
SENATE BILL 6003

State of Washington

65th Legislature

2018 Regular Session

By Senators Wellman, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Llias, Keiser, Pedersen, Hunt, Conway, Chase, Saldaña, and Kuderer

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1 AN ACT Relating to breakfast after the bell programs in certain
2 public schools; amending RCW 28A.150.205 and 28A.235.150; adding new
3 sections to chapter 28A.235 RCW; adding a new section to chapter
4 44.28 RCW; creating new sections; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that thoughtful
7 and evidence-based school food programs are associated with improved
8 outcomes for students, including reductions in tardiness,
9 absenteeism, suspensions, and reported illnesses and visits to
10 nurses' offices. The legislature further finds that thoughtful and
11 evidence-based school food programs are also associated with improved
12 student results on standardized tests and improved graduation rates.

13 (2) The legislature finds that the purpose of sections 1 through
14 7 of this act is to achieve the public policy benefits specified in
15 subsection (1) of this section: Improved student outcomes. To do so,
16 the legislature intends to:

17 (a) Expand opportunities for students to have a healthy breakfast
18 by requiring schools with large populations of qualifying low-income
19 students to offer breakfast after the bell programs, a program model
20 that has increased breakfast participation rates in other states; and

1 (b) Conduct an analysis of breakfast after the bell programs
2 established in accordance with section 3 of this act.

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

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

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

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

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

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

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

23 (3) "High-needs school" means any public school: (a) That has
24 enrollment of seventy percent or more students eligible for free or
25 reduced-price meals in the prior school year; or (b) that is using
26 provision two of the national school lunch act or the community
27 eligibility provision under section 104(a) of the federal healthy,
28 hunger-free kids act of 2010 to provide universal meals and that has
29 a claiming percentage for free or reduced-price meals of seventy
30 percent or more.

31 (4) "Public school" has the same meaning as provided in RCW
32 28A.150.010.

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

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

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

1 (1)(a) In accordance with section 6 of this act and except as
2 provided in subsection (2) of this section, beginning in the 2019-20
3 school year, each high-needs school shall offer breakfast after the
4 bell to each student and provide adequate time for students to
5 consume the offered food.

6 (b) Public schools that are not obligated by this section to
7 offer breakfast after the bell are encouraged to do so. Nothing in
8 this section is intended to prevent a high-needs school from
9 implementing a breakfast after the bell program before the 2019-20
10 school year.

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

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

21 (4) All breakfasts served in a breakfast after the bell program
22 must comply with federal meal patterns and nutrition standards for
23 school breakfast programs under the federal healthy, hunger-free kids
24 act of 2010, (P.L. 111-296) and any federal regulations implementing
25 that act. In addition, each food item served in a breakfast after the
26 bell program must contain less than twenty-five percent, by weight,
27 added sugar. When choosing foods to serve in a breakfast after the
28 bell program, schools must give preference to foods that are
29 healthful and fresh, and if feasible, give preference to Washington-
30 grown food.

31 (5) Subject to the availability of amounts appropriated for this
32 specific purpose, the superintendent of public instruction shall
33 administer one-time start-up allocation grants to each high-needs
34 school implementing a breakfast after the bell program under this
35 section. Grant funds provided under this section must be used for the
36 costs associated with launching a breakfast after the bell program,
37 including but not limited to equipment purchases, training,
38 additional staff costs, and janitorial services.

39 (6) The legislature does not intend to include the breakfast
40 after the bell programs under this section, including the provision

1 of breakfast, within the definition or funding of the program of
2 basic education under Article IX of the state Constitution.

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

5 (1) Before January 2, 2019, the office of the superintendent of
6 public instruction shall develop and distribute procedures and
7 guidelines for the implementation of section 3 of this act that
8 comply with federal regulations governing the school breakfast
9 program. The guidelines and procedures must include ways schools and
10 districts can solicit and consider the input of families regarding
11 implementation and continued operation of breakfast after the bell
12 programs. The guidelines and procedures must also include
13 recommendations and best practices for designing, implementing, and
14 operating breakfast after the bell programs that are based upon the
15 implementation and operational experiences of schools of differing
16 sizes and in different geographic regions of the state that have
17 implemented breakfast after the bell programs.

18 (2) The office of the superintendent of public instruction shall
19 offer training and technical and marketing assistance to all public
20 schools and school districts related to offering breakfast after the
21 bell, including assistance with various funding options available to
22 high-needs schools such as the community eligibility provision under
23 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the
24 national school lunch act, and claims for reimbursement under the
25 school breakfast program.

