



A TALE OF TWO BILLS

NEVADA'S BREAKFAST AFTER THE BELL

A LEGISLATION CASE STUDY



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This report is for **Share Our Strength’s No Kid Hungry Campaign** whose mission is to end childhood hunger in America by ensuring all children get the healthy food they need every day.

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INTRODUCTION



PRIOR TO 2015, Nevada historically ranked 50th among states in National School Lunch and School Breakfast Program (SBP) participation. Even among students eligible for free and reduced-price meals, participation rates have been exceedingly low. Advocates working to improve food security in Nevada advanced legislation requiring schools to provide SBP meals to students at the start of each school day after the bell rings. This program delivery method is called Breakfast After the Bell (BAB). School districts can volunteer to implement BAB programs on their own, simply by making breakfast available to students after the start of the school day, or state lawmakers can require the provision of BAB in all schools or in specific schools based on need.

In Nevada, lawmakers took up the issue of BAB in the 2011 and 2015 legislative sessions, working to implement a state policy requirement for selected schools. The final 2015 law requires schools with 70 percent or more students enrolled in free or reduced price meals to provide breakfast to students after the instructional day has officially begun. Each school may choose the type of model that is implemented including, but not limited to, Breakfast in the Classroom, Grab and Go or Second Chance¹. A total of \$2 million over the course of two years was budgeted for start-up funds to aid schools with this initial implementation. Funds could be spent on anything related to Breakfast After the Bell implementation, including equipment, staffing and training.

The history of this law is unique in that Nevada legislators initially passed Breakfast After the Bell in 2011 through Assembly Bill (AB) 137, only to see the measure vetoed by Gov. Brian Sandoval four days after the legislature adjourned. Breakfast After the Bell legislation was introduced again in 2015 through Senate Bill (SB) 503. This time it was championed by Gov. Sandoval and the Senate Finance Committee Chair and passed by both houses of the legislature.

A major shift in policy support occurred between these two legislative sessions.

The factors that influenced this shift are presented in this legislative case study.

Understanding the Success of Nevada's Efforts

Anti-hunger advocates are keen to better understand the factors that influence decision-making on state policies in order to replicate successes in other states. To this end, we have carefully analyzed the legislative processes in 2011 and 2015. Analysts then dissected each of the two bills and their requirements, and interviewed elected leaders, state agencies, and community stakeholders to glean information on the factors that influenced this policy shift of the governor



¹Share Our Strength's Center on Best Practices offers primers on breakfast delivery models such as these, as well as toolkits and implementation guides for anti-hunger groups, educational institutions, and policy-makers.

from the veto in 2011 to championing the bill in 2015. Identified “factors” boil down to a handful of differences in the approaches to legislation and offer significant “lessons learned.”

There are lessons learned in three key areas, each representing a critical element missing in the 2011 bill but present in the 2015 signed law. Although the lessons learned fall into three separate areas, they all exemplify the power of relationships. Other states considering statewide Breakfast After the Bell policy options should consider these lessons in order to advance their policy endeavors:

1 Engage agents of change and dynamic leaders.

Agents of change have close personal connections with high-level elected leaders in the state and serve as advisors to them. An agent of change has respect from legislators by nature of his or her position and expertise. Dynamic leaders are charismatic lawmakers and are well-respected among their elected peers in both parties.

In 2015, Nevada agents of change actively involved in Breakfast After the Bell legislation included the Governor’s Chief of Staff, Mike Willden, and former First Lady Kathleen Teipner Sandoval. Both influenced Gov. Sandoval’s decision to be an active and vocal lawmaker in the Breakfast After the Bell initiative. Advocates in other states can examine the sphere of influence around their governors and majority leaders in the legislature for potential agents of change.

2 Leverage related policy priorities as catalysts for policies on breakfast.

Breakfast After the Bell legislation succeeded in Nevada when packaged within educational reform measures. Advocates can engage agents of change to learn the policy priorities of dynamic leaders in the legislature and how to leverage those priorities to create robust policy packages that include Breakfast After the Bell. This insider information can help advocates better understand the policy environment as shaped by political parties and its potential impact on anti-hunger policy priorities.

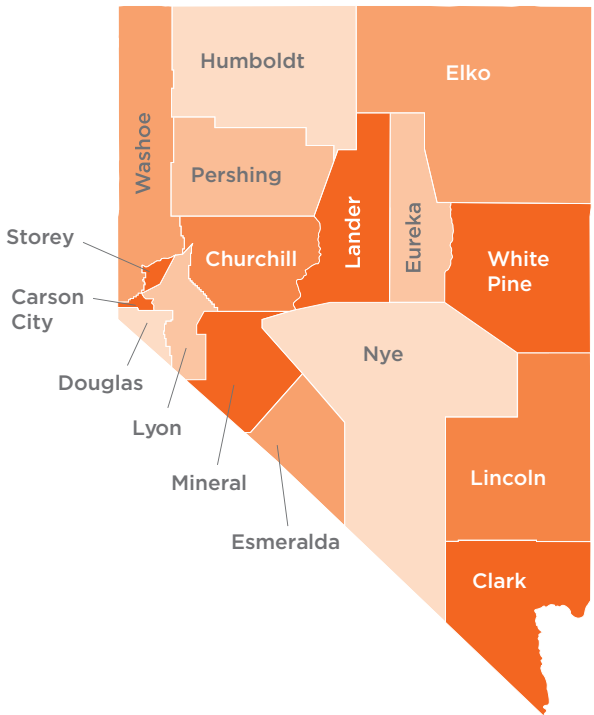
3 Develop and vet state policy concepts collaboratively.

