

# HOUSE BILL REPORT

## HB 1771

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**As Passed House:**  
March 10, 2005

**Title:** An act relating to school meal programs.

**Brief Description:** Requiring school breakfast programs in certain schools.

**Sponsors:** By Representatives McDermott, Nixon, Tom, Santos, Simpson, Chase, Quall and Kenney.

**Brief History:**

**Committee Activity:**

Education: 2/16/05, 3/1/05 [DP];

Appropriations: 3/5/05 [DP].

**Floor Activity:**

Passed House: 3/10/05, 60-34.

**Brief Summary of Bill**

- Requires school districts, by the 2005-06 school year, to begin school breakfast programs in schools in which more than 40 percent of the students qualify for free or reduced price lunches.
- Requires the Superintendent of Public Instruction to consult with certain education interests when adopting the criteria for waiving the requirement that school districts offer school meals in schools that have certain percentages of low-income students.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 11 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Santos, Shabro and Tom.

**Staff:** Susan Morrissey (786-7111).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 20 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; McDonald, Assistant Ranking

Minority Member; Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Priest, Schual-Berke and Talcott.

**Minority Report:** Do not pass. Signed by 8 members: Representatives Anderson, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Hinkle, Pearson and Walsh.

**Staff:** Denise Graham (786-7137).

### **Background:**

#### Child Nutrition

The federal government, through its child nutrition programs, offers funding to help support school lunch, school breakfast, and summer feeding programs for school children. All school meals served under the federal School Breakfast and National School Lunch Programs receive some level of federal support. Schools that choose to participate in the program receive cash subsidies from the United States Department of Agriculture for each meal they serve. In return, they must serve meals that meet federal requirements and must offer free or reduced-price meals to eligible children. Federal reimbursements are the highest for free or reduced-price school meals served to low-income students.

Summer feeding programs offer food assistance to children during the summer months when the School Breakfast Program and National School Lunch Program are not operating. The National Summer Food Service Program provides federal funding for lunch programs provided to summer school students.

#### School Meals in Washington

Until 2004, school districts in Washington could choose whether to offer school lunch and summer feeding programs. The 2004 Legislature, through the passage of ESB 6411, required school districts to begin offering school lunch and summer feeding programs if a certain percentage of the students qualify for free or reduced-price meals. Beginning with the 2005-06 school year, school districts must implement a school lunch program in elementary schools serving students in kindergarten through fourth grade if 25 percent of the students in the school qualify for free or reduced price lunches. School districts may obtain a waiver from the requirement under circumstances that have yet to be determined.

School districts that have schools with summer academic, enrichment, or remedial programs must implement a summer food service program that is open to area children if 50 percent of the students in the summer program qualify for free or reduced price lunches. The districts may obtain a waiver from the requirement if there is a compelling reason not to open a summer food program. For schools with existing school lunch programs, summer food service programs must be implemented in the summer of 2005; for other schools, they must be implemented the summer following the implementation of a school lunch program.

The 1993 Legislature began the Meals for Kids free and reduced-price breakfast program as part of its education reform package. The program serves breakfast to public school students in districts that choose to participate. During the 1993-94 school year, districts were

reimbursed about 19.5 cents per meal. By the 2003-04 school year, the state reimbursement rate had declined to 12 cents per meal. The Superintendent of Public Instruction (SPI) attributes the decline to a static biennial appropriation of \$5,000,000, coupled with an increased level of program participation by school districts. The SPI has requested an increased appropriation of \$2.6 million to increase the state reimbursement rate to 15 cents per meal for the 2005-07 biennium.

In addition to state funding for school breakfast programs, the federal government provides supplemental funding for the programs through a complex formula. The formula provides 23 cents for each paying student, 93 cents for each reduced price meal, and \$1.23 for each free meal. In addition, schools in which 40 percent or more of the students qualify for free or reduced price lunches receive an additional 24 cents for each child who qualifies.

Presently, all but 36 school districts offer a school breakfast program. Two hundred and fifty-six schools, not all of them in the 36 districts, do not offer school breakfasts.

**Summary of Bill:**

School districts will implement school breakfast programs in schools in which more than 40 percent of the students qualify for free or reduced-price meals. The programs must be implemented by the 2005-06 school year. Schools in which school lunch programs began after the 2003-04 school year must begin a breakfast program by the second year following the commencement of their lunch program if 40 percent of the students qualify for free or reduced price lunches. The districts must annually provide the SPI with information that will help determine which schools are required to participate in the breakfast program.

School districts may be exempted from the requirements if they can show the SPI good cause for that exemption. The SPI will consult with representatives of school directors, school food service, community-based organizations and the Washington State Parent Teacher Association when designing the process and criteria for the exemptions.

The requirement that districts offer school breakfast and summer nutrition programs does not become a state funding obligation and is not included in basic education. Finally, the terms "school breakfast program" and "severe-need school" are defined.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Education) (In support of original bill) Research shows that there is a critical link between eating nutritious food and learning. Children who have access to school meals have better attendance, fewer discipline problems, and are more easily able to learn. Washington ranks 10th in hunger among the 50 states. Food banks try to help meet the nutrition needs of poor families, but the demand for their services outstrips the supply of available food. About 40 percent of the people who depend upon food banks are children.

This legislation would make sure that schools with a high percentage of children living in poverty will provide breakfast for those children. Most or all of the cost of this service will be provided through federal funds. If the legislation passes, about 29 to 32 schools will begin offering breakfast. That means about 5,700 children could get school breakfasts and about 2,700 students who are eligible for free and reduced breakfasts will be served. Schools with special circumstances may be able to get the requirement waived. This bill places another unfunded mandate on schools, a mandate that is linked to learning but is not at the focus of the learning and teaching process.

**Testimony For:** (Appropriations) The bill allows an exemption for any school that can show that implementation would be particularly burdensome. The good from this bill will outweigh any potential burden. It will impact nearly 5,000 students in 35 schools that don't currently have breakfast programs.

(With concerns) We agree with underlying intent of the bill; in the richest nation in the world children should not go hungry. But this issue should be addressed in a broader context, rather than through school breakfasts. This bill would add to the growing list of unfunded mandates on school districts. If the bill moves on, it should include a null and void clause that says it will not be implemented unless funding is provided to districts to implement the bill.

**Testimony Against:** (Education) None.

**Testimony Against:** (Appropriations) None.

**Persons Testifying:** (Education) (In support of original bill) Representative McDermott, prime sponsor; Darla Carlson, Bremerton School District; Shelly Curtis, Children's Alliance; Tracy Wilking, Washington Food Coalition; Greg Williamson, Office of the Superintendent of Public Instruction; Mary Kenfield, State Parent Teacher Association; and Russ Lehman, School Board Member.

**Persons Testifying:** (Appropriations) (In support) Hyeok Kim, Childrens Alliance; and Russ Lehman.

(With concerns) Barbara Mertens, Washington Association of School Administrators.

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

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