



Pursuing Legislative Solutions to Ending Hunger: Lessons Learned from House Bill 13-1006

During the 2013 Colorado Legislative Session, Hunger Free Colorado ran House Bill 13-1006, the Breakfast after the Bell Nutrition Program. The bill was signed into law on May 15, 2013. As a result, more than 80,000 additional children in the state will have access to school breakfast. Running a piece of legislation is often a high-risk, high-reward strategy. We learned the following lessons from the process and created this document so other anti-hunger organizations considering legislation may benefit from our experience.

Phase One—Identifying the Problem and Solution

The first step in considering to pursue legislation is to (1) clarify the problem that needs to be addressed and (2) to determine that legislation is the only or most effective strategy to address the problem. In Colorado, one of the first questions to arise from legislators – even those that recognize a problem that needs to be solved – is whether legislation is needed and whether other solutions have been exhausted or would be just as impactful. Before making the decision to research and analyze the feasibility and impact of potential universal free breakfast after the bell legislation, Hunger Free Colorado identified that (a) too many kids qualifying for free/reduced price meals in Colorado do not have access to breakfast at school through an effective breakfast delivery model; and (b) for various reasons, certain barriers to expanding breakfast programs in Colorado could not be quickly overcome through the current (successful but also limited) strategies being pursued by Hunger Free Colorado and others.

Phase Two - Researching the Issue and Making the Decision

Conducting sound, exploratory research is a critical next step. The objective of the research phase is to collect qualitative and quantitative data to understand and further define the issue; solidify the structure of the legislative proposal; and make an educated decision to pursue legislation.

- Quantitative Data: The importance of hard, trustworthy (as indisputable as possible) data cannot be emphasized enough. Hunger Free Colorado was able to collect data on many aspects of the legislative proposal and its potential impact from the Colorado Department of Education. While no data source or data set is perfect or indisputable, being able to rely on data from the State increased stakeholder confidence and closed off some potential avenues of concern from stakeholders, legislators and others.

- Qualitative Data: Qualitative data is also helpful and often necessary when quantitative data or state-specific data is not available on a particular issue. For instance, Hunger Free Colorado relied on internal organizational experience, insight and knowledge that we have gathered from working on the ground with schools and districts to adopt and expand effective breakfast models in Colorado. For example, several Hunger Free Colorado staff have been teachers in Colorado. We also relied on legislative and programmatic experiences from other States, qualitative survey results on the impact of school breakfast and universal free breakfast after the bell, the opinions and insights of diverse stakeholders and additional qualitative data sources.

For Hunger Free Colorado, the initial research and analysis phase took approximately one full-time staff position for two months. The outcome was a two-page document detailing the proposed legislation that was used to garner support from other organizations and recruit coalition members. The most successful research phase will include collecting data from all internal sources in your organization, ensuring that all sides of the issue have been discussed and the ramifications of pursuing the legislation are understood. When the decision to run the legislation is made, it must be clearly communicated to all staff and a messaging plan should be created to help keep everyone on the same page as you move forward.

Finally, it is important to recognize that the research phase is not limited to what is needed to define the problem and formulate a strong proposal; research and data must also be collected from a more defensive posture – to respond to questions and/or opposition that will likely come up once the proposal becomes a bill and moves through the legislative process. Opposition is almost unavoidable when running a piece of legislation and it is often hard to determine proactively which aspects of the proposal will become a basis of opposition or inquiry. As much as possible, however, it is important to research potential weaknesses or potential areas of opposition in the proposal and be prepared to explain or defend them with research and data. Despite the best preparation, it is important to recognize (internally and amongst supportive stakeholders) the unpredictable nature of the legislative process and have the capacity to flexibly respond to additional research needs that arise.

Phase Three—Coalition Building

Hunger Free Colorado used the two-page proposal to build a diverse coalition of supportive stakeholders. First, a small group of organizations and trusted partners, who are not squarely focused on hunger, were intentionally sought out and invited to participate in the coalition, which successfully broadened and diversified the base of support for the bill. Specifically, organizations focused on education, health, and children's issues were identified. By forming a coalition, additional resources were brought to the table—both financial resources and organizational expertise—that further strengthened the legislative strategy to be implemented. In forming the initial “core” coalition, it is important to clarify what role(s) each organization wants (or has the capacity) to play upfront. Questions to be answered by each organizations could include, (1) How active and upfront a role will the organization play? Is this a key (top 1-2) priority for the organization's legislative

agenda? (2) What will the organizations bring in terms of resources? Can the organization bring subject matter expertise, dedicated staff time, professional lobbying support, grassroots support, communications staff or resources, data analysis capacity? (3) What decision making authority does the organization want or expect to have?

Key pitfalls to avoid when developing a legislative coalition include unidentified or resolved conflicts of interest, lack of defined boundaries to effectively manage coalition expansion, lack of a coalition communications plan, and lack of decision making structure.