An advisory council on food security can drive cohesion and consensus-building among stakeholders. Such stakeholders may share a vision to eliminate child hunger but are not always in agreement on the direction needed to achieve that goal. A collaborative process for policy development through a diverse executive body strengthens the

resulting policy priority and legislative language. In Nevada, this body was called the Governor’s Council on Food Security (GCFS).

Similarly, it is important to engage stakeholders who operate outside of this state-sponsored group yet are directly impacted by legislation. In state school breakfast policy development, it is critical to meet with potentially impacted school districts, for example. Vetting is the process by which advocates and agents of change engage in conversations with impacted stakeholders prior to the legislative session to confirm and gather support and neutralize potential opposition or at least identify some common ground. Vetting strengthens the advocacy position and state policy option by incorporating feedback from a broad cross-section of stakeholders as appropriate. Engaging both types of stakeholders — those who are like-minded in their vision and approach to policy and those who may be in opposition — may ultimately enhance policy proposals and their legislative success.

Figure 1: Map of Nevada’s school districts²



This case study draws its conclusions from a variety of sources including interviews with stakeholders and legislators as well as testimonies and statements recorded in public meetings and hearings. Appendix A includes a full list of interviews and public records citations.

² Nevada has 430,000 students attending public school in 18 districts (one in each of Nevada’s 17 counties and a statewide charter school district) and a free and reduced price lunch eligibility rate of more than 60%.

BREAKFAST LEGISLATION TIMELINE

Nevada’s history in breakfast legislation centers on the 2011 and 2015 legislative sessions. In both sessions, the Nevada Legislature passed legislation to require Breakfast After the Bell, yet only the 2015 measure was signed into law by the governor and implemented. Therefore, it is important to understand the changes advocates and stakeholders made to their legislative/advocacy approaches during the interim years.

Between 2012 and 2014, the director for the Nevada Department of Health and Human Services (DHHS) commissioned a statewide needs assessment. Nevada statute requires the assessment to help establish the public health priorities targeted by the citizens’ Grants Management Advisory Council and funded through tobacco settlement dollars and certain federal funds. The needs assessment identified hunger as a high priority by community-based health and human service organizations and their clients. This needs assessment catalyzed several policy initiatives, including the development of “Food Security in Nevada: A Plan for Action.” It was the state’s first strategic plan dedicated to increasing food security.

The group of state agencies and community-based organizations that convened to develop the strategic plan in 2012 was called the “food security task force.” The legislature approved the food security plan in 2013. This led to the establishment of the Governor’s Council on Food Security (GCFS) as well as a new food security coordinator position in the Department of Health and Human Services. One recommendation in the state’s plan encouraged the state to explore and develop a menu of policy options to increase participation in federal nutrition programs. The newly formed GCFS adopted that recommendation and spent months exploring policy options. The National School Breakfast Program, specifically Breakfast After the Bell, was identified as offering the most room for growth while its requirements and operational processes would be the easiest to implement.

ABBREVIATED TIMELINE OF STATE BREAKFAST POLICIES CONSIDERED IN LEGISLATURE



Figure 2: Timeline of state breakfast policies considered in legislature. A comprehensive timeline is provided in Appendix B.



I. AGENTS OF CHANGE AND DYNAMIC LEADERS

Agents of change and dynamic leaders are critical partners to achieving the goal of ending childhood hunger. An agent of change refers to an individual with a close relationship to high-level state officials who have the ability to champion state policies. Dynamic leaders are lawmakers who can use their positions to assemble diverse groups to work collaboratively to recommend policies or a course of action in the best interest of the state. In convening and authorizing a work group, the dynamic leader elevates its stature to state agencies and legislators, who are then more likely to give serious consideration to the group's recommendations.

When Breakfast After the Bell legislation was first introduced in 2011, anti-hunger advocates were not working collaboratively with agents of change. Therefore, no

close advisors to the governor were working to include the governor in high-level advocacy efforts or to personally encourage his support of the bill passed by both houses of the legislature. He vetoed the legislation.

Subsequently, hunger advocates changed their approach for future legislative work. Between 2012-2014, advocates joined with agents of change on the development and implementation of Nevada's Food Security Plan. Two agents of change emerged to have a direct and positive influence on Gov. Sandoval's position on Breakfast After the Bell legislation. They engaged the governor on the issue in meaningful ways, leading him to become a champion for anti-hunger policies in the 2015 legislative session.

The first agent of change was Mike Willden, the longest serving director of the Nevada Department of Health



Governor Brian Sandoval



LESSONS LEARNED:

Engage agents of change. Agents of change have the ear of lawmakers at the highest levels of state government. They are close advisors to these state leaders. In Nevada's case, the former first lady and the governor's chief of staff were agents of change. Anti-hunger groups can engage agents of change who are already working in high-level state positions on health issues or in areas relating to children, such as family services or juvenile justice.

and Human Services (HHS) in Nevada's history. HHS is also the largest state agency in terms of employees and state budget. As a state agency director, Mr. Willden sat on the Governor's Cabinet and worked closely with Gov. Sandoval. Mr. Willden was the first HHS director to commission a strategic plan to address food security in the state. With a strategic plan in hand, Mr. Willden recommended a course of action for the governor, which propelled the governor into the role of dynamic leader for food



LESSONS LEARNED:

Connect agents of change and dynamic leaders. Agents of change engage dynamic leaders by leveraging their relationships and positions as subject matter experts and by persuading high-level state leaders to take specific actions. Agents of change can present opportunities to dynamic leaders that are meaningful to the effort, such as establishing and appointing members to an advisory council and publicly championing a state Breakfast After the Bell policy. Agents of change can identify appropriate high profile events for dynamic leaders to communicate state policy priorities and can help ensure that strengthening childhood nutrition programs is specifically included in them.

security policymaking. Specific actions recommended to the governor through the plan included the establishment of the GCFS in February 2014. Then, later in 2014, Mr. Willden was recruited to serve as the governor's chief of staff. In this capacity, Mr. Willden serves as one of the governor's closest advisors.