26 (3) In accordance with this section, the office of the
27 superintendent of public instruction shall collaborate with nonprofit
28 organizations knowledgeable about equity, the opportunity gap, hunger
29 and food security issues, and best practices for improving student
30 access to school breakfast. The office shall maintain a list of
31 opportunities for philanthropic support of school breakfast programs
32 and make the list available to schools interested in breakfast after
33 the bell programs.

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

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

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

5 (1) "Instructional hours" means those hours students are provided
6 the opportunity to engage in educational activity planned by and
7 under the direction of school district staff, as directed by the
8 administration and board of directors of the district, inclusive of
9 intermissions for class changes, recess, and teacher/parent-guardian
10 conferences that are planned and scheduled by the district for the
11 purpose of discussing students' educational needs or progress, and
12 exclusive of time actually spent for meals.

13 (2)(a) If students are provided the opportunity to engage in
14 educational activity that is part of the regular instructional
15 program concurrently with the consumption of breakfast, the period of
16 time designated for student participation in breakfast after the
17 bell, as defined in section 2 of this act, must be considered
18 instructional hours.

19 (b) Breakfast after the bell programs, as defined in section 2 of
20 this act, including the provision of breakfast, are not considered
21 part of the definition or funding of the program of basic education
22 under Article IX of the state Constitution.

23 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.235
24 RCW to read as follows:

25 The office of the superintendent of public instruction, school
26 districts, and affected schools shall implement sections 2 through 4,
27 chapter . . . , Laws of 2018 (sections 2 through 4 of this act) only
28 in years in which funding is specifically provided for the purposes
29 of chapter, Laws of 2018 (this act), referencing
30 chapter . . . , Laws of 2018 (this act) by bill or chapter number or
31 statutory references, in a biennial or supplemental operating budget.

32 **Sec. 7.** RCW 28A.235.150 and 1993 c 333 s 3 are each amended to
33 read as follows:

34 (1)(a) To the extent funds are appropriated for this specific
35 purpose, the superintendent of public instruction may award grants to
36 school districts to:

1 (i) Increase awareness of and participation in school breakfast
2 and lunch programs(~~(, — to)~~), including breakfast after the bell
3 programs;

4 (ii) Improve program quality(~~(, — and — to)~~), including the
5 nutritional content of program food and the promotion of nutritious
6 food choices by students;

7 (iii) Promote innovative school-based programs, including but not
8 limited to developing organic gardens that provide produce used in
9 school breakfast or lunch programs; and

10 (iv) Improve the equipment and facilities used in the programs.

11 (b) If applicable, school districts shall demonstrate that they
12 have applied for applicable federal funds before applying for funds
13 under this subsection.

14 (2) To the extent funds are appropriated for this specific
15 purpose, the superintendent of public instruction shall increase the
16 state support for school breakfasts and lunches, including breakfast
17 after the bell programs.

18 (3) As used in this section, "breakfast after the bell" has the
19 definition in section 2 of this act.

20 NEW SECTION. Sec. 8. A new section is added to chapter 44.28
21 RCW to read as follows:

22 (1) The joint committee shall conduct an analysis of breakfast
23 after the bell programs established in schools in accordance with
24 section 3 of this act. The analysis of the schools establishing
25 breakfast after the bell programs shall include a review of any
26 changes in student:

27 (a) Tardiness and absenteeism;

28 (b) Suspensions;

29 (c) Reported illnesses and visits to nurses' offices;

30 (d) Results on standardized tests; and

31 (e) Graduation rates.

32 (2) The analysis shall also include a review of the outcomes of
33 similar programs or efforts in other states.

34 (3) The office of the superintendent of public instruction and
35 the education data center under RCW 43.41.400 shall assist in
36 providing any data required to conduct the analysis. The analysis,
37 including any findings and recommendations, must be completed and
38 submitted to the superintendent of public instruction and, in

1 accordance with RCW 43.01.036, the education committees of the house
2 of representatives and the senate by December 1, 2026.

3 NEW SECTION. **Sec. 9.** Sections 3, 4, 6, and 8 of this act expire
4 June 30, 2028.

5 NEW SECTION. **Sec. 10.** This act may be known and cited as the
6 Washington kids ready to learn act.

7 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
8 this act, referencing this act by bill or chapter number, is not
9 provided by June 30, 2018, in the omnibus appropriations act, this
10 act is null and void.

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