

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1508

Chapter 8, Laws of 2018

65th Legislature
2018 Regular Session

STUDENT MEAL AND NUTRITION PROGRAMS

EFFECTIVE DATE: June 7, 2018

Passed by the House February 19, 2018
Yeas 87 Nays 8

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate January 31, 2018
Yeas 43 Nays 5

CYRUS HABIB

President of the Senate

Approved March 7, 2018 1:34 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1508** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 7, 2018

**Secretary of State
State of Washington**

SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1508

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By House Appropriations (originally sponsored by Representatives Stonier, Dolan, Ortiz-Self, Riccelli, Orwall, Peterson, Sawyer, Doglio, Gregerson, Slatter, Frame, Macri, Bergquist, Senn, Ryu, Kloba, Stanford, Sells, Farrell, Lovick, McBride, Pollet, Hudgins, Jinkins, Kagi, Appleton, Goodman, Tharinger, Clibborn, Ormsby, Cody, Santos, Fey, and Pettigrew)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to promoting student health and readiness through
2 meal and nutrition programs; amending RCW 28A.150.205 and
3 28A.235.150; adding new sections to chapter 28A.235 RCW; creating new
4 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 acknowledges that existing school-related
14 farm programs play an important role in helping students to better
15 understand the relationships between academics, food, farming, and
16 good health.

17 (3) The legislature finds that the purpose of sections 1 through
18 7 of this act is to achieve the public policy benefits specified in
19 subsection (1) of this section: Improved student outcomes. To do so,
20 the legislature intends to:

- 1 (a) Expand opportunities for students to have a healthy breakfast
2 by requiring schools with large populations of qualifying low-income
3 students to offer breakfast after the bell programs, a program model
4 that has increased breakfast participation rates in other states; and
5 (b) Increase support for school-related farm programs that have
6 proven successful in supporting students through policies that, among
7 other benefits, promote student health and readiness through healthy
8 local foods and school garden projects; and
9 (c) Conduct an analysis of breakfast after the bell programs
10 established in accordance with section 3 of this act.

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

13 The definitions in this section apply throughout sections 3
14 through 4 of this act unless the context clearly requires otherwise.

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

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

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

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

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

31 (3) "High-needs school" means any public school: (a) That has
32 enrollment of seventy percent or more students eligible for free or
33 reduced-price meals in the prior school year; or (b) that is using
34 provision two of the national school lunch act or the community
35 eligibility provision under section 104(a) of the federal healthy,
36 hunger-free kids act of 2010 to provide universal meals and that has
37 a claiming percentage for free or reduced-price meals of seventy
38 percent or more.

1 (4) "Public school" has the same meaning as provided in RCW
2 28A.150.010.

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

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

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

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

14 (b) Public schools that are not obligated by this section to
15 offer breakfast after the bell are encouraged to do so. Nothing in
16 this section is intended to prevent a high-needs school from
17 implementing a breakfast after the bell program before the 2019-20
18 school year.

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

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

29 (4) All breakfasts served in a breakfast after the bell program
30 must comply with federal meal patterns and nutrition standards for
31 school breakfast programs under the federal healthy, hunger-free kids
32 act of 2010, (P.L. 111-296) and any federal regulations implementing
33 that act. By December 1, 2018, and as needed thereafter, the office
34 of the superintendent of public instruction must develop and
35 distribute best practices and provide technical assistance to school
36 districts on strategies for selecting food items that are low in
37 added sugar. When choosing foods to serve in a breakfast after the
38 bell program, schools must give preference to foods that are

1 healthful and fresh, and if feasible, give preference to Washington-
2 grown food.

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

11 (6) The legislature does not intend to include the breakfast
12 after the bell programs under this section, including the provision
13 of breakfast, within the definition or funding of the program of
14 basic education under Article IX of the state Constitution.

