
SUBSTITUTE HOUSE BILL 2712

State of Washington

65th Legislature

2018 Regular Session

By House Appropriations (originally sponsored by Representatives Gregerson, Appleton, Bergquist, Stokesbary, Pollet, Dent, Senn, Caldier, Irwin, Stambaugh, Lovick, Sells, Pettigrew, Hudgins, Wylie, Tarleton, Macri, Sullivan, McBride, Stanford, Doglio, Dolan, Kloba, Valdez, Chapman, Slatter, Orwall, Riccelli, Jinkins, Pellicciotti, Ormsby, Kilduff, Sawyer, McDonald, Peterson, Tharinger, Frame, Goodman, Santos, and Kagi)

READ FIRST TIME 02/06/18.

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

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

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

12 The legislature further recognizes that the state's 2018-2019
13 biennial operating budget includes funding for eliminating lunch
14 copays for qualifying kindergarten through third grade students, and
15 that extending this copay elimination to all students in
16 prekindergarten is an appropriate and cost-effective way to promote
17 the health and academic success of students who qualify for reduced-
18 price lunches. Furthermore, federal support through the community
19 eligibility provision can also eliminate the need to collect lunch
20 copays from students.

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

3 (1) For the purposes of this section:

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

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

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

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

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

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

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

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

39 (b) Using the most current available school data on free and
40 reduced-price lunch eligibility, the superintendent of public

1 instruction shall adopt a schedule for implementation of school lunch
2 programs at each school required to offer such a program under
3 subsection (2) of this section as follows:

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

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

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

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

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

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

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

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

9 (a) Preparing the meals on-site;

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

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

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

20 (7) To the extent funds are appropriated for this purpose,
21 beginning in the 2018-19 school year, school districts with school
22 lunch programs shall eliminate lunch copays for students in
23 prekindergarten through third grade who qualify for reduced-price
24 lunches.

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

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

37 (10)(a) The office of the superintendent of public instruction
38 shall develop and implement a plan to increase the number of schools
39 participating in the United States department of agriculture
40 community eligibility provision for the 2018-19 school year and

1 subsequent years. The office shall work jointly with community-based
2 organizations and national experts focused on hunger and nutrition,
3 and familiar with the community eligibility provision, at least two
4 school representatives who have successfully implemented community
5 eligibility, and the state agency responsible for medicaid direct
6 certification. The plan must describe how the office of the
7 superintendent of public instruction will:

8 (i) Identify and recruit eligible schools to implement the
9 community eligibility provision, with the goal of increasing the
10 participation rate of eligible schools to at least the national
11 average;

12 (ii) Provide comprehensive outreach and technical assistance to
13 school districts and schools to implement the community eligibility
14 provision;

15 (iii) Support breakfast after the bell programs authorized by the
16 legislature to adopt the community eligibility provision;

17 (iv) Work with school districts to group schools in order to
18 maximize the number of schools implementing the community eligibility
19 provision; and

20 (v) Determine the maximum percentage of students eligible for
21 free meals where participation in the community eligibility provision
22 provides the most support for a school, school district, or group of
23 schools.

24 (b) Until June 30, 2019, the office of the superintendent of
25 public instruction shall convene the organizations working jointly on
26 the plan monthly to report on the status of the plan and coordinate
27 outreach and technical assistance efforts to schools and school
28 districts.

29 (c) Beginning in 2018, the office of the superintendent of public
30 instruction shall report annually the number of schools that have
31 implemented the community eligibility provision to the legislature by
32 September 1st of each year. The report shall identify:

33 (i) Any barriers to implementation;

34 (ii) Recommend policy and legislative solutions to overcome those
35 barriers;

36 (iii) Reasons potentially eligible schools and school districts
37 decide not to adopt the community eligibility provision; and

38 (iv) Approaches in other states to adopting the community
39 eligibility provision.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect April 1, 2018.

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