The governor appointed Kathleen Teipner Sandoval, to be the GCFS's first chair, thus making her an agent of change for food security. Her influence as an agent of change extended beyond the governor to include legislators in leadership positions. In her own right, Ms. Teipner Sandoval was working as an agent of change in juvenile justice and family services through her position as the director of operations for the Children's Cabinet, a large children's advocacy nonprofit



Former First Lady Kathleen Teipner Sandoval

Legislators already sought her advice on legislative policies related to children's issues. Her position as chair of the GCFS was a natural connection; she already had a great deal of knowledge on the complex issue of food insecurity. In fact, many anti-hunger advocates and stakeholders in Northern Nevada were already working closely with Ms. Teipner Sandoval to expand access to healthy food for clients receiving family support services at the Children's Cabinet.

As an agent of change, Ms. Teipner Sandoval was instrumental in the design and drafting of 2015's Senate Bill 503 and ensuring it was included in the governor's educational reform package. She leveraged her relationships with Nevada Senate and Assembly leaders and her reputation as an expert in children's issues to persuade those in leadership positions to become engaged as dynamic leaders, like the governor, and champion Breakfast After the Bell legislation.

Agents of change can also identify opportunities for dynamic leaders to voice their support for Breakfast After the Bell as a policy priority. Ms. Teipner Sandoval worked closely with the governor's staff to include a mention of the Breakfast After the Bell bill in the governor's annual State of the State speech. Through his specific, meaningful actions, Gov. Sandoval became a dynamic leader on the importance of Breakfast After the Bell and legislators took notice. Most legislators interviewed referenced former First Lady Kathleen Teipner Sandoval when describing compelling champions who offered information and helped in their decision-making processes or who made a memorable impression on them during the 2015 legislative session in reference to the specific bill. Her endorsement was highly valued and trusted by leaders. Legislators also often mentioned that Breakfast After the Bell was an educational priority of the governor and that influenced their position and votes



LESSONS LEARNED:

Leverage the influence of agents of change and dynamic leaders. Legislators are influenced by their relationship to agents of change and dynamic leaders as they consider their position and voting on Breakfast After the Bell policies.



II. POLICY LANDSCAPE

As high-level state leaders prepare for each legislative session, they reflect on the policy priorities of the governor and establish themes to prioritize decisions; for example, Nevada legislative sessions have been referred to in the past by governors as their “education session” or the “jobs session.” These policy themes are not usually public knowledge until soon before the start of the legislative session, when the governor typically lays out the policy priorities for that session. Agents of change, however, would have close knowledge of these themes and can work with advocates to align their policy priorities, as appropriate, to the themes and request their inclusion within policy packages championed by the governor.

In 2015, the governor advanced two themes through his State of the State address and in his sponsored bills: educational reforms and innovative solutions to supplement

Nevada’s lean revenues and offset the state’s operating expenses in the budget. By law, Nevada must have a balanced budget, and must pay for all new spending through additional revenues.

Alignment with educational reform priorities

Education was a high priority for the governor in 2015. The state’s high school graduation rate was the lowest in the nation in 2014 and the third lowest in 2015. The governor’s education reform package was considered ambitious and unprecedented for the state. Legislators often cited the inclusion of Breakfast After the Bell in this slate of educational policy priorities as influential because it was seen as providing resources to schools and students while holding principals and their districts more accountable for student success. Research published by Share Our Strength and introduced by Tom Nelson in his address to legislators during the committee hearing³, helped convince legislators that, by connecting students in need to a healthy breakfast every day, students would be better equipped for a day of productive learning.

Alignment to financial priorities

Returning federal tax funds back to Nevada to supplement the state’s “lean” budget

was a high priority in the 2015 legislative session. Accelerate Nevada, an advocacy group formed to recommend state policies that could increase Nevada’s opportunity to secure more federal funds, used SB503 as an example of a state policy that would increase Nevada’s federal funding. In joint committee (Assembly and Senate) meetings on state agency budgets, Nevada Department of Agriculture Director Jim Barbee emphasized that for every \$1 the state invested in the Breakfast After the Bell program, legislators could conservatively estimate an additional \$3



LESSONS LEARNED:

Align with leadership priorities. Agents of change can access information on planned policy priorities of the governor in their early stages of development. By understanding the policy environment as it is being shaped, agents of change can help align Breakfast After the Bell policies to the Governor’s policy priorities.

³ Minutes of the Senate Committee on Education, April 7, 2015. Testimony of Tom Nelson, President of Share Our Strength. <https://www.leg.state.nv.us/Session/78th2015/Minutes/Senate/ED/Final/823.pdf>

for every \$1 invested in the Breakfast After the Bell program, legislators could conservatively estimate that the number of additional breakfast meals served would result in \$3 in additional federal funds.



LESSONS LEARNED:

Seek bipartisan support. In Nevada, there was a greater margin of bipartisan support when the governor, a Republican, was engaged as a dynamic leader championing Breakfast After the Bell legislation.

in federal funds would be generated to provide the additional breakfast meals. Furthermore, the bill requires that the Nevada Department of Agriculture reports annually on the amount of additional federal funds received due to the Breakfast After the Bell program.

The Nevada Department of Agriculture submitted a year-one final report on Breakfast After the Bell to the legislature in September 2016. It stated that the return on the state’s \$1 investment was \$8 in additional federal funds claimed through reimbursements, more than double the state agency’s initial estimate.

