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**SUBSTITUTE SENATE BILL 5437**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senate Early Learning & K-12 Education (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) Beginning in the 2016-17 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 up to six thousand dollars to each  
27 high-needs school implementing a breakfast after the bell program.  
28 The grant must be used for the costs associated with launching a  
29 breakfast after the bell program including, but not limited to,  
30 equipment purchases, training, additional staff costs, and janitorial  
31 services.

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

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

1 (3)(a) Each high-needs school may determine the breakfast after  
2 the 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 (b) If all students in a high-needs school are provided the  
6 opportunity to engage in educational activity planned by and under  
7 the direction of school district staff concurrently with the  
8 consumption of breakfast, the period of time designated for student  
9 participation in breakfast after the bell shall be provided during  
10 instructional hours under RCW 28A.150.205.

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

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

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

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

24 (1) Before January 2, 2016, the office of the superintendent of  
25 public instruction shall develop and distribute procedures and  
26 guidelines for the implementation of section 3 of this act, which  
27 must be in compliance with federal regulations governing the school  
28 breakfast program. These guidelines must include ways schools and  
29 districts can solicit and consider the input of families regarding  
30 implementation and continued operation of breakfast after the bell  
31 programs.

32 (2) The office of the superintendent of public instruction shall  
33 dedicate staff within the office to offer training and technical and  
34 marketing assistance to all public schools and school districts  
35 related to offering breakfast after the bell, including assistance  
36 with various funding options available to high-needs schools,  
37 including the community eligibility provision under 42 U.S.C. Sec.  
38 1759a(a)(1), programs under provision two of the national school

1 lunch act, and claims for reimbursement under the school breakfast  
2 program.

3 (3) In fulfilling its responsibilities under this section, the  
4 office of the superintendent of public instruction shall collaborate  
5 with nonprofit organizations knowledgeable about equity, the  
6 opportunity gap, hunger and food security issues, and best practices  
7 for improving student access to school breakfast. The office shall  
8 maintain a list of opportunities for philanthropic support of school  
9 breakfast programs and make the list available to schools interested  
10 in breakfast after the bell.

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

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

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