

# FINAL BILL REPORT

## ESHB 2610

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Synopsis as Enacted

**Brief Description:** Creating the hunger-free students' bill of rights act.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Peterson, Bergquist, Pollet, Gregerson, Appleton, Valdez, Ryu, Jinkins, Macri, Tarleton, Hudgins, McBride, Doglio, Stonier, Fey, Goodman, Santos, Frame and Stanford).

**House Committee on Education**  
**House Committee on Appropriations**  
**Senate Committee on Early Learning & K-12 Education**  
**Senate Committee on Ways & Means**

### **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 (USDA). In Washington, the 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 child care 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 2016-17 school year, 473,309 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

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schools, or 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 (for example, students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families, and foster, homeless, and migrant students). In Washington in the 2016-17 school year, there were 58 districts and 208 school sites participating in the CEP.

#### The McKinney-Vento Act.

In 2015 the federal McKinney-Vento Homeless Education Assistance Act (Act) was reauthorized requiring the delivery of services to remove barriers to the enrollment and retention of homeless children and youth in schools. Every school district or local education agency (LEA) is required to implement the Act. In implementing the Act, the LEAs must appoint a local homeless liaison who is responsible for ensuring that homeless children and youth are identified, enrolled immediately in school, and linked to services. A local homeless liaison must be an employee of the school district the liaison is serving and may be a school social worker, school counselor, educator, federal programs administrator, or school support staff.

The act also requires the LEAs to enable homeless children and youth to participate in federal, state, and local nutrition programs for which they are eligible.

In the 2015-16 school year, the most recent available data, 39,671 Washington students or 3.7 percent were identified as homeless.

#### **Summary:**

##### School Meal-Related Actions and Communications.

School personnel, school district personnel, and volunteers are prohibited from taking any action that would publically identify a student who cannot pay for a school meal or for meals previously served to the student, including requiring the student to wear an identifying marker or serving the student an alternative meal. These same personnel are also prohibited from:

- requiring a student who cannot pay for a school meal or previous meals to perform chores or other actions in exchange for a meal or the reduction of school meal debt;
- allowing a disciplinary action taken against a student to result in the denial or delay of a nutritionally adequate meal; and
- requiring parents or guardians to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.

Communications from a school or school district about amounts owed for previously served meals to a student under the age of 15 may only be directed to the student's parent or guardian. School districts must notify the student's parent or guardian of a negative balance on the student's school meal account within 10 days of the student earning a negative balance. Within 30 days of sending this notice the district must exhaust all options to directly certify the student for FRPMs. If the school district is unable to directly certify the student for FRPMs, the district must provide the parent with application information for FRPMs in the notification.

If a student has not paid for five or more previous meals, the school is required to take specified actions, including determining whether the student is categorically eligible for free meals, and having school personnel contact the parent or guardian to offer assistance with an application for FRPMs or other matters.

With limited exceptions, schools participating in the NSLP or the SBP must annually distribute and collect applications for households of children in kindergarten through grade 12 to determine student eligibility for FRPMs. If necessary, these schools must provide language assistance with the application materials to parents and guardians. Schools are required in accordance with federally granted authority to complete and submit an eligibility application for a student if, based upon information available to the school, the student is likely eligible for FRPMs.

#### Improved Student Identification Practices and Monthly Certification Duties.

School districts with local liaisons for homeless children and youths designated in accordance with the Act must improve systems to identify homeless students and coordinate with the applicable school nutrition program to ensure that these students have proper access to free school meals and that applicable accountability and reporting requirements are satisfied. Additionally, schools and school districts must improve systems to identify students in foster care, runaway students, and migrant students to ensure that each student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

Schools and school districts must also, at least monthly, directly certify students for free school meals if the students qualify because of enrollment in an assistance program.

#### New Duties for the Office of the Superintendent of Public Instruction.

The OSPI is directed to collect, analyze, and promote to school districts and applicable community-based organizations best practices in local meal charge policies that are required by a specific memorandum of the USDA.

The OSPI is also directed to develop and implement a plan to increase the number of schools participating in the CEP for the 2018-19 school year and subsequent school years. In developing and implementing this plan, the OSPI must work jointly with specified entities and persons, including community-based organizations and national experts focused on hunger and nutrition. The plan must describe how the OSPI will comply with certain actions, including:

- identifying and recruiting eligible schools to implement the CEP, with the goal of increasing the participation rate of eligible schools to at least the national average;
- providing comprehensive outreach and technical assistance to school districts and schools to implement the CEP; and
- supporting breakfast after the bell programs authorized by the Legislature to adopt the CEP.

Until June 30, 2019, the OSPI must convene the entities and persons working on the plan each month to report on the plan's status and to coordinate outreach and technical assistance efforts to schools and districts. Annually, beginning September 1, 2018, the OSPI must report certain data to the Legislature, including the number of schools that have implemented

the CEP, barriers to implementation and recommended solutions, and approaches in other states to adopting the CEP.

**Votes on Final Passage:**

House	59	39	
Senate	28	21	(Senate amended)
House			(House refused to concur)
Senate	31	17	(Senate receded/amended)
House	69	29	(House concurred)

**Effective:** June 7, 2018