Party relationships

In 2011, the Breakfast After the Bell bill, AB137, passed both houses of the Democrat-controlled legislature but was vetoed by the governor. The votes in favor and against were along party lines: the majority of Democrats voted in support but

none of the republicans voted in support with the exception of two Republican legislators who were also teachers. In 2015, SB503 passed both houses of the Republican-controlled legislature with a greater margin of bipartisan support and was signed into law by the governor.

In 2015, the governor, a Republican, was seen as a convener on education issues and a leader who worked across the aisle to advance policy priorities. There was more bipartisan support for SB503 in 2015 because there were more Republican supporters. As a result of Gov. Sandoval’s support in 2015, eight of the 12 Republicans who voted on both BAB bills changed their votes from NAY in 2011 to YEA in 2015.

Political party influence, being a member of the party in the majority, and being a member of the party from which the policy priority was introduced, were identified as factors in the passage of SB503.



III. STAKEHOLDERS

Stakeholders are important players in the development and advocacy of policy initiatives. Stakeholders all desire a society wherein children do not go hungry, but the direction those efforts take are sometimes divisive. In advocating for a specific legislative direction or concept, such as state requirements, stakeholders will generally fall into two categories: those who agree with stated legislative concepts and those who do not. Very few stakeholders register their opinion on a bill as “neutral.”

Advocates typically prefer to work in partnership with stakeholders who share their vision and agree that legislation, as conceptualized, is the best path forward. These stakeholders strengthen a policy position by actively infusing their support in the legislative process, perhaps by engaging their membership to make calls to legislators prior to a floor vote.



However, advocates must also engage with stakeholders who oppose the legislation as conceptualized or who oppose changes in the status quo. Advocates should identify and meet with any specific groups that might perceive the proposed legislation as having a negative impact on their work/effort, or those who may simply not share the opinion that this specific legislation is the best way to achieve the goal. While it may sometimes feel awkward to an advocate or organize to proactively meet with and work with stakeholders who share a different opinion on legislative concepts or direction, these meetings are actually an opportunity to strengthen a legislative concept, bill or position.

If advocates are unable, for any reason, to engage with impacted stakeholders to discuss potential differences in legislative concepts and positions — a process called “vetting” — they should work with agents of change and/or dynamic leaders. Both agents of change and dynamic leaders are consummate conveners; they may succeed in drawing together stakeholders when advocates cannot. All stakeholders are important; whether they support or oppose a legislative concept, their engagement can strengthen a state Breakfast After the Bell policy.

Strength of Stakeholders

Advocates should draw on the strength of stakeholders — that is, their ability to gather support from their own groups of supporters — through collaboration. In legislative sessions prior to 2015, state advocacy on child nutrition programs was primarily presented to a legislator by individual organizations, in particular, food banks and state agencies. However, coordination was limited and these organizations did not always agree on policies being considered. While these groups were active and shared common ground on policy goals, they had no formal process for convening and gaining consensus. Thus, legislation, like AB137 in 2011, was not collaboratively developed amongst stakeholders.

The most important achievement of the Governor’s Council on Food Security in its initial year was to bring about consensus on the legislative concepts, perhaps for the first time. The GCFS coalesced into a group of diverse stakeholder members who shared

information and learned from each other’s perspectives. From July to December of 2014, the GCFS hosted presentations on children’s nutrition policy and programming options from both state and national stakeholders. Two of the state’s largest food banks and the Nevada Department of Agriculture’s Food and Nutrition Division gave presentations on data and policy concepts on children’s nutrition programs. Share Our Strength, a national organization working to end childhood hunger, had been building a relationship with the GCFS through the governor and former first lady and also had created the No Kid Hungry Nevada campaign in collaboration with Three Square Food Bank. During a GCFS meeting, Share Our Strength’s representative presented on other states’ policy efforts and best practices in school breakfast implementation and offered a sample of successful Breakfast After the Bell policy options.

Share our Strength’s presentation strengthened the GCFS school breakfast policy priorities by giving members options for Breakfast After the Bell requirements that were different from those included in the 2011 bill. These options were perceived as reasonable and achievable since they had been tested by other states. Two Share Our Strength recommendations bridged perceived gaps in the 2011 legislation and were included in the 2015 bill:

- 1 Focusing on high needs schools where 70 percent or more of students qualify for free or reduced price meals.
- 2 Providing seed money for implementation.
[a side by side comparison of two bills is available in Appendix D]

In December 2015, the GCFS formally voted to recommend these two policy recommendations in the proposed legislative concept. The 2015 bill, SB503, was drafted by the Legislative Council Bureau (LCB), the state agency that maintains Nevada Revised Statutes, proposes bill language during legislative sessions and codifies legislation into law that is passed by the legislature and signed by the Governor. LCB drafted Breakfast After the Bell bill using the legislative concepts approved by the GCFS and with continued input from the Nevada Department of Agriculture, which would administer the program.

Having a broadly supported set of policy recommendations on Breakfast After the Bell, prior to the start of the legislative session confirmed that having a forum, like the GCFS, was crucial to the success of Breakfast After the Bell legislation in 2015. The GCFS:

- 1 Provided the agents of change a platform and cohesive group to lead efforts during the legislative session.

2 Incorporated a large and diverse membership: state agencies, community champions, and businesses. Members themselves had decision-making authority within their organizations or state department agencies. Once consensus was reached by the GCFS, most members offered support through written commitment (signed letter presence at the legislature to advocate during relevant hearings, preparing and sharing plans and draft policies within state agencies in expectation of the policy change, or forecasting estimates on cost and impact.)

3 The GCFS became a powerful, collective voice that was then able to attract other advocacy groups to join the cause which increased the number and diversity of supportive stakeholders.

