

# SENATE BILL REPORT

## SB 5798

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, January 28, 2022

**Title:** An act relating to increasing public school participation in the community eligibility provision of the United States department of agriculture.

**Brief Description:** Increasing public school participation in the community eligibility provision of the United States department of agriculture.

**Sponsors:** Senators Wilson, C., Lovelett, Nobles and Saldaña.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/21/22, 1/28/22 [DP-WM, w/oRec].

**Brief Summary of Bill**

- Expands mandatory participation in the Community Eligibility Provision (CEP), which allows schools with high numbers of low-income students to serve free meals to all students.
- Specifies that mandatory participation applies to all public schools, including charter schools and state-tribal compact schools, with an identified student percentage of 40 percent, or lower if permitted by federal law, instead of only schools with students in or below eighth grade and an identified student percentage of at least 62.5 percent.
- Requires school districts, to the extent practicable, to group schools to maximize the number of schools eligible to participate in CEP.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass and be referred to Committee on Ways & Means.  
Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice

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

Chair, Early Learning; Hawkins, Ranking Member; Hunt, Mullet and Pedersen.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Dozier and McCune.

**Staff:** Ailey Kato (786-7434)

**Background:** Federal School Nutrition Programs. The National School Lunch Program and the School Breakfast Program are federally assisted meal programs. School meal programs are subsidized by the U.S. Department of Agriculture (USDA), the state, and student co-pays based on income. Students whose families have incomes at or below 130 percent of the federal poverty level are eligible for free meals. Students whose families have incomes between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals. Eligibility is determined through school meal applications.

Community Eligibility Provision. The federal Healthy, Hunger-Free Kids Act of 2010 includes a universal meal program called the Community Eligibility Provision (CEP). CEP allows schools with high numbers of low-income students to serve free breakfast and lunch to all students without collecting school meal applications. CEP is available to public, private, and tribal schools. A school, group of schools, or district is eligible for CEP if at least 40 percent of its students are identified as eligible for free meals through direct certification.

Direct Certification. Federal law provides that certain students are deemed categorically eligible for free school meals, which includes students who are or have household members participating in the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Need Families (TANF) Program, or the Food Distribution Program on Indian Reservations. Students are also categorically eligible if they are homeless, migrant, in foster care, or enrolled in Head Start or other eligible prekindergarten program. Direct certification systems match student enrollment lists against assistance agencies whose participants are categorically eligible for free meals.

Required Participation in CEP. Current state law requires each school with students in or below eighth grade that has an identified student percentage of at least 62.5 percent, as determined annually by April 1st, must participate in CEP in the subsequent school year and throughout the duration of the four-year cycle. "Identified student" means a student who is directly certified for free school meals based on the student's participation in other means-tested assistance programs, and students who are categorically eligible for free school meals without an application and not subject to income verification.

Schools that already provide meals to all students at no cost through local agreements are exempt from this requirement.

**Summary of Bill:** Required Participation in the Community Eligibility Provision. All

public schools, including charter schools and state-tribal compact schools, that have an identified student percentage of at least 40 percent, or an identified student percentage of less than 40 percent if authorized by federal law, as determined annually, must participate in CEP.

To the extent practicable, school districts must group public schools to maximize the number of public schools eligible to participate in CEP. Individual schools participating in a group may have less than 40 percent identified students, provided the average identified student percentage for the group is at least 40 percent.

**Appropriation:** The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Students should be able to go to school and focus on their learning and not be hungry. If more schools participate in CEP, more children will be fed, and it will help relieve stressors on families during this pandemic. These meals provide a consistent source of nutrition for students. Some families fear filling out meal applications, and the applications can be difficult to complete. This bill would expand the number of schools participating in CEP to provide universal meals to students, which reduces stigma for children and families and reduces time spent on paperwork. There are certain state and federal funding programs that use free or reduced-price meals data, which could be impacted when schools move to CEP. But this not a reason to delay this bill. Additional data elements could be identified to ensure funding stability.

**Persons Testifying:** PRO: Senator Claire Wilson, Prime Sponsor; Mikhail Cherniske, OSPI; Simone Boe, Washington Education Association; Marria Nguyen; Claire Lane, Anti-Hunger & Nutrition Coalition; Zachary Glenn (Student Rep.), Washington State School Directors' Association (WSSDA) & Kennewick School District; Kara Carlson, West Valley School District 363; Ben Atkinson; Mitch Denning, WA School Nutrition Association; Karen Brown, WA School Nutrition Association.

**Persons Signed In To Testify But Not Testifying:** No one.