lunches shall submit a
28 plan for implementation of a school breakfast program in severe-need
29 schools to the superintendent of public instruction no later than July
30 1, 1992. Each such district shall implement a school breakfast program
31 in all severe-need schools no later than the second day of school in
32 the 1992-93 school year and in each school year thereafter.

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

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

1 (5) Students who do not meet family-income criteria for free
2 breakfasts shall be eligible to participate in the school breakfast
3 programs established under this section, and school districts may
4 charge for the breakfasts served to these students. Requirements that
5 school districts have school breakfast programs ((established)) under
6 this section ~~((shall be supported entirely by federal funds and~~
7 ~~commodities, charges to students, and other local resources available~~
8 ~~for this purpose, and))~~ shall not create or imply any state funding
9 obligation for these costs. The legislature does not intend to include
10 these programs within the state's obligation for basic education
11 funding under Article IX of the Constitution.

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

14 State funds received by school districts under this chapter for
15 school breakfast and lunch programs shall be used to support the
16 operating costs of the program, including labor, unless specific
17 appropriations for nonoperating costs are provided.

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

20 (1) To the extent funds are appropriated, the superintendent of
21 public instruction may award grants to school districts to increase
22 participation in school breakfast and lunch programs, to improve
23 program quality, and to improve the equipment and facilities used in
24 the programs. School districts shall demonstrate that they have
25 applied for applicable federal funds before applying for funds under
26 this subsection.

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

30 NEW SECTION. Sec. 4. A new section is added to chapter 28A.235
31 RCW to 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

1 start new summer food service programs for children or to help expand
2 summer food services for children.

3 **Sec. 5.** RCW 28A.235.100 and 1990 c 33 s 245 are each amended to
4 read as follows:

5 The superintendent of public instruction shall have power to
6 ((promulgate)) adopt rules ((and regulations)) as may be necessary to
7 effectuate the purposes of ((RCW 28A.235.040 through 28A.235.110)) this
8 chapter.

9 NEW SECTION. **Sec. 6.** If specific funding for the purposes of this
10 act, referencing this act by bill number, is not provided by June 30,
11 1993, in the omnibus appropriations act, this act is null and void.

Passed the Senate April 25, 1993.

Passed the House April 24, 1993.

Approved by the Governor May 12, 1993.

Filed in Office of Secretary of State May 12, 1993.