Improved Reach Through Increased Stakeholder Diversity

Advocates should increase their fold of supportive stakeholders — that is, their reach — in order to maximize their influence on legislative priorities. An increase in reach through diversity and sheer numbers of supporters will increase their collective influence in passing legislation. While the largest formal collective to emerge between 2011 and 2015 was the GCFS in 2014, additional and diverse groups emerged to support Breakfast After the Bell legislation in their policy priorities in 2015. This increased the reach, and therefore influence, of supportive stakeholders. GCFS’s success in consensus building was due in part to word spreading from its members to other groups, such as local food councils and policy think tanks, not involved in the 2011 advocacy effort (several of these groups formed after 2011). This resulted in a larger number of organizations involved in advocacy around this specific issue.

As a member of the GCFS, Three Square Food Bank met with stakeholders friendly to the mission of ending hunger to gather support for the bill. Two groups who had not been involved in 2011, the Guinn Center on Policy Priorities and the Southern Nevada Food Council, became active supporters of the initiative. Similarly, the director of the Nevada Department of Education, also a member of the GCFS, met with state education associations to affirm their continued support for Breakfast After the Bell legislation on behalf of their members.

SB503 benefited from a larger cross-section of stakeholders than its predecessor. Figure 3 lists organizations whose representatives testified in opposition or support of AB137 and SB503.

Figure 3: Engaged Stakeholders in Nevada Breakfast Bills

AB137 (2011)	
Supported	Opposed
Nevada State Education Association (NSEA)	Clark County School District (until an amendment delaying implementation for two years which eliminated the fiscal note of \$231,000)
Washoe County School District (WCSD)	Nevada Department of Education (until CCSD removed their fiscal note in the final amendment)
Nevada Association of School Administrators (NASA)	Nevada Association of School Boards (NASB)
Three Square Food Bank	
Food Bank of Northern Nevada	

SB503 (2015)	
Supported	Opposed
NSEA	Nevada Policy Research Institute (NPRI)
Clark County School District (CCSD)	
NASA	
Nevada Department of Agriculture (NDA)	
WCSD	
Guinn Center on Policy Priorities	
Southern Nevada Food Council (SNFC)	
Nevada Department of Education (NDE)	
Governor’s Council on Food Security (GCFS) – Kathleen Teipner Sandoval	
Share Our Strength by teleconference	
NASB	
Three Square	
Food Bank of Northern Nevada	

SB503 benefited from a larger cross-section of stakeholders than its predecessor.



VETTING CONCEPTS WITH STAKEHOLDERS

As an agent of change and GCFS chair, Ms. Teipner Sandoval initiated a vetting process with stakeholders who opposed Breakfast After the Bell legislation in 2011. First, Ms. Teipner Sandoval met with the Clark County School District (CCSD) Food Service and Government Affairs departments to vet legislative concepts approved by the GCFS and to negotiate terms to strengthen the bill prior to the start of the legislative session. Three

Square Food Bank joined this meeting in its role as a member of the anti-hunger community, an advocate for the 2011 and 2015 bills, and, importantly, as a vendor of the National School Lunch Program and School Breakfast Program to charter and private schools in CCSD. The Nevada Department of Agriculture was not able to attend this meeting but did provide estimates on cost and impact in advance to help educate all parties involved.



LESSONS LEARNED: Create a formal working group. By working together in formal groups, such as an advisory food council, diverse stakeholders build cohesion and consensus. This strengthens policy concepts and legislative language on aspects that can be controversial between members, such as design of the requirements and requests for state funds for implementation.

Stakeholders all benefit from being included in the development and vetting process, eading some stakeholders to transfer their position to support the initiative.

Influenced by this advance material and with the GCFS proactively addressing its concerns, the CCSD altered its position from 2011 and agreed to support SB503 in 2015.

Other vetting meetings yielded similar results. The Nevada Association of School Boards, which had expressed funding concerns in 2011, changed its position prior to the 2015 session to support SB503. Again, the advanced materials,

which included the proposed funding, and the opportunity to meet with advocates and voice concerns brought about this change in position.

Ultimately, the collaborative development and vetting processes that led to SB503 did not substantially alter the language from AB137 in 2011. Both had the hallmarks of other state Breakfast After the Bell policies including:

- Established objective criteria for identifying affected schools and districts
- Targeted districts/schools for Breakfast After the Bell programming based on need
- Stated a clear policy goal to increase access to and participation in school breakfast programs
- Provided a measure of accountability through reports
- Offered clear opt-out provisions

The most notable difference: In 2015, SB503 was associated with funding of \$1 million per year for two years for implementation. This was a valuable result of the vetting process. By including financial support, several stakeholders who opposed AB137 as an unfunded mandate supported SB503. A side-by-



LESSONS LEARNED:

Engage independent experts. National groups are perceived as independent third party advisers and can quickly bring a diverse group to consensus on potentially dividing aspects of legislation based on their expertise in other similar state policies.

side comparison of AB137 and SB503 is provided in Appendix D. Therefore, in terms of influence on policy makers in



LESSONS LEARNED: Listen to oppositional concerns. Vetting concepts with impacted stakeholders strengthens the policy position of advocates by bringing forth possible weaknesses, which then can be proactively addressed in the legislation prior to the legislative session. Stakeholders all benefit from being included in the development and vetting process, leading some stakeholders to transfer their position to support the initiative. This increases the number of supporters of Breakfast After the Bell legislation. If advocates encounter barriers in engaging impacted stakeholders, agents of change and dynamic leaders can leverage their perception of authority to bring all groups to the table.

2015, the inclusion of funding and the increased reach and support for the bill among diverse stakeholders was more

influential than the minimal language/requirement changes between the 2011 and 2015 bills.





