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HOUSE BILL 1892

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State of Washington

66th Legislature

2019 Regular Session

**By** Representatives Morgan, Santos, Callan, Doglio, Appleton, Chapman, Reeves, Tharinger, Slatter, Ormsby, Thai, Shewmake, Fey, Bergquist, Paul, Macri, Jenkins, Wylie, Valdez, Peterson, Senn, Entenman, Pollet, Gregerson, Stanford, Leavitt, Lekanoff, and Frame

Read first time 02/04/19. Referred to Committee on Appropriations.

1 AN ACT Relating to eliminating lunch copays for students who  
2 qualify for reduced-price lunches; amending RCW 28A.235.160; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the  
6 challenges and difficulties of food insecurity affect Washington  
7 households throughout the state. The legislature recognizes also that  
8 many families rely on the food and nutritional benefits of reduced-  
9 price school lunches, and that hungry students face additional  
10 barriers to academic success.

11 The legislature further recognizes that the state's 2018-2019  
12 omnibus operating appropriations act includes funding for eliminating  
13 lunch copays for qualifying kindergarten through third grade  
14 students, and that extending this copay elimination to students in  
15 prekindergarten and the fourth through twelfth grades is an  
16 appropriate and cost-effective way to promote the health and academic  
17 success of students who qualify for reduced-price lunches.

18 **Sec. 2.** RCW 28A.235.160 and 2005 c 287 s 1 are each amended to  
19 read as follows:

20 (1) For the purposes of this section:

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

5 (b) "Lunch copay" means the amount a student who qualifies for a  
6 reduced-price lunch is charged for a reduced-price lunch.

7 (c) "School lunch program" means a meal program meeting the  
8 requirements defined by the superintendent of public instruction  
9 under subsection (2) (b) of this section.

10 (~~(e)~~) (d) "School breakfast program" means a program meeting  
11 federal requirements defined in 42 U.S.C. Sec. 1773.

12 (~~(d)~~) (e) "Severe-need school" means a school that qualifies  
13 for a severe-need school reimbursement rate from federal funds for  
14 school breakfasts served to children from low-income families.

15 (~~(e)~~) (f) "Summer food service program" means a meal or snack  
16 program meeting the requirements defined by the superintendent of  
17 public instruction under subsection (4) of this section.

18 (2) School districts shall implement a school lunch program in  
19 each public school in the district in which educational services are  
20 provided to children in any of the grades kindergarten through four  
21 and in which twenty-five percent or more of the enrolled students  
22 qualify for a free or reduced-price lunch. In developing and  
23 implementing its school lunch program, each school district may  
24 consult with an advisory committee including school staff, community  
25 members, and others appointed by the board of directors of the  
26 district.

27 (a) Applications to determine free or reduced-price lunch  
28 eligibility shall be distributed and collected for all households of  
29 children in schools containing any of the grades kindergarten through  
30 four and in which there are no United States department of  
31 agriculture child nutrition programs. The applications that are  
32 collected must be reviewed to determine eligibility for free or  
33 reduced-price lunches. Nothing in this section shall be construed to  
34 require completion or submission of the application by a parent or  
35 guardian.

36 (b) Using the most current available school data on free and  
37 reduced-price lunch eligibility, the superintendent of public  
38 instruction shall adopt a schedule for implementation of school lunch  
39 programs at each school required to offer such a program under  
40 subsection (2) of this section as follows:

1 (i) Schools not offering a school lunch program and in which  
2 twenty-five percent or more of the enrolled students are eligible for  
3 free or reduced-price lunch shall implement a school lunch program  
4 not later than the second day of school in the 2005-06 school year  
5 and in each school year thereafter.

6 (ii) The superintendent shall establish minimum standards  
7 defining the lunch meals to be served, and such standards must be  
8 sufficient to qualify the meals for any available federal  
9 reimbursement.

10 (iii) Nothing in this section shall be interpreted to prevent a  
11 school from implementing a school lunch program earlier than the  
12 school is required to do so.

13 (3) To (~~the~~) the extent funds are appropriated for this  
14 purpose, each school district shall implement a school breakfast  
15 program in each school where more than forty percent of students  
16 eligible to participate in the school lunch program qualify for free  
17 or reduced-price meal reimbursement by the school year 2005-06. For  
18 the second year before the implementation of the district's school  
19 breakfast program, and for each subsequent school year, each school  
20 district shall submit data enabling the superintendent of public  
21 instruction to determine which schools within the district will  
22 qualify for this requirement. Schools where lunch programs start  
23 after the 2003-04 school year, where forty percent of students  
24 qualify for free or reduced-price meals, must begin school breakfast  
25 programs the second year following the start of a lunch program.

26 (4) Each school district shall implement a summer food service  
27 program in each public school in the district in which a summer  
28 program of academic, enrichment, or remedial services is provided and  
29 in which fifty percent or more of the children enrolled in the school  
30 qualify for free or reduced-price lunch. However, the superintendent  
31 of public instruction shall develop rules establishing criteria to  
32 permit an exemption for a school that can demonstrate availability of  
33 an adequate alternative summer feeding program. Sites providing meals  
34 should be open to all children in the area, unless a compelling case  
35 can be made to limit access to the program. The superintendent of  
36 public instruction shall adopt a definition of compelling case and a  
37 schedule for implementation as follows:

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

1 (b) Beginning the summer following the school year during which a  
2 school implements a school lunch program under subsection (2)(b) of  
3 this section.

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

7 (a) Preparing the meals on-site;

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

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

12 (6) Requirements that school districts have a school lunch,  
13 breakfast, or summer nutrition program under this section shall not  
14 create or imply any state funding obligation for these costs. The  
15 legislature does not intend to include these programs within the  
16 state's obligation for basic education funding under Article IX of  
17 the state Constitution.

18 (7) To the extent funds are appropriated for this purpose,  
19 beginning in the 2019-20 school year, school districts with school  
20 lunch programs must eliminate lunch copays for students in  
21 prekindergarten through twelfth grade who qualify for reduced-price  
22 lunches.

23 (8) The requirements in this section shall lapse if the federal  
24 reimbursement for any school breakfasts, lunches, or summer food  
25 service programs is eliminated.

26 ((+8)) (9) School districts may be exempted from the  
27 requirements of this section by showing good cause why they cannot  
28 comply with the office of the superintendent of public instruction to  
29 the extent that such exemption is not in conflict with federal or  
30 state law. The process and criteria by which school districts are  
31 exempted shall be developed by the office of the superintendent of  
32 public instruction in consultation with representatives of school  
33 directors, school food service, community-based organizations and the  
34 Washington state PTA.

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