

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1771

Chapter 287, Laws of 2005

59th Legislature
2005 Regular Session

SCHOOL MEAL PROGRAMS

EFFECTIVE DATE: 7/24/05

Passed by the House April 20, 2005
Yeas 89 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 15, 2005
Yeas 43 Nays 3

BRAD OWEN

President of the Senate

Approved May 4, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1771** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 4, 2005 - 3:55 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1771

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Representatives McDermott, Nixon, Tom, Santos, Simpson, Chase,
Quall and Kenney

Read first time 02/04/2005. Referred to Committee on Education.

1 AN ACT Relating to school meal programs; amending RCW 28A.235.160;
2 and amending 2004 c 54 s 1 (uncodified).

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28A.235.160 and 2004 c 54 s 2 are each amended to read
5 as follows:

6 (1) For the purposes of this section:

7 (a) "Free or reduced-price lunch" means a lunch served by a school
8 district participating in the national school lunch program to a
9 student qualifying for national school lunch program benefits based on
10 family size-income criteria.

11 (b) "School lunch program" means a meal program meeting the
12 requirements defined by the superintendent of public instruction under
13 subsection ~~((4))~~ (2)(b) of this section.

14 (c) "School breakfast program" means a program meeting federal
15 requirements defined in 42 U.S.C. Sec. 1773.

16 (d) "Severe-need school" means a school that qualifies for a
17 severe-need school reimbursement rate from federal funds for school
18 breakfasts served to children from low-income families.

1 (e) "Summer food service program" means a meal or snack program
2 meeting the requirements defined by the superintendent of public
3 instruction under subsection ~~((+5))~~ (4) of this section.

4 (2) School districts shall implement a school lunch program in each
5 public school in the district in which educational services are
6 provided to children in any of the grades kindergarten through four and
7 in which twenty-five percent or more of the enrolled students qualify
8 for a free or reduced-price lunch. In developing and implementing its
9 school lunch program, each school district may consult with an advisory
10 committee including school staff, community members, and others
11 appointed by the board of directors of the district.

12 ~~((+3))~~ (a) Applications to determine free or reduced-price lunch
13 eligibility shall be distributed and collected for all households of
14 children in schools containing any of the grades kindergarten through
15 four and in which there are no United States department of agriculture
16 child nutrition programs. The applications that are collected must be
17 reviewed to determine eligibility for free or reduced-price lunches.
18 Nothing in this section shall be construed to require completion or
19 submission of the application by a parent or guardian.

20 ~~((+4))~~ (b) Using the most current available school data on free
21 and reduced-price lunch eligibility, the superintendent of public
22 instruction shall adopt a schedule for implementation of school lunch
23 programs at each school required to offer such a program under
24 subsection (2) of this section as follows:

25 ~~((+a))~~ (i) Schools not offering a school lunch program and in
26 which twenty-five percent or more of the enrolled students are eligible
27 for free or reduced-price lunch shall implement a school lunch program
28 not later than the second day of school in the 2005-06 school year and
29 in each school year thereafter.

30 ~~((+b))~~ (ii) The superintendent shall establish minimum standards
31 defining the lunch meals to be served, and such standards must be
32 sufficient to qualify the meals for any available federal
33 reimbursement.

34 ~~((+c))~~ (iii) Nothing in this section shall be interpreted to
35 prevent a school from implementing a school lunch program earlier than
36 the school is required to do so.

37 ~~((+5))~~ (3) To extent funds are appropriated for this purpose, each
38 school district shall implement a school breakfast program in each

1 school where more than forty percent of students eligible to
2 participate in the school lunch program qualify for free or reduced-
3 price meal reimbursement by the school year 2005-06. For the second
4 year before the implementation of the district's school breakfast
5 program, and for each subsequent school year, each school district
6 shall submit data enabling the superintendent of public instruction to
7 determine which schools within the district will qualify for this
8 requirement. Schools where lunch programs start after the 2003-04
9 school year, where forty percent of students qualify for free or
10 reduced-price meals, must begin school breakfast programs the second
11 year following the start of a lunch program.

12 (4) Each school district shall implement a summer food service
13 program in each public school in the district in which a summer program
14 of academic, enrichment, or remedial services is provided and in which
15 fifty percent or more of the children enrolled in the school qualify
16 for free or reduced-price lunch. However, the superintendent of public
17 instruction shall develop rules establishing criteria to permit an
18 exemption for a school that can demonstrate availability of an adequate
19 alternative summer feeding program. Sites providing meals should be
20 open to all children in the area, unless a compelling case can be made
21 to limit access to the program. The superintendent of public
22 instruction shall adopt a definition of compelling case and a schedule
23 for implementation as follows:

24 (a) Beginning the summer of 2005 if the school currently offers a
25 school breakfast or lunch program; or

26 (b) Beginning the summer following the school year during which a
27 school implements a school lunch program under subsection ~~((4))~~
28 (2)(b) of this section.

29 ~~((6))~~ (5) Schools not offering a breakfast or lunch program may
30 meet the meal service requirements of subsections (2)(b) and (4) ~~((and~~
31 ~~(5))~~) of this section through any of the following:

32 (a) Preparing the meals on-site;

33 (b) Receiving the meals from another school that participates in a
34 United States department of agriculture child nutrition program; or

35 (c) Contracting with a nonschool entity that is a licensed food
36 service establishment under RCW 69.07.010.

37 ~~((7))~~ (6) Requirements that school districts have a school lunch,
38 breakfast, or summer nutrition program under this section shall not

1 create or imply any state funding obligation for these costs. The
2 legislature does not intend to include these programs within the
3 state's obligation for basic education funding under Article IX of the
4 state Constitution.

5 ~~((+8))~~ (7) The requirements in this section shall lapse if the
6 federal reimbursement for any school breakfasts, lunches, or summer
7 food service programs is eliminated.

8 ~~((+9))~~ (8) School districts may be exempted from the requirements
9 of this section by showing good cause why they cannot comply with the
10 office of the superintendent of public instruction to the extent that
11 such exemption is not in conflict with federal or state law. The
12 process and criteria by which school districts are exempted shall be
13 developed by the office of the superintendent of public instruction in
14 consultation with representatives of school directors, school food
15 service, community-based organizations and the Washington state PTA.

16 **Sec. 2.** 2004 c 54 s 1 (uncodified) is amended to read as follows:

17 The legislature recognizes that hunger and food insecurity are
18 serious problems in the state. Since the United States department of
19 agriculture began to collect data on hunger and food insecurity in
20 1995, Washington has been ranked each year within the top ~~((five))~~ ten
21 states with the highest levels of hunger. A significant number of
22 these households classified as hungry are families with children.

23 The legislature recognizes the correlation between adequate
24 nutrition and a child's development and school performance. This
25 problem can be greatly diminished through improved access to federal
26 nutrition programs.

27 The legislature also recognizes that improved access to federal
28 nutrition and assistance programs, such as the federal food stamp
29 program and child nutrition programs, can be a critical factor in
30 enabling recipients to gain the ability to support themselves and their
31 families. This is an important step towards self-sufficiency and
32 decreased long-term reliance on governmental assistance and will serve
33 to strengthen families in this state.

Passed by the House April 20, 2005.

Passed by the Senate April 15, 2005.

Approved by the Governor May 4, 2005.

Filed in Office of Secretary of State May 4, 2005.