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

17 (1) Before January 2, 2019, the office of the superintendent of
18 public instruction shall develop and distribute procedures and
19 guidelines for the implementation of section 3 of this act that
20 comply with federal regulations governing the school breakfast
21 program. The guidelines and procedures must include ways schools and
22 districts can solicit and consider the input of families regarding
23 implementation and continued operation of breakfast after the bell
24 programs. The guidelines and procedures must also include
25 recommendations and best practices for designing, implementing, and
26 operating breakfast after the bell programs that are based upon the
27 implementation and operational experiences of schools of differing
28 sizes and in different geographic regions of the state that have
29 implemented breakfast after the bell programs.

30 (2) The office of the superintendent of public instruction shall
31 offer training and technical and marketing assistance to all public
32 schools and school districts related to offering breakfast after the
33 bell, including assistance with various funding options available to
34 high-needs schools such as the community eligibility provision under
35 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the
36 national school lunch act, and claims for reimbursement under the
37 school breakfast program.

38 (3) In accordance with this section, the office of the
39 superintendent of public instruction shall collaborate with nonprofit

1 organizations knowledgeable about equity, the opportunity gap, hunger
2 and food security issues, and best practices for improving student
3 access to school breakfast. The office shall maintain a list of
4 opportunities for philanthropic support of school breakfast programs
5 and make the list available to schools interested in breakfast after
6 the bell programs.

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

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

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

15 (1) "Instructional hours" means those hours students are provided
16 the opportunity to engage in educational activity planned by and
17 under the direction of school district staff, as directed by the
18 administration and board of directors of the district, inclusive of
19 intermissions for class changes, recess, and teacher/parent-guardian
20 conferences that are planned and scheduled by the district for the
21 purpose of discussing students' educational needs or progress, and
22 exclusive of time actually spent for meals.

23 (2)(a) If students are provided the opportunity to engage in
24 educational activity that is part of the regular instructional
25 program concurrently with the consumption of breakfast, the period of
26 time designated for student participation in breakfast after the
27 bell, as defined in section 2 of this act, must be considered
28 instructional hours.

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

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

35 The office of the superintendent of public instruction, school
36 districts, and affected schools shall implement sections 2 through 4,
37 chapter . . . , Laws of 2018 (sections 2 through 4 of this act) only
38 in years in which funding is specifically provided for the purposes

1 of chapter . . . , Laws of 2018 (this act), referencing
2 chapter . . . , Laws of 2018 (this act) by bill or chapter number or
3 statutory references, in a biennial or supplemental operating budget.

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

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

9 (i) Increase awareness of and participation in school breakfast
10 and lunch programs(~~(, —to)~~), including breakfast after the bell
11 programs;

12 (ii) Improve program quality(~~(, —and —to)~~), including the
13 nutritional content of program food and the promotion of nutritious
14 food choices by students;

15 (iii) Promote innovative school-based programs, including but not
16 limited to developing gardens that provide produce used in school
17 breakfast or lunch programs; and

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

19 (b) If applicable, school districts shall demonstrate that they
20 have applied for applicable federal funds before applying for funds
21 under this subsection.

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

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

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.235
29 RCW to read as follows:

30 (1) Subject to the availability of amounts appropriated for this
31 specific purpose, the office of the superintendent of public
32 instruction may coordinate with the department of agriculture to
33 promote and facilitate new and existing regional markets programs,
34 including farm-to-school initiatives established in accordance with
35 RCW 15.64.060, and small farm direct marketing assistance in
36 accordance with RCW 15.64.050. In coordinating with the department of
37 agriculture, the office of the superintendent of public instruction
38 is encouraged to provide technical assistance, including outreach and

1 best practices strategies, to school districts with farm-to-school
2 initiatives.

3 (2) Subject to the availability of amounts appropriated for this
4 specific purpose, the regional markets programs of the department of
5 agriculture must be a centralized connection point for schools and
6 other institutions for accessing and sharing information, tools,
7 ideas, and best practices for purchasing Washington-grown food.

8 (a) In accordance with this subsection (2), program staff from
9 the department of agriculture may provide:

10 (i) Scale-appropriate information and resources to farms to help
11 them respond to the growing demand for local and direct marketed
12 products; and

13 (ii) Targeted technical assistance to farmers, food businesses,
14 and buyers, including schools, about business planning, access to
15 markets, product development, distribution infrastructure, and
16 sourcing, procuring, and promoting Washington-grown foods.

