

---

## Education Committee

---

### HB 2660

**Brief Description:** Increasing the availability of school meals provided to public school students at no student cost.

**Sponsors:** Representatives Riccelli, Harris, Santos, Shewmake, Leavitt, Steele, Stonier, Hudgins, Senn, Gregerson, Doglio, Peterson, Thai, Rude, Valdez, Chapman, Bergquist, Goodman, Callan, Tharinger, Maycumber, Pollet, Davis, Kretz and Macri.

#### Brief Summary of Bill

- Requires, beginning in the 2020-21 school year, each school with a school lunch and breakfast program to make school lunches and breakfasts available to all students at no charge if the school or the school district meets specified thresholds for the number of students who are eligible for free or reduced-price meals.
- Requires, with limited opt-out provisions, each school and school district with 40 percent or more of its students eligible for free meals through a direct certification process to participate in the federal Community Eligibility Provision (CEP), thereby making meals available to all students at no charge in the subsequent four school years.
- Requires the Office of the Superintendent of Public Instruction to provide an increased per-meal reimbursement rate for two years to qualifying schools and school districts that do not exercise an option to opt-out of the CEP participation requirement.

**Hearing Date:** 1/28/20

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

##### Federal School Nutrition Programs.

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) are child nutrition programs funded by the United States Department of Agriculture. In Washington, the

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Office of the Superintendent of Public Instruction (OSPI) administers the programs. The NSLP and the SBP are designed to promote the health and well-being of children by providing nutritionally balanced, low-cost or no-cost meals to children each school day. The NSLP and the SBP provide reimbursement for meals served that meet federal requirements. Public or nonprofit private schools and public or nonprofit private residential childcare institutions may participate in the NSLP and the SBP.

#### Free and Reduced Price Meals.

To qualify for free school meals, a student's family income must be at or below 130 percent of the federal poverty level. Students whose families have an income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals. Students whose families earn more than 185 percent of the poverty level pay full price, but the meals are federally subsidized to some extent. In the 2018-19 school year, 478,590 Washington students, or 43 percent, were enrolled in the free or reduced price meals (FRPMs) program.

#### Community Eligibility Provision.

The Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act provides an alternative to household applications for FRPM by allowing schools with high numbers of low-income students to serve free meals to all students. A school, group of schools, or school district is eligible for the CEP if at least 40 percent of its students are identified as eligible for free meals through means other than household applications, examples of which include: students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families, and foster, homeless, and migrant students. The percentage of eligible students identified without using household applications is the Identified Student Percentage, or ISP.

In Washington in the 2019-20 school year, 319 schools from 89 districts met the ISP requirements and are participating in the CEP.

#### Recent Legislative Actions.

Legislation adopted in 2018 directed the OSPI to develop and implement a plan to increase the number of schools participating in the CEP for the 2018-19 school year and subsequent years. The legislation required the OSPI to convene monthly stakeholder meetings until June 31, 2019 to report on the status of the plan and to coordinate outreach and technical assistance efforts to districts. The legislation, which included identification and outreach duties for the OSPI, required the OSPI to work jointly with specified entities, including community-based organizations and national experts focused on hunger and nutrition and familiar with the CEP, two or more school representatives who have successfully implemented CEP, and the state agency responsible for Medicaid direct certification.

The 2018 legislation also required the OSPI to annually provide reports to the Legislature each December 1 on the number of schools participating in the CEP. The annual reports must also identify:

- any barriers to implementation;
- recommendations on policy and legislative solutions to overcome barriers to implementation;
- reasons potentially eligible schools and school districts decide not to adopt the CEP; and
- approaches in other states to adopting the CEP.

Support for the CEP participation was also included in the biennial operating budget adopted in 2019. The enacted budget included \$119,000 for each of fiscal years 2020 and 2021 for increasing the number of schools participating in the CEP, and to support breakfast after the bell programs in schools that have adopted the CEP.

### **Summary of Bill:**

#### Free School Lunches and Breakfasts in Qualifying Schools.

Beginning in the 2020-21 school year, each school with a school lunch program and school breakfast program must make school lunches and breakfasts available to all students at no charge to the students if the school or the school district has an ISP of at least 40 percent or if at least 70 percent of the students of the school or school district qualify for free or reduced-price meals.

#### Mandatory Participation in the Community Eligibility Provision for Qualify Schools.

With limited exceptions, each school and school district that has an ISP of at least 40 percent, as determined annually by each April 1st, must participate in the CEP in the subsequent school year and throughout the duration of the CEP's four-year cycle.

The board of directors of a school district that has a district-wide ISP of at least 40 percent or a school with an ISP of at least 40 percent may, by public vote, exempt itself from the CEP participation requirement after receiving public testimony regarding the district's full or partial participation in the CEP at one or more public meetings held in accordance with a specified timeframe. This opt-out provision applies only to schools and school districts with an ISP, as of the most recent annual determination, of at least 51 percent and less than 62.5 percent.

#### Additional Reimbursements for Qualifying Schools.

Each school or school district that has an ISP of at least 40 percent and less than 51 percent that does not exercise the opt-out provision must receive a per-meal reimbursement from the OSPI for the first two school years of their participation in the CEP that is equal to the amount the school or district would have received if its ISP was 62.5 percent.

#### Office of the Superintendent of Public Instruction.

Duties of the OSPI related to the CEP are modified. The requirement to convene monthly meetings with organizations working on a plan to increase the number of students participating in the CEP is reenacted and extended by two years until June 30, 2021.

Additionally, the OSPI, beginning in 2021 and by April 1 of each year, must identify the schools and school districts that have an ISP of at least 40 percent. Within 30 days of completing the identification process required by this subsection, or at an earlier date if necessary to comply with federal requirements, the OSPI must:

- notify each school and school district that has been identified as eligible for participation in the CEP;
- provide technical assistance to the notified schools and school districts with the goal of maximizing the number of students who are eligible for universal free meals; and
- ensure appropriate reimbursement rates for schools and school districts participating in the CEP.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 2020.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.