

SSB 6411 - S AMD 767

By Senators Brandland, Stevens, Hargrove

ADOPTED 03/19/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that hunger and
4 food insecurity are serious problems in the state. Since the United
5 States department of agriculture began to collect data on hunger and
6 food insecurity in 1995, Washington has been ranked each year within
7 the top five states with the highest levels of hunger. A significant
8 number of these households classified as hungry are families with
9 children.

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

14 The legislature also recognizes that improved access to federal
15 nutrition and assistance programs, such as the federal food stamp
16 program, can be a critical factor in enabling recipients to gain the
17 ability to support themselves and their families. This is an important
18 step towards self-sufficiency and decreased long-term reliance on
19 governmental assistance and will serve to strengthen families in this
20 state.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235
22 RCW to read as follows:

23 (1) For the purposes of this section:

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

28 (b) "School lunch program" means a meal program meeting the
29 requirements defined by the superintendent of public instruction under
30 subsection (4) of this section.

1 (c) "Summer food service program" means a meal or snack program
2 meeting the requirements defined by the superintendent of public
3 instruction under subsection (5) of this section.

4 (2) School districts shall implement a school lunch program in each
5 public school in the district in which educational services are
6 provided to children in any of the grades kindergarten through four and
7 in which twenty-five percent or more of the enrolled students qualify
8 for a free or reduced-price lunch. In developing and implementing its
9 school lunch program, each school district may consult with an advisory
10 committee including school staff, community members, and others
11 appointed by the board of directors of the district.

12 (3) Applications to determine free or reduced-price lunch
13 eligibility shall be distributed and collected for all households of
14 children in schools containing any of the grades kindergarten through
15 four and in which there are no United States department of agriculture
16 child nutrition programs. The applications that are collected must be
17 reviewed to determine eligibility for free or reduced-price lunches.
18 Nothing in this section shall be construed to require completion or
19 submission of the application by a parent or guardian.

20 (4) Using the most current available school data on free and
21 reduced-price lunch eligibility, the superintendent of public
22 instruction shall adopt a schedule for implementation of school lunch
23 programs at each school required to offer such a program under
24 subsection (2) of this section as follows:

25 (a) Schools not offering a school lunch program and in which
26 twenty-five percent or more of the enrolled students are eligible for
27 free or reduced-price lunch shall implement a school lunch program not
28 later than the second day of school in the 2005-06 school year and in
29 each school year thereafter.

30 (b) The superintendent shall establish minimum standards defining
31 the lunch meals to be served, and such standards must be sufficient to
32 qualify the meals for any available federal reimbursement.

33 (c) Nothing in this section shall be interpreted to prevent a
34 school from implementing a school lunch program earlier than the school
35 is required to do so.

36 (5) Each school district shall implement a summer food service
37 program in each public school in the district in which a summer program
38 of academic, enrichment, or remedial services is provided and in which
39 fifty percent or more of the children enrolled in the school qualify

1 for free or reduced-price lunch. However, the superintendent of public
2 instruction shall develop rules establishing criteria to permit an
3 exemption for a school that can demonstrate availability of an adequate
4 alternative summer feeding program. Sites providing meals should be
5 open to all children in the area, unless a compelling case can be made
6 to limit access to the program. The superintendent of public
7 instruction shall adopt a definition of compelling case and a schedule
8 for implementation as follows:

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

11 (b) Beginning the summer following the school year during which a
12 school implements a school lunch program under subsection (4) of this
13 section.

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

17 (a) Preparing the meals on-site;

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

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

22 (7) Requirements that school districts have a school lunch program
23 under this section shall not create or imply any state funding
24 obligation for these costs. The legislature does not intend to include
25 these programs within the state's obligation for basic education
26 funding under Article IX of the state Constitution.

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

30 (9) School districts may be exempted from the requirements of this
31 section by showing good cause why they cannot comply with the office of
32 the superintendent of public instruction to the extent that such
33 exemption is not in conflict with federal or state law.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04 RCW
35 to read as follows:

36 (1) To the maximum extent allowable by federal law, the department
37 shall implement simplified reporting for the food stamp program by
38 October 31, 2004.

1 (2) For the purposes of this section, "simplified reporting" means
2 the only change in circumstance that a recipient of a benefit program
3 must report between eligibility reviews is an increase of income that
4 would result in ineligibility for the benefit program or a change of
5 address. Every six months the assistance unit must either complete a
6 semiannual report or participate in an eligibility review.

7 **Sec. 4.** RCW 74.08A.010 and 1997 c 58 s 103 are each amended to
8 read as follows:

9 (1) A family that includes an adult who has received temporary
10 assistance for needy families for sixty months after July 27, 1997,
11 shall be ineligible for further temporary assistance for needy families
12 assistance.

