
ENGROSSED THIRD SUBSTITUTE HOUSE BILL 1295

State of Washington

64th Legislature

2016 Regular Session

By House Appropriations (originally sponsored by Representatives Hudgins, Magendanz, S. Hunt, Walsh, Walkinshaw, Lytton, Senn, Jinkins, Sawyer, Stokesbary, Reykdal, Robinson, McBride, Stanford, Tharinger, Bergquist, Clibborn, Pollet, Fey, Gregerson, and Tarleton)

1 AN ACT Relating to breakfast after the bell programs in certain
2 public schools; amending RCW 28A.150.205; adding new sections to
3 chapter 28A.235 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds clear evidence
6 that school breakfast is associated with improved outcomes for
7 students, including fewer discipline incidents, better attendance,
8 and improved performance on standardized tests. The legislature
9 acknowledges that many schools currently offer breakfast before the
10 school day. Nevertheless, Washington ranks forty-first in the nation
11 for participation in the national school breakfast program at the
12 same time that childhood poverty and food insecurity are at record
13 highs in the state. While many students eat breakfast at home, there
14 are significant numbers of children who come to school hungry.
15 Therefore, the legislature intends to expand the opportunity for
16 students to get a healthy breakfast by requiring schools with large
17 populations of low-income students who are eligible for free and
18 reduced-price meals to serve breakfast after the bell, a model that
19 has increased breakfast participation rates in various states across
20 the nation.

1 (2) The legislature intends to establish a process for providing
2 breakfast after the bell in high-needs schools beginning in the
3 2016-17 school year and to successfully implement the program by
4 providing technical and marketing assistance through dedicated staff
5 within the office of the superintendent of public instruction. The
6 legislature also intends that breakfast after the bell programs be
7 implemented with the input of families of students at the affected
8 schools.

9 (3) The legislature encourages schools providing breakfast after
10 the bell to use a model that allows breakfast time to be part of
11 instructional time or a model that can be implemented during an
12 existing passing period, such as a nutrition break. As long as
13 breakfast is offered to all students after the instructional day has
14 begun, schools and districts have great flexibility in choosing how
15 to serve breakfast after the bell.

16 (4) Finally, nothing in this act is intended to preempt the
17 responsibility of parents to care for their children, including
18 feeding them nutritious meals before arriving at school. Moreover,
19 the legislature's focus on breakfast after the bell is not intended
20 to indicate interest in ceasing school breakfast programs that offer
21 breakfast before the start of the school day. Rather, it is an
22 attempt to expand opportunities for hungry children to eat breakfast
23 on school days.

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

26 The definitions in this section apply throughout sections 3 and 4
27 of this act unless the context clearly requires otherwise.

28 (1) "Breakfast after the bell" means a breakfast that is offered
29 to students after the beginning of the school day. Examples of
30 breakfast after the bell models include, but are not limited to:

31 (a) "Grab and go," where easy-to-eat breakfast foods are
32 available for students to take at the start of the school day or in
33 between morning classes;

34 (b) "Second chance breakfast," where breakfast foods are
35 available during recess, a nutrition break, or later in the morning,
36 for students who are not hungry first thing in the morning, or who
37 arrive late to school; and

38 (c) "Breakfast in the classroom," where breakfast is served in
39 the classroom, often during homeroom or first period.

1 (2) "Eligible for free or reduced-price meals" means a student
2 who is eligible under the national school lunch program or school
3 breakfast program to receive lunch or breakfast at no cost to the
4 student or at a reduced cost to the student.

5 (3) "High-needs school" means any public school: (a) That has
6 enrollment of seventy percent or more students eligible for free or
7 reduced-price meals in the prior school year; or (b) that is using
8 provision two of the national school lunch act or the community
9 eligibility provision under section 104(a) of the federal healthy,
10 hunger-free kids act of 2010 to provide universal meals and that has
11 a claiming percentage for free or reduced-price meals of seventy
12 percent or more.

13 (4) "Public school" has the same meaning as provided in RCW
14 28A.150.010.

15 (5) "School breakfast program" means a program meeting federal
16 requirements under 42 U.S.C. Sec. 1773.

17 (6) "School lunch program" means a program meeting federal
18 requirements under 42 U.S.C. Sec. 1751.

