
SECOND SUBSTITUTE SENATE BILL 5437

State of Washington

64th Legislature

2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators Litzow, McAuliffe, Fain, Billig, Rivers, Hill, Rolfes, Hasegawa, Jayapal, Habib, Kohl-Welles, Chase, Pedersen, and Conway)

1 AN ACT Relating to breakfast after the bell programs in certain
2 public schools; adding new sections to chapter 28A.235 RCW; and
3 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)(i) Subject to the availability of amounts appropriated for
22 this specific purpose, the superintendent of public instruction shall
23 administer one-time start-up allocation grants of up to six thousand
24 dollars to each high-needs school implementing a breakfast after the
25 bell program. The grant must be used for the costs associated with
26 launching a breakfast after the bell program including, but not
27 limited to, equipment purchases, training, additional staff costs,
28 and janitorial services.

29 (ii) In the 2016-17 school year, grants must be provided
30 beginning with the top third of high-need schools ranked by the
31 percentage of students eligible for free and reduced-price meals. In
32 the 2017-18 school year, grants must be provided to the top fifty
33 percent of high-need schools ranked by the percentage of students
34 eligible for free and reduced-price meals that did not receive a
35 prior grant under this section. In the 2018-19 school year, the
36 remaining high needs schools that did not receive a prior grant under
37 this section must be provided grants.

1 (b) Beginning in the school year that the school receives the
2 grant, the school must offer breakfast after the bell to each student
3 and provide adequate time for students to eat.

4 (c) All public schools are encouraged to offer breakfast after
5 the bell even if not required to do so under this section.

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

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

16 (b) If all students in a high-needs school are provided the
17 opportunity to engage in educational activity planned by and under
18 the direction of school district staff concurrently with the
19 consumption of breakfast, the period of time designated for student
20 participation in breakfast after the bell may be provided during
21 instructional hours under RCW 28A.150.205.

22 (4) Any rules adopted by the state board of education must permit
23 student participation in breakfast after the bell during
24 instructional hours.

25 (5) All breakfasts served in a breakfast after the bell program
26 must comply with federal meal patterns and nutrition standards for
27 school breakfast programs under the federal healthy, hunger-free kids
28 act of 2010, (P.L. 111-296) and any federal regulations implementing
29 that act.

30 (6) The legislature does not intend to include the funding for
31 programs under this section within the state's obligation for basic
32 education funding under Article IX of the state Constitution.

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

35 (1) Before January 2, 2016, the office of the superintendent of
36 public instruction shall develop and distribute procedures and
37 guidelines for the implementation of section 3 of this act, which
38 must be in compliance with federal regulations governing the school
39 breakfast program. These guidelines must include ways schools and

1 districts can solicit and consider the input of families regarding
2 implementation and continued operation of breakfast after the bell
3 programs.

4 (2) The office of the superintendent of public instruction shall
5 dedicate staff within the office to offer training and technical and
6 marketing assistance to all public schools and school districts
7 related to offering breakfast after the bell, including assistance
8 with various funding options available to high-needs schools,
9 including the community eligibility provision under 42 U.S.C. Sec.
10 1759a(a)(1), programs under provision two of the national school
11 lunch act, and claims for reimbursement under the school breakfast
12 program.

13 (3) In fulfilling its responsibilities under this section, the
14 office of the superintendent of public instruction shall collaborate
15 with nonprofit organizations knowledgeable about equity, the
16 opportunity gap, hunger and food security issues, and best practices
17 for improving student access to school breakfast. The office shall
18 maintain a list of opportunities for philanthropic support of school
19 breakfast programs and make the list available to schools interested
20 in breakfast after the bell.

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

25 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
26 this act, referencing this act by bill or chapter number, is not
27 provided by June 30, 2015, in the omnibus appropriations act, this
28 act is null and void.

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