17 (b) In accordance with this subsection (2), program staff from
18 the department of agriculture may provide technical assistance to:

19 (i) Support new and existing farm businesses;

20 (ii) Maintain the economic viability of farms;

21 (iii) Support compliance with applicable federal, state, and
22 local requirements; and

23 (iv) Support access and preparation efforts for competing in
24 markets that are a good fit for their scale and products, including
25 schools and public institutions, and direct-to-consumer markets that
26 include, but are not limited to, farmers' markets, local retailers,
27 restaurants, value-added product developments, and agritourism
28 opportunities.

29 (3) Subject to the availability of amounts appropriated for this
30 specific purpose, the regional markets programs of the department of
31 agriculture may support school districts in establishing or expanding
32 farm-to-school initiatives by providing information and guidance to
33 overcome barriers to purchasing Washington-grown food. In accordance
34 with this subsection (3), regional markets program activities may
35 include, but are not limited to:

36 (a) Connecting schools and other institutions with farmers and
37 distribution chains;

38 (b) Overcoming seasonality constraints;

39 (c) Providing budgeting assistance;

40 (d) Navigating procurement requirements; and

1 (e) Developing educational materials that can be used in
2 cafeterias, classrooms, and in other educational environments.

3 (4) Subject to the availability of amounts appropriated for this
4 specific purpose, school districts and other institutions may
5 coordinate with the department of agriculture to promote and
6 facilitate new and existing farm-to-school initiatives. School
7 district representatives involved in these initiatives may include,
8 but not limited to, school nutrition staff, purchasing staff, student
9 representatives, and parent organizations.

10 (5) Subject to the availability of amounts appropriated for this
11 specific purpose, the office of the superintendent of public
12 instruction may award grants to school districts to collaborate with
13 community-based organizations, food banks, and farms or gardens for
14 reducing high school dropout occurrences through farm engagement
15 projects. Projects established by school districts that receive
16 grants in accordance with this section must:

17 (a) Primarily target low-income and disengaged youth who have
18 dropped out or who are at risk of dropping out of high school; and

19 (b) Provide participating youth with opportunities for:

20 (i) Performing community service, including, but not limited to,
21 building food gardens for low-income families, and work-based
22 learning and employment during the school year and summer through
23 farm or garden programs;

24 (ii) Earning core and elective credits applied toward high school
25 graduation, including but not limited to, science, health, and career
26 and technical education credits;

27 (iii) Receiving development support and services, including
28 social and emotional learning, counseling, leadership training, and
29 career and college guidance; and

30 (iv) Improving food security for themselves and their community
31 through the project.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.235
33 RCW to read as follows:

34 (1) The joint legislative audit and review committee shall
35 conduct an analysis of breakfast after the bell programs established
36 in schools in accordance with section 3 of this act. The analysis of
37 the schools establishing breakfast after the bell programs shall
38 include a review of any changes in student:

39 (a) Tardiness and absenteeism;

- 1 (b) Suspensions;
- 2 (c) Reported illnesses and visits to nurses' offices;
- 3 (d) Results on standardized tests; and
- 4 (e) Graduation rates.

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

7 (3) The office of the superintendent of public instruction and
8 the education and research data center of the office of financial
9 management shall assist in providing any data required to conduct the
10 analysis. The analysis, including any findings and recommendations,
11 must be completed and submitted to the superintendent of public
12 instruction and, in accordance with RCW 43.01.036, the education
13 committees of the house of representatives and the senate by December
14 1, 2026.

15 NEW SECTION. **Sec. 10.** Sections 3, 4, and 6 of this act expire
16 June 30, 2028.

17 NEW SECTION. **Sec. 11.** This act may be known and cited as the
18 Washington kids ready to learn act of 2018.

Passed by the House February 19, 2018.
Passed by the Senate January 31, 2018.
Approved by the Governor March 7, 2018.
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