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

21 (1)(a) Beginning in the 2017-18 school year, except as provided
22 in subsection (2) of this section, each high-needs school shall offer
23 breakfast after the bell to each student and provide adequate time
24 for students to eat. The state shall provide and the office of the
25 superintendent of public instruction shall administer, one-time
26 start-up allocation grants of six thousand dollars to each high-needs
27 school implementing a breakfast after the bell program. The grant
28 must be used for the costs associated with launching a breakfast
29 after the bell program, including, but not limited to, equipment
30 purchases, training, additional staff costs, and janitorial services.

31 (b) All public schools are encouraged to offer breakfast after
32 the bell even if not required to do so under this section.

33 (2) High-needs schools with at least seventy percent of free or
34 reduced-price eligible children participating in both school lunch
35 and school breakfast are exempt from the provisions of subsection (1)
36 of this section. The office of the superintendent of public
37 instruction shall evaluate individual participation rates annually,
38 and make the participation rates publicly available.

1 (3) Each high-needs school may determine the breakfast after the
2 bell service model that best suits its students. Service models
3 include, but are not limited to, breakfast in the classroom, grab and
4 go breakfast, and second chance breakfast.

5 (4) All breakfasts served in a breakfast after the bell program
6 must comply with federal meal patterns and nutrition standards for
7 school breakfast programs under the federal healthy, hunger-free kids
8 act of 2010, (P.L. 111-296) and any federal regulations implementing
9 that act. When choosing foods to serve in a breakfast after the bell
10 program, schools must give preference to foods that are healthy,
11 fresh, and Washington-grown. In addition, each food item served must
12 contain less than twenty-five percent by weight added sugar.

13 (5) The legislature does not intend to include the programs under
14 this section within the state's obligation for basic education
15 funding under Article IX of the state Constitution.

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

18 (1) Before January 2, 2017, the office of the superintendent of
19 public instruction shall develop and distribute procedures and
20 guidelines for the implementation of section 3 of this act, which
21 must be in compliance with federal regulations governing the school
22 breakfast program. These guidelines must include ways schools and
23 districts can solicit and consider the input of families regarding
24 implementation and continued operation of breakfast after the bell
25 programs.

26 (2) The office of the superintendent of public instruction shall
27 dedicate staff within the office to offer training and technical and
28 marketing assistance to all public schools and school districts
29 related to offering breakfast after the bell, including assistance
30 with various funding options available to high-needs schools,
31 including the community eligibility provision under 42 U.S.C. Sec.
32 1759a(a)(1), programs under provision two of the national school
33 lunch act, and claims for reimbursement under the school breakfast
34 program.

35 (3) In fulfilling its responsibilities under this section, the
36 office of the superintendent of public instruction shall collaborate
37 with nonprofit organizations knowledgeable about equity, the
38 opportunity gap, hunger and food security issues, and best practices
39 for improving student access to school breakfast. The office shall

1 maintain a list of opportunities for philanthropic support of school
2 breakfast programs and make the list available to schools interested
3 in breakfast after the bell.

4 (4) The office of the superintendent of public instruction shall
5 incorporate the annual collection of information about breakfast
6 after the bell delivery models into existing data systems and make
7 the information publicly available.

8 **Sec. 5.** RCW 28A.150.205 and 1992 c 141 s 502 are each amended to
9 read as follows:

10 Unless the context clearly requires otherwise, the definition in
11 this section applies throughout RCW 28A.150.200 through 28A.150.295.

12 "Instructional hours" means those hours students are provided the
13 opportunity to engage in educational activity planned by and under
14 the direction of school district staff, as directed by the
15 administration and board of directors of the district, inclusive of
16 intermissions for class changes, recess, and teacher/parent-guardian
17 conferences that are planned and scheduled by the district for the
18 purpose of discussing students' educational needs or progress, and
19 exclusive of time actually spent for meals. As long as students are
20 provided the opportunity to engage in educational activity
21 concurrently with the consumption of breakfast, and the provision of
22 breakfast allows the regular instructional program to continue
23 functioning, the period of time designated for student participation
24 in breakfast after the bell, defined in section 2 of this act, must
25 be considered instructional hours.

26 NEW SECTION. **Sec. 6.** The office of the superintendent of public
27 instruction, school districts, and affected schools shall implement
28 the provisions of this act only after funding is specifically
29 provided for the purposes of the act, referencing this act by bill or
30 chapter number, in a biennial or supplemental operating budget.

31 NEW SECTION. **Sec. 7.** The office of the superintendent of public
32 instruction may convene a work group to determine how to reduce the
33 sugar content in all school meals with the goal of reaching twenty-
34 five percent by weight added sugar. Any report or recommendations

1 from this work group should be submitted to the appropriate
2 committees of the legislature and to school districts.

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