SUMMARY

This analysis compared Breakfast After the Bell legislation proposals from two different sessions, provided a timeline articulating the activities and progress between legislative sessions, and used multiple sources to identify the influences and factors that contributed to SB503’s success. The three most notable lessons learned serve as advice to other states considering Breakfast After the Bell legislation or other child nutrition program policy changes:

- Engage an agent of change to advance the cause of child nutrition and state school breakfast policies in collaboration with high-level state elected officials, like the governor and/or majority leadership.
- Dynamic leadership is crucial to coalescing support and encouraging bipartisan cooperation. Agents of change can present meaningful actions and identify high profile events for dynamic leaders to

communicate these priorities to other elected leaders, the media and the general public.

- By understanding the policy environment, agents of change can assess and guide advocates on opportunities to package Breakfast After the Bell legislation in alignment with other state priorities, like education.
- Collaborative development of policy options in formal groups and vetting concepts with a wide-range of impacted stakeholders builds cohesion, establishes consensus and strengthens policy concepts by exploring potential weaknesses and addressing them proactively prior to the legislative session. It is also possible through this process to persuade stakeholders to support efforts or to neutralize their opposition.

While these are the primary lessons learned in 2015, other influences should be considered in future advocacy endeavors:

- Develop a strategic plan to address hunger and provide a common set of objectives around which diverse state agencies, businesses, and community stakeholders can coalesce.
- Create a forum, like the GCFS in Nevada, to provide resources to advance the effort and to strengthen community stakeholders, expand their capacity for affecting progress on the issue, and ensure consensus is

reached on specific policy priorities among legislatively active members.

This tale of two bills, AB137 and SB503, clearly acknowledges that state efforts may not be successful on the first legislative attempt, but anti-hunger advocates should not be discouraged. In Nevada’s case, Breakfast After the Bell legislation spanned four years and was actively discussed in two legislative sessions before it was enacted. Whether legislation was passed or not, any group will benefit from examining its past efforts, listening to the reflections of stakeholders and leaders, and learning from advocates in other states. Such knowledge can motivate advocates to continue pursuing anti-hunger policies and replicate successful strategies in the future. In examining the strengths, weaknesses and challenges they met in 2011, Nevada’s advocates sought new approaches to their work in 2015. By incorporating the “lessons learned” outlined in this report, anti-hunger advocates seeking to use state policy to increase school breakfast participation through Breakfast After the Bell will be replicating Nevada’s successful advocacy strategies.

Dynamic leadership is crucial to coalescing support and encouraging bipartisan cooperation.

APPENDIX A: SOURCES

This analysis draws from narratives provided by stakeholders and legislators through interviews, as well as conversations, testimonies, and concerns recorded in public meetings and hearings.

Key informant interviews

- Senate Majority Leader and Chair of the Senate Finance Committee Michael Roberson
- Senate Education Committee Chair Becky Harris
- Assemblyman Nelson Araujo
- Nevada former First Lady and Chair of the Governor’s Council on Food Security Kathleen Teipner Sandoval
- GCFS member and Three Square Food Bank’s Government Affairs Director Jodi Tyson
- GCFS member and representative of the Nevada Department of Agriculture, Donnell Barton

Note: Legislator interviews conducted for this analysis occurred 13 months after the 78th Nevada State Legislature adjourned (May 2015), so some legislators had challenges accurately remembering details. For example, some legislators remembered receiving information in committee hearings but attributed the presentations to the wrong state agency or didn’t remember the name of a person. Several legislators interviewed did not recall being lobbied by any community group on SB503, although community stakeholders had a record of such meetings or were included in conversations on policy matters with state agencies like the Nevada Department of Agriculture. These inconsistencies from the raw legislator data were corrected in interviews with community stakeholder informants or upon review of the official documents for the purposes of this analysis.

Relevant information on voting records, dates, bill amendments, and issues raised in official meetings or legislative hearings, were not drawn from recollections in key informant interviews but rather from sources that include public records/transcripts on meetings, legislative hearings, and archived documents that reflect decision-making processes, and offer a concrete timeline.

Public Records

- GCFS on Food Security: official documents and meeting minutes http://dpbh.nv.gov/Programs/OFS/GCFS_Meetings/OFS_-_Governor_s_Food_Security_Council/

- Legislative process, timeline, transcripts, and official documents from 2015: <https://www.leg.state.nv.us/App/NELIS/REL/78th2015>
- Legislative process, timeline, transcripts and official documents from 2011: <https://nelis.leg.state.nv.us/76th2011>

APPENDIX B: DETAILED TIMELINE, 2011-2015

2010 – Nevada’s two largest food banks join forces to champion legislation to require Breakfast After the Bell models with the goal of reducing stigma and increasing participation in school breakfast among students eligible for free and reduced-price meals. Assemblywoman April Mastroluca sponsors the draft bill request.

2011 – AB137 is introduced during the 76th Nevada State Legislative Session. AB137 is referred to the Assembly Education Committee, where it is discussed in the record three times before passing out of Committee and Assembly (May 16, 2011. Votes: 28 to 13 with 1 excused). AB137 moved to the Senate Finance and Assembly Ways and Means before it reached the Senate floor and passed (June 5, 2011. Votes: 12 to 9). The bill largely passed along party lines though there is some minority party support for the bill (2 Assembly and 1 Senate Republicans).

Gov. Brian Sandoval vetoes the bill within the five days allotted after the 76th session adjourned. Gov. Sandoval submits a veto explanation to then-Secretary of State Ross Miller, which states that School Trustees, who are elected by their community and already have the authority to adopt alternative models in federal nutrition programs “are currently capable of determining how best to administer nutrition programs to their students.”

