

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1893

Chapter 407, Laws of 2019

66th Legislature
2019 Regular Session

POSTSECONDARY STUDENT ASSISTANCE

EFFECTIVE DATE: July 28, 2019

Passed by the House April 25, 2019
Yeas 57 Nays 41

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 17, 2019
Yeas 27 Nays 21

CYRUS HABIB

President of the Senate

Approved May 21, 2019 9:43 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1893** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 21, 2019

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1893

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House Appropriations (originally sponsored by Representatives Entenman, Leavitt, Pollet, Paul, Stanford, and Valdez)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to providing assistance for postsecondary
2 students, such as access to food or transportation, to help those
3 students remain enrolled; adding a new section to chapter 28B.50 RCW;
4 adding new sections to chapter 43.20A RCW; adding a new section to
5 chapter 28B.92 RCW; creating new sections; and providing contingent
6 expiration dates.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.50
9 RCW to read as follows:

10 (1)(a) Subject to availability of amounts appropriated for this
11 specific purpose, the emergency assistance grant program is
12 established to provide students of community and technical colleges
13 monetary aid to assist students experiencing unforeseen emergencies
14 or situations that affect the student's ability to attend classes.

15 (b) The college board shall administer the competitive grant
16 program in accordance with this section.

17 (2) The college board shall establish eligibility criteria for
18 community and technical colleges to apply for grants under the grant
19 program. At a minimum, to be eligible for a grant, a community or
20 technical college must:

1 (a) Demonstrate the need for grant funds. Demonstrating need may
2 include producing demographic data on student income levels, the
3 number of students experiencing food insecurity or homelessness, the
4 number of students who meet the definition of "needy student" under
5 RCW 28B.92.030, the number of students accessing the college's food
6 pantry, if one is available, and other information specific to the
7 student population;

8 (b) Ensure that students' access to emergency aid funds will be
9 as low barrier as possible and will not require the student to have
10 to fill out the free application for federal student aid to receive
11 emergency funds. However, the college must require the student to
12 request assistance in writing;

13 (c) Allow flexibility in which students may apply for emergency
14 aid funds. Students who may not meet the definition of "needy
15 student" but who may be experiencing emergency situations must be
16 able to apply for emergency aid funds; and

17 (d) Indicate how the college will prioritize the disbursement of
18 emergency aid funds.

19 (3) In selecting grant recipients, the college board must
20 consider a community or technical college's demonstration of need and
21 the resources and programs already in existence at the college.

22 (4) A community or technical college shall use grant funds to
23 provide students emergency aid in the form of monetary grants to
24 assist the student in, for example, purchasing food, paying utilities
25 or rent, paying for transportation, child care, or other goods or
26 services that the student needs in order to continue to attend
27 classes. Emergency aid under the grant program is considered a grant
28 and a student is not required to reimburse the community or technical
29 college.

30 (5) The college board must begin accepting applications for the
31 grant program by December 1, 2019.

32 (6) The college board shall submit a report to the appropriate
33 committees of the legislature beginning December 1, 2020, and each
34 December 1st thereafter. At a minimum, the report must:

35 (a) Identify the community and technical colleges receiving
36 grants and the amounts of the grants; and

37 (b) Summarize how the community and technical colleges
38 distributed funds to students, and provide the number of students,
39 the amounts, and the emergency conditions for which funds were
40 granted.

1 NEW SECTION. **Sec. 2.** (1) The legislature finds that students
2 who receive supplemental nutrition assistance program benefits in the
3 form of an electronic benefit transfer card cannot use these benefits
4 to purchase food items from on-campus food retail establishments at
5 institutions of higher education. On-campus food retail
6 establishments or point-of-sale locations such as cafeterias,
7 bookstores, and cafes do not qualify as retail food stores under the
8 federal food and nutrition act of 2008 because these on-campus food
9 retail establishments either do not sell enough categories of staple
10 foods or do not gross over fifty percent of their total sales from
11 staple foods.

12 (2) The legislature recognizes that students perform better in
13 classes when they are well-nourished, yet finds that students who
14 receive supplemental nutrition assistance program benefits have to
15 travel off campus to use their benefits at a participating vendor,
16 incurring extra travel costs, reducing study time, and causing
17 unnecessary stress.

18 (3) The legislature finds that this limitation on the use of
19 supplemental nutrition assistance program benefits is a barrier that
20 prevents public and private institutions of higher education from
21 providing equal access to food retail establishments on campuses to
22 all students, faculty, and staff regardless of economic status. The
23 legislature recognizes that eliminating this barrier is vital to
24 assuring equal access to every aspect of Washington's public and
25 private institutions of higher education.