- Conflicts of Interest: It is important for each potential core coalition organization to analyze its potential conflicts of interest and for the coalition as a whole to discuss any potential or actual conflicts. If you form a coalition comprised of organizations that share overlapping but not identical missions, there is always the potential that a supportive coalition member could be pursuing or supporting another piece of legislation or working on issues that indirectly create a conflict of interest for the organization, its staff members or for its close partners. In addition, it is also important to identify any potential conflicts of interest that a coalition's lobbyist may have through representation of his or her other clients. For instance, does the coalition member's paid lobbyist also represent an organization that may oppose the legislation? It is important to identify and discuss potential or actual conflicts proactively and determine the best strategy to address them, including the exclusion of conflicted organizations from the coalition.
- Communication and Decision Making Structure: It is important for the coalition to agree upon an internal communications and decision making structure at the onset and prior to the beginning of the legislative session so that all coalition members have clear expectations and the coalition can effectively navigate and operate once the fast-paced and unpredictable legislative session begins. For instance, establish how decisions will be made. If an amendment to the bill is offered, is whether to support or oppose the amendment going to be a full-group vote, or will the lead organization make the judgment call? It is also likely (and desirable) that your coalition will expand over time. As others join in support of the legislation, it is important to be clear up front about what you expect them to contribute to the effort (work, expertise, money, people, etc.) and what they can expect by joining the coalition, i.e., what level of involvement in communications and decision making can they expect.

Phase Four—Lobbying and Finding Sponsors

Hiring a well-qualified, professional lobbyist can help ensure legislative success. It can be expensive and funding for legislative activity can be challenging to obtain. We are very grateful for the support of Share Our Strength, who provided a grant that allowed us to hire a lobbyist for this process.

Important considerations in choosing and utilizing a lobbyist include:

- Picking a lobbyist that can bring political support with him or her that is not otherwise easily secured by your organization or coalition partners is recommended!

- Hiring a professional lobbyist that does not have any actual or potential conflicts via representation of other clients. For instance, Hunger Free Colorado hired a lobbyist who did have conflicts due to representation of other non-profits, school districts, education groups or otherwise. As part of the selection process, review the client list of each of the lobbyists you are considering to check for conflicts.
- Your lobbyist should be able to help you solidify and direct your legislative strategy, so securing a firm several months before the legislative session begins is recommended.
- A professional lobbyist can also help deflect any heated opposition from your organization or from the coalition when necessary, and should be leaned upon to deliver tough messages.
- A hired professional lobbyist should have a deep knowledge of the inner workings of the legislature and politics in your state and must work closely with the primary sponsor of the bill. Therefore, it is advisable to involve the lobbyist in the sponsor selection, as a prime sponsor(s) can make or break the passage of a bill. Hunger Free Colorado benefited by finding a prime sponsor who was deeply committed to the issue and could relate on a very personal level to the legislation. This helped ensure that the primary sponsor was a very strong advocate at every step of the process after the bill was introduced.

Phase Five—The Legislative Process

The bulk of your work will take place after the bill is introduced.

- Communications: During this phase you will have to manage the public message you want to convey about the legislation and any media attention the bill draws. The coalition created an internal “message manual” and a “bill fact sheet” for public and legislator distribution that was updated weekly throughout the process.
- Testimony: You should create a plan for testimony and recruit a variety of experts to speak during committee hearings. The slate of witnesses and experts for Hunger Free Colorado included food and nutrition services directors, principals, teachers and school health professionals—the group primarily responsible for implementing the bill; pediatricians—who spoke to the impact of the bill on the overall health of children; and students—who could testify to their own daily experience with the issue of hunger.
- Media Training and Support for Supporters/Witnesses: Providing media training to all of the witnesses you recruit will help them feel comfortable and will prepare them for direct media inquiries. It is helpful to cast a wide net with media training and involve any of your staff members who may be interacting with media or other stakeholders about the legislation.
- Expect the Unexpected: The legislative process is often unpredictable. It is important to expect the unexpected and have enough capacity and expertise to respond effectively to situations and issues as they arise.

Phase Six—Success

When your legislation passes, celebrate! Bill signing ceremonies are often very routine, but they can be a great way to build excitement around passage and implementation of the bill. Hunger Free Colorado secured an elementary school in the home district of the bill sponsor to host the signing of

House Bill 13-1006. Governor John Hickenlooper signed the bill in front of 200 children, who all got a civics lesson, along with the many coalition members and stakeholders who helped the bill become a success. The youth who testified in support of the bill stood right behind the governor and walked away with one of the commemorative pens used in the signing. The bill signing event was a great way to celebrate with and thank all of the key supporters of the bill.

Additional Considerations:

There were also many lessons learned that are relevant throughout all phases of the legislative process.

Within your organization:

- Stay in touch internally and share information; a 15 minute weekly check-in with everyone involved or affected by the legislation can keep everyone updated on changes, issues/concerns, needs, and messaging.
- Be prepared for conflict; legislation involves conflict, there is no escaping it. Decide at the outset of the process who will handle the most difficult conversations and empower all other staff to refer people to that individual when opponents become vocal.

Outside your organization:

- Maintain communication with opponents of the bill.
- Define the roles and responsibilities and the expectations of everyone involved.
- Task members of the coalition with responsibilities to ensure that work is distributed evenly.
- Coach national partners on the specifics of your state and the local landscape.

Conclusion

Passage of the Breakfast after the Bell Nutrition Program will provide access to breakfast for more than 80,000 additional Colorado children by the 2015-2016 school year. Hunger Free Colorado is especially thankful for the Food Research and Action Center's generous support of this legislative effort. We hope that the information outlined above is beneficial as you explore research or pursue legislation in your state. While there is no specific formula for getting legislation passed, the lessons shared here focus on the most critical factors to success in Colorado. If you have further questions, contact Hunger Free Colorado's Policy Analyst, Maura Barnes, at Maura@hungerfreecolorado.org