In a response, Assemblywoman Mastroluca expresses her disappointment with the veto, “This bill would not only help our children get nourishing meals they would otherwise go without, but would also improve the quality of their education. I am very disappointed by Governor Sandoval’s veto of A.B. 137. This bill requires schools that qualify to provide a nutritious breakfast to all students. Studies show that students who eat school breakfast have increased math and reading scores and also improve their speed and memory in cognitive tests. Furthermore, the additional federal dollars that would have come to our state under this legislation would be spent in our local communities. I cannot imagine why that warrants a veto. The governor’s veto of this legislation is even more distressing,

considering we rank 53rd in school breakfast participation, behind Guam, Puerto Rico and Washington, DC.” This opens the door for a veto override in the opening days of the next legislative session in 2013.

2011 – DHHS conducts a client/agency needs assessment to identify and prioritize gaps in the nonprofit service network, particularly among currently funded health and human service agencies across the state. This needs assessment represents a pivotal point: It is the first time food needs have been so clearly identified by both community organizations and clients. This report paves the way for DHHS Director Mike Willden, with the blessing of the governor, to immediately release funds for food assistance programs and to engage in strategic planning to increase food security in Nevada. Thus, food security quickly becomes a state priority.

2012 – The DHHS Director’s Office, under the grants management unit, releases the first Request For Applications for food programs using a combination of tobacco settlement funds (often referred to as Funds for Healthy Nevada) and some state Title XX funding. Both Three Square Food Bank and the Food Bank of Northern Nevada are awarded funds for SNAP outreach. Funding awards are recommended by a statewide citizen advisory committee, authorized under Nevada Revised Statutes, called the Grants Management Advisory Committee. Grants are funded for one year.

2012 – DHHS Director Willden commissions a Food Security Strategic Planning Committee. A group of 15 core members serve as the advisory group and three sub-groups form with including advisory group members and additional subject matter experts. “Food Security in Nevada: A Plan for Action” is submitted to Mike Willden in December.

http://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Programs/OFS/Documents/StrategicPlan_FoodSecurityinNV_020713.pdf

2012 – With momentum gaining behind the strategic plan, including objectives to establish an advisory food council and Office of Food Security in DHHS, supporters of AB137 agree to allow the governor’s veto of AB137 to stand and do not pursue a veto override. This was a wise choice, not just because of burgeoning opportunities but also because the Legislature’s override would likely fail by one vote. While the required votes for a veto override are present in the Assembly (based on party lines and previous Republican votes for AB137), experts predict the Senate would fall short of overriding the veto (along party lines).

2013 – “Food Security in Nevada: A Plan for Action” is presented at the 77th Nevada Legislative Session. Several objectives in the strategic plan are included in the governor’s recommended FY14-15 biennial budget including, A) establishing an Office of Food Security, staffed by a coordinator; B) establishing an advisory food council; and C) restructuring federal nutrition programs (except SNAP, WIC and senior meals) operated by multiple state agencies to be housed within the Nevada Department of Agriculture. These budgetary measures were approved in the biennial budget by the legislature with testimonial support from both Nevada food banks.

2013 – Actions following the report’s release focus on the transition of The Emergency Food Assistance Program, Senior Farmer’s Market program, the National School Lunch and School Breakfast Programs, Summer Food Service Program, and Child and Adult Care Food Program to the Nevada Department of Agriculture.

2014 – As included in the strategic plan and approved in the budget by the legislature, the Governor’s Council on Food Security (GCFS) forms by executive order. The advisory council is filled with half of the seats appointed by the governor and half by the director of Health and Human Services. Members include representatives from both Three Square Food Bank and the Food Bank of Northern Nevada, other nonprofit organizations, several state agencies and private business. The chair is Kathleen Teipner Sandoval, Nevada’s former first lady. The first meeting takes place in March 2014.

http://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Programs/OFS/Documents/2015_GCFS_Meetings/GCFS_Executive_Order.pdf

2014 – Share Our Strength, a national nonprofit working to end childhood hunger, participates via teleconference in two of the first three GCFS meetings over a six-month period. Share Our Strength presents a menu of policy options from other states for the GCFS’ review and consideration. After GCFS’ third meeting, the chair calls for a vote at the December 3rd meeting to consider a policy solution requiring that school districts make breakfast available to students after the start of the school day in high-poverty schools (based on free and reduced price school meal eligibility of 70 percent and above). All council members present unanimously approve the policy option. GCFS adjourns the meeting expecting that the policy provision would likely be included in one of the governor’s own bills. The deadline for legislator-sponsored bills had already passed, but the governor and chairs of legislative committees could still submit bills.

http://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Programs/OFS/Documents/2014_GCFS_Meetings/2014_1203_ApprovedMinutes_GCFS.pdf

2014 – Mike Willden is recruited from his position as DHHS director to become the governor’s chief of staff, and as such, oversees the development of the governor’s proposed budget for the 2015-2017 biennium. Mr. Willden is considered to be one of Gov. Sandoval’s closest advisors and the most influential, next to the former First Lady, Kathleen Teipner Sandoval. Mr. Willden is well-respected by all state agency directors and his advice on approaching state budget requests is sought by state agencies as well as nonprofit organizations.

2014 – The historic 2014 elections result in the largest shift in a single election for the Nevada Assembly. In prior years, breakfast issues (AB137 and resolutions in sessions prior) had been handily championed by a House Democrat advantage of 27-15 and a smaller majority of 11-10 in the Senate. Both houses now become majority Republican with many freshman legislators. A few freshman legislators are asked to chair influential committees, including Sen. Becky Harris, who was assigned as chairwoman of the Senate Education Committee.

2015 – In his State of the State Address, Gov. Sandoval states, “We cannot expect that governance and financing models alone will address the underlying issues that prevent many students from learning. Achieving meaningful public school reform also means addressing the environment in which our children learn. Our First Lady has long been a champion for our youth. And in recent months, she has focused her abundant energies on hunger in our schools. Responding to recommendations from the Food Security Task Force, my budget includes \$2 million to expand breakfast in the classroom – and legislation will be introduced to leverage federal spending in this area.” Henceforth, this initiative is considered part of the governor’s educational environment and reform package.

