

HOUSE BILL REPORT

HB 1833

As Passed Legislature

Title: An act relating to establishing an electronic option for the submission of household income information required for participation in school meals and programs.

Brief Description: Establishing an electronic option for the submission of household income information required for participation in school meals and programs.

Sponsors: Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley.

Brief History:

Committee Activity:

Education: 1/20/22, 1/27/22 [DP].

Floor Activity:

Passed House: 2/10/22, 92-4.

Passed Senate: 3/2/22, 48-0.

Passed Legislature.

Brief Summary of Bill

- Requires the Office of the Superintendent of Public Instruction (OSPI) to initiate and oversee the development and implementation of a statewide electronic repository of household income information that is required for a student's enrollment in, or eligibility for, the National School Lunch Program, the School Breakfast Program, or both.
- Establishes requirements for the electronic repository and makes its contents exempt from disclosure under the Public Records Act.
- Establishes related annual reporting requirements for the OSPI.

HOUSE COMMITTEE ON EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 13 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg, Bergquist, Callan, McCaslin, McEntire, Ortiz-Self, Rude, Steele and Stonier.

Staff: Ethan Moreno (786-7386).

Background:

Federal School Nutrition Programs, Free and Reduced-Price Meals.

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) are child nutrition programs funded by the United States Department of Agriculture. 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 reimbursements for meals served that meet federal requirements.

Household applications submitted by families to schools are used to determine eligibility for free or reduced-price meals (FRPM). 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.

As an alternative to using the household application process, qualifying schools may use the Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act. The CEP permits schools with high numbers of low-income students to serve free meals to all students for a four-year cycle without collecting household applications. A school, group of schools, or school 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, examples of which include: students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families, and foster, homeless, and migrant students. The percentage of eligible students identified without using household applications is the Identified Student Percentage (ISP).

Provision 2, a program of the NSLP that is used much less extensively in Washington than the CEP, can also be used by schools as an alternative to the traditional household application process. While somewhat similar to the CEP in that meals are provided to all students free of charge for a four-year cycle, Provision 2 does not require a minimum ISP, so eligibility for Provision 2 is determined by the actual number of FRPMs served in a base year rather than by having a minimum number of students who are identified as eligible for free meals through other means.

Impacts to Funding Determinations.

In addition to reimbursements for school meals, FRPM eligibility can impact state school funding formulas. For example, the percentages of students eligible for FRPM determine state allocations to schools for the Learning Assistance Program, a part of the state's program of basic education that provides supplemental instruction and services for students who are not meeting academic standards. Additionally, enhancements to prototypical class sizes and staffing allocations can be made in the operating budget for schools with more than 50 percent of students eligible for FRPM.

Because schools participating in the CEP and Provision 2 do not collect family income information through household applications, they must use an alternate method to collect the needed annual data.

To assist with this need, the OSPI has developed a family income survey, in multiple languages, that can be used to collect household income data. Parents and guardians who receive the one-page form from their child's school or school district are asked to voluntarily complete and return it, but the forms are not used to determine an individual student's eligibility for receiving FRPMs.

Public Records Act.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits into one of the numerous specific exemptions in the PRA or otherwise provided in law. The stated policy of the PRA favors disclosure and requires narrow application of the listed exemptions.

Summary of Bill:

The OSPI is directed to initiate and oversee the development and implementation of a statewide electronic repository of household income information that is required for a student's enrollment in, or eligibility for, the NSLP, the SBP, or both programs for the purpose of:

- removing barriers that diminish access to FRPM by students enrolled in eligible schools;
- providing parents and legal guardians of students enrolled in eligible schools with a voluntary, secure, and convenient online portal for providing household information for school meal programs;
- providing student household income information to schools and school districts that provide meals at no charge to students without using school meal applications to determine eligibility for low-income programs for students and schools; and
- ensuring an accessible, simplified process for enrolling students in, and administering, related nutrition programs.

Among other obligations, the Superintendent of Public Instruction is directed to ensure that

the electronic repository meets specified requirements, including:

- complying with any applicable requirements necessary for schools and school districts to access repository data;
- complying with any applicable standards and requirements necessary to ensure that the repository data connects to the direct certification system and streamlines the process to maximize the number of eligible students directly certified for free school meals;
- having robust safeguards to ensure that the income information is secure and accessed only by individuals with express authorization to do so; and
- being accessible online and easily navigable by parents and legal guardians, and in multiple languages, for the purpose of voluntarily providing the pertinent household income data.

Household income information received by the OSPI, school employees, school district employees, or their designees, is not subject to disclosure under the PRA and may not be disseminated except as provided by law.

Beginning in 2022, the OSPI must report annually to the Legislature by December 1 on the electronic repository, including:

- the number of schools and school districts accessing the data for providing household information that is required for a school's participation in the NSLP, the SBP, or both; and
- recommendations for increasing the number of repository users and improving the technical functionality of the repository.

Rather than providing participant data and recommendations, the report due by December 1, 2022, must instead include a plan, timeline, and cost estimate for:

- implementing the development of the repository;
- securing any needed vendors for its development and, if necessary, operation; and
- making the repository accessible to schools, school districts, and the public through appropriate electronic interfaces.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is about keeping students fed and will provide parents and students with an online form for providing household income data for meal programs. The pandemic made it clear that an online option is needed for all families and this bill will

support hunger relief.

The online approach required by the bill will help to support the growing number of schools that utilize the CEP. An online system will make data collection and supporting families easier. The collected data will also be beneficial for other requirements that use FRPM data.

This bill will provide a secure, streamlined process for collecting the household information.

Schools will benefit from having the application data available in one location. An online platform could also be accessible on mobile devices. Distributing paper forms to families during the pandemic has been very difficult. The data must be provided annually, so allowing multiple districts to access the data will be beneficial.

This is a smart and critical investment that will help to remove barriers for families and students experiencing homelessness. The database will reduce the administrative burdens on staff and help accurately capture poverty data.

Immigrants and refugees experience food insecurity at higher levels than that of people born in the United States. An electronic, multi-language option will help families and reduce errors in data collection.

(Opposed) None.

(Other) The bill is good policy and will remove barriers to accessing food, but school nutrition systems are under stress. This bill could further impact public school kitchens that are already stressed with staffing and supply shortages.

Persons Testifying: (In support) Representative April Berg, prime sponsor; Mikhail Cherniske, Office of the Superintendent of Public Instruction; Megan Veith; Lua Pritchard, Asia Pacific Cultural Center; Christina Wong, Northwest Harvest; and Mitch Denning and Megan de Vries, Washington School Nutrition Association.

(Other) Rick Chisa, Public School Employees of Washington.

Persons Signed In To Testify But Not Testifying: None.