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**SENATE BILL 6672**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senator Walsh

AN ACT Relating to feeding all children in Washington schools; and adding new sections to chapter 28A.235 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.235 RCW to read as follows:

(1)(a) School districts shall maximize access to federal funds for the school breakfast and lunch programs under the United States department of agriculture community eligibility provision, provision 2 under 7 C.F.R. Part 245, or this act.

(b) In addition, each school board operating a public school shall operate within each school in the school district the same school lunch and the same school breakfast program made available to students who qualify for those meals under the Richard B. Russell national school lunch act, 42 U.S.C. Sec. 1759a, and the national child nutrition act, P.L. 89-642, each as amended, to each attending student every school day at no charge.

(c) Each student shall have access to one federally reimbursable meal per meal service.

(2) In operating its school breakfast and lunch program, a school district shall seek to achieve the highest level of student participation, which may include: (a) Providing breakfast meals that can be picked up by students; (b) making breakfast available to students in classrooms after the start of the school day; or (c) collaborating with the office of the superintendent of public instruction in planning school meals.

(3) Each school district shall request the parent or guardian of each student to complete the household income survey provided by the office of the superintendent of public instruction, which is used to determine a family's economic status to determine eligibility for various state and federal programs. This requirement does not apply if the school district obtains equivalent information through different means.

(4) Each school district must allow for parents to opt out of eligibility for reasons including, but not limited to, food choice, allergy, religious objection, or other considerations deemed appropriate by the office of the superintendent of public instruction.

(5) To the extent that costs are not reimbursed through federal funds or other sources, the office of the superintendent of public instruction must bear the cost of making available school lunches and breakfasts through the school hunger reinvestment account created in section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.235 RCW to read as follows:

(1) The school hunger reinvestment account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be used only for expanding access to school lunches and breakfasts that are free to students with priority given first to:

(a) Schools with more than forty percent of students qualified for free or reduced-price school meals;

(b) Schools or clusters of schools with an identified student percentage of more than forty percent and less than sixty-two and one-half percent that are eligible to use the United States department of agriculture community eligibility provision; and

(c) Districts that offer breakfast after the bell as defined in RCW 28A.235.210.

(2) Revenues to the school hunger reinvestment account consist of:

(a) Savings to the state general fund resulting from unspent copays for reduced-price school breakfast and reduced-price school lunch for students in kindergarten through third grade in schools that use the community eligibility provision;

(b) Savings and revenues resulting from receipt or procurement of federal grants and goods provided by the food and nutrition service of the United States department of agriculture;

(c) Savings related to reduced enrollment and per capita costs for the office of the superintendent of public instruction, as calculated and transferred into the account under this section; and

(d) Any other public or private funds appropriated to or deposited in the account.

(3)(a) The office of the superintendent of public instruction, in collaboration with the office of financial management, shall develop a methodology for calculating the savings under this section. The methodology must be used for the 2019-2021 fiscal biennium, and for each biennium thereafter. The methodology must establish a baseline for calculating savings. The savings must be based on actual enrollment and per capita expenditures. By December 1, 2020, the department shall submit the proposed methodology to the governor and the appropriate committees of the legislature. The methodology is approved unless the legislature enacts legislation to modify or reject the methodology.

(b) The department shall use the methodology created in (a) of this subsection to calculate savings to the state general fund and other accounts for transfer into the school hunger reinvestment account in fiscal year 2021 and each fiscal year thereafter. Savings calculated by the office of the superintendent of public instruction under this section are not subject to RCW 43.79.460. The superintendent shall report the amount of the state general fund savings achieved to the office of financial management and the fiscal committees of the legislature at the end of each fiscal year. The office of financial management shall provide notice to the state treasurer of the amount of state general fund savings, as calculated by the department, for transfer into the school hunger reinvestment account.

(4) Nothing in this section prohibits:

(a) The superintendent of public instruction from seeking or engaging in public-private partnerships intended to generate or increase revenues to be deposited in the school hunger reinvestment account; or

(b) School districts from seeking grants from federal and private partners to fund or augment funding for federally reimbursable meals and food service costs.

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