2015 – SB503, dubbed the “Breakfast-After-the-Bell bill,” is introduced in the Senate Finance Committee. It is referred to the Senate Education Committee, where it is discussed twice prior to passage out of committee. It is then sent to the budget committees: Senate Finance and Ways and Means in the Assembly. Three Square Food Bank testifies on behalf of the bill and meets individually with influential legislators and with leadership. SB503 passes the Senate in a bipartisan floor vote on April 30, 2015 (17 to 2, with 2 excused). The Assembly passes SB503 with bipartisan support on May 28, 2015 (28 to 14).

APPENDIX C:
GOVERNOR’S COUNCIL ON FOOD
SECURITY MEMBERS AND THEIR
POSITIONS, 2014-2015

Executive Order Requirements	Members/Affiliations/Terms
The State of Nevada Governor’s designee.	Former First Lady Kathleen Teipner Sandoval Term Expires 3-26-17
The Administrator of the Nevada Division of Welfare and Supportive Services or his or her designee from within the Division.	Mike McMahon, Administrator Term Expires 3-26-17
The Western Regional Director of the United States Department of Agriculture or his or her designee from within the Department.	Sarah Adler, Nevada USDA Rural Development State Director Term Expires 3-26-17
The Director of the Nevada Department of Agriculture or his or her designee from within the Department.	Jim Barbee, Director Term Expires 3-26-17
The Director of the Nevada Governor’s Office of Economic Development or his or her designee within the Office.	Steve Hill, Director Term Expires 3-26-17
The Administrator of the Nevada Division of Public and Behavioral Health or his or her designee from within the Division.	Richard Whitley, Administrator Term Expires 3-26-17
The Superintendent of Public Instruction of the Nevada Department of Education or his or her designee from within the Office.	Dale Erquiaga, Superintendent Term Expires 3-26-17
One member representing an anti-hunger organization from northern Nevada.	Cherie Jamason, Food Bank of Northern Nevada Term Expires 3-26-15
One member representing an anti-hunger organization from southern Nevada.	Jodi Tyson, Three Square Term Expires 3-26-16
One member representing community based services (northern Nevada).	Mike Wurm, Boys and Girls Club of Truckee Meadows Term Expires 3-26-15
One member representing community based services (rural Nevada).	Christy McGill, Healthy Communities Coalition Term Expires 3-26-16

Executive Order Requirements	Members/Affiliations/Terms
One member representing community based services (southern Nevada).	Kevin Hooks, Las Vegas Urban League Term Expires 3-26-15
One member representing child nutrition programs.	Donnell Barton, State of Nevada, Child Nutrition Services Term Expires 3-26-16
One member with experience, knowledge and skills representing the aging and disability populations.	Mary Liveratti, AARP Nevada State President Term Expires 3-26-15
One member representing University of Nevada, Cooperative Extension.	Mark Walker, Dean Term Expires 3-26-16
One member representing food retailers.	Amy Hill, Walmart, Government Relations Term Expires 3-26-15
One member representing a local health authority.	Kenneth Osgood MD MPH, Southern Nevada Health District Board of Health Member-at-Large Term Expires 3-26-16
One member representing non-food manufacturing or business.	Adam Kramer, Supernap Term Expires 3-26-15
One member representing the executive administration in the gaming and hospitality industries.	Guy Hillyer, Cannery Casino Resorts Term Expires 3-26-16
One member representing a farmer or rancher engaged in food production.	Wendy Baroli, Girl Farms Term Expires 3-26-15
One member representing food processing or distribution.	David Weaver, US Foods Term Expires 3-26-16

APPENDIX D:
COMPARISON OF BREAKFAST
LEGISLATION IN NEVADA

ASPECT	AB137 (2011)	SB503 (2015)
Affected districts	Three school districts operating in counties with a population of 55,000 or more residents.	Eight school districts with individual schools that have a student free and reduced price (FRP) school meals eligibility rate equivalent to or greater than 70% of the entire student population of the school.
Affected Student Pool Eligible for Free and Reduced Price Meals	Carson = 3, 500 students Clark = 150,000 students Washoe = 26,000 students State total: 179,500	Carson = 980 Clark = 133,100 Elko = 400 Humboldt = 150 Lincoln = 140 Lyon = 550 Mineral = 65 Nye = 1,900 Washoe = 14,900 State total: 152,200
Mandate 1 – planning	Each affected district would set a breakfast participation goal, and create a school district plan to reach it, using alternative models (listed by priority) 1) breakfast in the classroom; 2) transportable to other areas such as quad, hallways, etc.; 3) cafeteria.	Create a work plan for each affected school, identifying the breakfast model to be implemented and including equipment needed (available for purchase through state grant funding) to reach the goal set by the Nevada Department of Agriculture. Alternative models were not prioritized in the bill.
Mandate 2 - implementation	Implement the plan during the current school year.	Breakfast After the Bell must be available on the first day of the next school year.
Mandate 3 – reporting	A report must be provided to Interim Health, Interim Finance and Legislative Counsel Bureau (LCB) at the end of the school year.	In January of each year, the Department of Agriculture must provide an interim report to LCB on progress during the first two years with information on per school state grant awards and participation increases. After the biennium, a regular report will be provided to LCB.
Opt-Out	Districts with less than 55,000 eligible students must request exclusion; qualifying districts may apply to the Nevada Department of Education opting-out of the mandate. The burden of proof is that operating costs exceed reimbursements. Approval for opt-out is at the Department’s discretion.	After the two-year implementation period, districts can apply for an exclusion to the mandate. The burden of proof is that operating costs exceed reimbursements. Approval for opt-out is at the Department’s discretion.