13 (2) For the purposes of applying the rules of this section, the
14 department shall count any month in which an adult family member
15 received a temporary assistance for needy families cash assistance
16 grant unless the assistance was provided when the family member was a
17 minor child and not the head of the household or married to the head of
18 the household.

19 (3) The department shall refer recipients who require specialized
20 assistance to appropriate department programs, crime victims' programs
21 through the department of community, trade, and economic development,
22 or the crime victims' compensation program of the department of labor
23 and industries.

24 (4) The department may exempt a recipient and the recipient's
25 family from the application of subsection (1) of this section by reason
26 of hardship or if the recipient meets the family violence options of
27 section 402(A)(7) of Title IVA of the federal social security act as
28 amended by P.L. 104-193. The number of recipients and their families
29 exempted from subsection (1) of this section for a fiscal year shall
30 not exceed twenty percent of the average monthly number of recipients
31 and their families to which assistance is provided under the temporary
32 assistance for needy families program.

33 (5) The department shall not exempt a recipient and his or her
34 family from the application of subsection (1) of this section until
35 after the recipient has received fifty-two months of assistance under
36 this chapter.

37 (6) Beginning on October 31, 2005, the department shall provide
38 transitional food stamp assistance for a period of five months to a

1 household that ceases to receive temporary assistance for needy
2 families assistance. If necessary, the department shall extend the
3 household's food stamp certification until the end of the transition
4 period.

5 **Sec. 5.** RCW 74.08.025 and 1997 c 58 s 101 are each amended to read
6 as follows:

7 (1) Public assistance may be awarded to any applicant:

8 (a) Who is in need and otherwise meets the eligibility requirements
9 of department assistance programs; and

10 (b) Who has not made a voluntary assignment of property or cash for
11 the purpose of qualifying for an assistance grant; and

12 (c) Who is not an inmate of a public institution except as a
13 patient in a medical institution or except as an inmate in a public
14 institution who could qualify for federal aid assistance: PROVIDED,
15 That the assistance paid by the department to recipients in nursing
16 homes, or receiving nursing home care, may cover the cost of clothing
17 and incidentals and general maintenance exclusive of medical care and
18 health services. The department may pay a grant to cover the cost of
19 clothing and personal incidentals in public or private medical
20 institutions and institutions for tuberculosis. The department shall
21 allow recipients in nursing homes to retain, in addition to the grant
22 to cover the cost of clothing and incidentals, wages received for work
23 as a part of a training or rehabilitative program designed to prepare
24 the recipient for less restrictive placement to the extent permitted
25 under Title XIX of the federal social security act.

26 (2) Any person otherwise qualified for temporary assistance for
27 needy families under this title who has resided in the state of
28 Washington for fewer than twelve consecutive months immediately
29 preceding application for assistance is limited to the benefit level in
30 the state in which the person resided immediately before Washington,
31 using the eligibility rules and other definitions established under
32 this chapter, that was obtainable on the date of application in
33 Washington state, if the benefit level of the prior state is lower than
34 the level provided to similarly situated applicants in Washington
35 state. The benefit level under this subsection shall be in effect for
36 the first twelve months a recipient is on temporary assistance for
37 needy families in Washington state.

1 (3) Any person otherwise qualified for temporary assistance for
2 needy families who is assessed through the state alcohol and substance
3 abuse program as drug or alcohol-dependent and requiring treatment to
4 become employable shall be required by the department to participate in
5 a drug or alcohol treatment program as a condition of benefit receipt.

6 (4) In order to be eligible for temporary assistance for needy
7 families (~~(and food stamp program)~~) benefits, any applicant with a
8 felony conviction after August 21, 1996, involving drug use or
9 possession, must: (a) Have been assessed as chemically dependent by a
10 chemical dependency program approved under chapter 70.96A RCW and be
11 participating in or have completed a coordinated rehabilitation plan
12 consisting of chemical dependency treatment and vocational services;
13 and (b) have not been convicted of a felony involving drug use or
14 possession in the three years prior to the most current conviction.

15 (5) Pursuant to 21 U.S.C. 862a(d)(1), the department shall exempt
16 individuals from the eligibility restrictions of 21 U.S.C. 862a(a)(2)
17 to ensure eligibility for federal food assistance.

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

27 NEW SECTION. Sec. 7. If specific funding for the purposes of
28 section 2 of this act, referencing this act by bill or chapter number,
29 is not provided by June 30, 2004, in the omnibus appropriations act,
30 section 2 of this act is null and void."

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1 On page 1, line 1 of the title, after "hunger;" strike the
2 remainder of the title and insert "amending RCW 74.08A.010 and
3 74.08.025; adding a new section to chapter 28A.235 RCW; adding a new
4 section to chapter 74.04 RCW; and creating new sections."

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