

RCW 28A.235.160 Requirements to implement school breakfast, lunch, and summer food service programs—Exemptions. (1) For the purposes of this section:

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

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

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

(d) "School lunch program" means a meal program meeting the requirements defined in Title 42 U.S.C. Sec. 1751 et seq.

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

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

(2) School districts shall implement a school lunch program in each public school in the district in which educational services are provided to children in any of the grades of kindergarten through four and in which 25 percent or more of the enrolled students qualify for a free or reduced-price lunch. In accordance with RCW 28A.235.135, school districts shall provide meals at no charge to all requesting students at public schools that meet the criteria established in RCW 28A.235.135(1) (b) and (c). In developing and implementing its school lunch program and school breakfast program, each school district may consult with an advisory committee including school staff, community members, and others appointed by the board of directors of the district.

(3) To the extent funds are appropriated for this purpose, each school district shall implement a school breakfast program in each school where more than 40 percent of students eligible to participate in the school lunch program qualify for free or reduced-price meal reimbursement. Beginning in the 2023-24 school year and in accordance with RCW 28A.235.135, school districts shall implement a breakfast program in each school providing meals at no charge to students. For the second year before the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify for this requirement. Schools where lunch programs start after the 2003-04 school year, where 30 percent of students qualify for free or reduced-price meals, must begin school breakfast programs the second year following the start of a lunch program.

(4) Each school district shall implement a summer food service program in each public school in the district in which a summer program of academic, enrichment, or remedial services is provided and in which 50 percent or more of the children enrolled in the school meet federal eligibility requirements for free or reduced-price lunch. However, the superintendent of public instruction shall develop rules establishing criteria to permit an exemption for a school that can demonstrate availability of an adequate alternative summer feeding program. Sites providing meals should be open to all children in the area, unless a compelling case can be made to limit access to the

program. The superintendent of public instruction shall adopt a definition of compelling case and a schedule for implementation as follows:

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

(b) Beginning the summer following the school year during which a school implements a school lunch program under this section.

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

(a) Preparing the meals on-site;

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

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

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

(7) Beginning in the 2021-22 school year, school districts with school lunch programs must eliminate lunch copays for students in prekindergarten through 12th grade who qualify for reduced-price lunches, and the superintendent of public instruction must allocate funding for this purpose.

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

(9) School districts may be exempted from the requirements of this section and RCW 28A.235.135 by showing good cause why they cannot comply with the office of the superintendent of public instruction to the extent that such exemption is not in conflict with federal or state law. The process and criteria by which school districts may be exempted shall be developed by rule and revised if necessary by the office of the superintendent of public instruction in consultation with representatives of school directors, school food service, community-based organizations, and a state organization of parents and teachers. [2023 c 379 § 4. Prior: 2021 c 74 § 2; 2005 c 287 § 1; 2004 c 54 § 2.]

Intent—2023 c 379: See note following RCW 28A.235.135.

Findings—2021 c 74: "The legislature recognizes that the challenges and difficulties of food insecurity affect Washington households throughout the state. The legislature recognizes also that many families rely on the food and nutritional benefits of reduced-price school lunches, and that hungry students face additional barriers to academic success.

The legislature further recognizes that the state's 2019-2021 omnibus operating appropriations act includes funding for eliminating lunch copays for qualifying kindergarten through third grade students, and that extending this copay elimination to students in prekindergarten and the fourth through 12th grades is an appropriate and cost-effective way to promote the health and academic success of students who qualify for reduced-price lunches." [2021 c 74 § 1.]

Findings—2005 c 287; 2004 c 54: "The legislature recognizes that hunger and food insecurity are serious problems in the state. Since the United States department of agriculture began to collect data on hunger and food insecurity in 1995, Washington has been ranked each year within the top ten states with the highest levels of hunger. A significant number of these households classified as hungry are families with children.

The legislature recognizes the correlation between adequate nutrition and a child's development and school performance. This problem can be greatly diminished through improved access to federal nutrition programs.

The legislature also recognizes that improved access to federal nutrition and assistance programs, such as the federal food stamp program and child nutrition programs, can be a critical factor in enabling recipients to gain the ability to support themselves and their families. This is an important step towards self-sufficiency and decreased long-term reliance on governmental assistance and will serve to strengthen families in this state." [2005 c 287 § 2; 2004 c 54 § 1.]

Conflict with federal requirements—2004 c 54: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2004 c 54 § 6.]