26 (4) The legislature intends to have the department of social and
27 health services request a waiver from the United States department of
28 agriculture to allow students to use their electronic benefit
29 transfer card at on-campus food retail establishments at Washington's
30 public and private institutions of higher education.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A
32 RCW to read as follows:

33 (1) The department shall, in consultation with the state board
34 for community and technical colleges and the student achievement
35 council, seek all necessary exemptions and waivers from and
36 amendments to federal statutes, rules, and regulations, as set forth
37 in this section. These exemptions and waiver requests shall seek to
38 authorize Washington's public and private institutions of higher
39 education to accept supplemental nutrition assistance program

1 benefits in the form of an electronic benefit transfer card at the
2 institutions' on-campus food retail establishments.

3 (2) The department shall report to the appropriate legislative
4 committees quarterly on the efforts to secure the federal changes to
5 permit full implementation of this act at the earliest possible date.

6 (3) In the event that the department is not able to obtain the
7 necessary exemptions, waivers, or amendments referred to in
8 subsection (1) of this section before January 1, 2020, this section
9 expires on that date and has no further force or effect.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.20A
11 RCW to read as follows:

12 (1)(a) For the purposes of community and technical college
13 students' eligibility for the Washington basic food program, the
14 department shall, in consultation with the state board for community
15 and technical colleges, identify educational programs at the
16 community and technical colleges that would meet the requirements of
17 state-approved employment and training programs.

18 (b) In identifying educational programs, the department must
19 consider science, technology, engineering, and mathematics programs
20 and must be as inclusive as possible of other programs.

21 (c) The department shall maintain and regularly update a list of
22 identified programs in accordance with 7 C.F.R. Sec. 273.5(b)(11),
23 which provides that a student is eligible for an exemption from
24 eligibility rules if the student's attendance can be described as
25 part of a program to increase the student's employability.

26 (d) For the purposes of this section, and to the extent allowed
27 by federal law, a student shall be anticipating participation through
28 a work-study program if he or she can reasonably expect or foresee
29 being assigned work-study employment. For the purposes of this
30 subsection: "Anticipation participation" means a student has received
31 approval of work-study as part of a financial aid package and has yet
32 to receive notice from the institution of higher education that he or
33 she has been denied participation in work-study; and "work-study"
34 means the program created in chapter 28B.12 RCW.

35 (e) The department shall coordinate with the state board of
36 community and technical colleges and the Washington state student
37 achievement council to identify options that could confer categorical
38 eligibility for students who receive state need grants that are
39 funded through temporary assistance for needy families federal or

1 state maintenance of effort dollars. By January 1, 2020, the
2 department must provide a report to the appropriate committees of the
3 legislature that identifies federal assistance options for state need
4 grant recipients.

5 (2) If the United States department of agriculture requires
6 federal approval of what constitutes state-approved employment and
7 training programs for the purposes of basic food eligibility, the
8 department shall seek federal approval.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.92
10 RCW to read as follows:

11 (1) Each institution of higher education shall provide written
12 notification to every student eligible for the state need grant or
13 state work-study program of possible eligibility for the supplemental
14 nutrition assistance program. The written notification must include
15 information on how to apply for the supplemental nutrition assistance
16 program.

17 (2) In the event the department of social and health services is
18 not able to obtain the necessary exemptions, waivers, or amendments
19 referred to in section 3 of this act before January 1, 2020, this
20 section expires on that date and has no further force and effect.

21 NEW SECTION. **Sec. 6.** If any part of this act is found to be in
22 conflict with federal requirements that are a prescribed condition to
23 the allocation of federal funds to the state, the conflicting part of
24 this act is inoperative solely to the extent of the conflict and with
25 respect to the agencies directly affected, and this finding does not
26 affect the operation of the remainder of this act in its application
27 to the agencies concerned. Rules adopted under this act must meet
28 federal requirements that are a necessary condition to the receipt of
29 federal funds by the state.

30 NEW SECTION. **Sec. 7.** The department of social and health
31 services must provide written notice of the expiration date of
32 section 3 of this act to affected parties, the chief clerk of the
33 house of representatives, the secretary of the senate, the office of
34 the code reviser, and others as deemed appropriate by the department.

35 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
36 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2019, in the omnibus appropriations act, this
2 act is null and void.

Passed by the House April 25, 2019.

Passed by the Senate April 17, 2019.

Approved by the Governor May 21, 2019.

Filed in Office of Secretary of State May 21, 2019.

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