

# HOUSE BILL REPORT

## ESB 6411

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**As Passed House:**

March 9, 2004

**Title:** An act relating to reducing hunger.

**Brief Description:** Reducing hunger.

**Sponsors:** By Senators Brandland, Rasmussen, Sheahan, Hargrove, Swecker, Brown, Jacobsen, McAuliffe, Regala, Eide, Kline, Kohl-Welles and Winsley.

**Brief History:**

**Floor Activity:**

Passed House: 3/9/04, 77-18.

**Brief Summary of Engrossed Bill**

- Requires all school districts to implement a school lunch program in each public school serving grades kindergarten through four within its district if at least 25 percent of the students in the school qualify for free or reduced-price lunch.
- Requires all schools offering a summer program to offer a summer food service program that is open to all children in the area if at least 50 percent of the children enrolled in the school qualify for free or reduced-price lunch, unless the school can demonstrate the availability of an adequate alternative summer feeding program.
- Exempts a school district from the requirements to provide school lunch or summer food service meal programs if the district shows good cause why it cannot comply.
- Requires the Department of Social and Health Services (DSHS) to implement simplified reporting by October 31, 2004.
- Requires the DSHS to provide transitional food stamp assistance for five months to eligible persons who cease to receive Temporary Assistance for Needy Families so long as the household is not in sanction status.
- Allows an individual who has been convicted of a felony drug offense to receive food stamp assistance.

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## HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority/Minority Report:** None.

**Staff:** Sonja Hallum (786-7092).

### **Background:**

Federal nutrition programs offer food assistance to low-income people. The federal nutrition programs are entitlement programs which allow federal funds to flow to the states to implement the programs. Food Stamps and child nutrition programs, such as school lunch, school breakfast and summer feeding programs, are a few of the federal nutrition programs.

### **Child Nutrition**

All school meals served under the federal School Breakfast Program and National School Lunch Program receive some level of federal support. Schools that choose to participate in the program receive cash subsidies from the U.S. Department of Agriculture (USDA) for each meal they serve. In return, they must serve meals that meet federal requirements and must offer free or reduced-price meals to eligible children. Federal reimbursements are the highest for free or reduced-price school meals served to low-income students. In Washington, school lunch programs are not currently required for any school.

Summer feeding programs offer food assistance to children during the summer months when the School Breakfast Program and National School Lunch Program are not operating. The National Summer Food Service Program provides federal funding for feeding programs to be included with summer activity programs. Washington does not currently require any summer programs to contain a feeding program.

### **Food Stamp Program**

The Food Stamp Program is a federal program enabling low-income families to purchase eligible food at authorized retail food stores primarily through the use of electronic benefit cards. The USDA administers the program at the federal level and the state agencies administer the program at the state and local levels, including determination of eligibility and allotments, and distribution of benefits. In Washington, the Food Stamp Program is called the Basic Food Program.

Eligibility for the Food Stamp Program is based on financial and non-financial factors. The application process includes completing and filing an application form, being interviewed, and verifying facts crucial to determining eligibility. Once a household is determined eligible, the household must report changes in circumstances to the Department of Social and Health Services (DSHS) within 10 days of the change.

Examples of changes in circumstances that must be reported include the following: sources of income, unearned income greater than \$50, household members, marital status, work hours, salary, child support, and medical or shelter costs.

A household may be eligible for the Food Stamp Program regardless of eligibility for other assistance including Temporary Assistance for Needy Families (TANF). The 2002 federal Food Stamp Reauthorization law allows a state the option of providing five months of transitional food stamps to families that leave TANF without requiring the family to reapply or submit any additional paperwork or other information. States may not provide transitional food stamps to families that cease to receive TANF cash assistance because of a sanction or to households that are disqualified from the Food Stamp Program.

A person may not be eligible to receive food stamps if he or she has been convicted of a felony drug offense. The federal government has enacted legislation to deny food stamp assistance to persons convicted of felony drug-related offenses. The prohibition against receiving food stamp assistance based upon a felony conviction applies only to felony drug convictions and not to other felonies.

The federal law which restricts the food stamp benefits contains a provision allowing individual states to opt-out of this federal law. The individual states may enact a law to exempt persons with felony drug convictions from the federal restriction so they may receive food stamp assistance.

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**Summary of Bill:**

**Child Nutrition**

1. School Lunch

Schools are required to implement a school lunch program in all public schools in which educational services are provided to children in any of the grades kindergarten through four in which 25 percent or more of the enrolled students qualify for a free or reduced-price lunch. The school lunch program must be implemented no later than the second day of school in the 2005-2006 school year and each year thereafter.

The schools must distribute, collect, and review applications to determine eligibility for free and reduced-price lunches in all schools which do not offer a USDA child nutrition program. There is no requirement that the parents complete or submit the applications that are distributed by the schools.

The superintendent is authorized to establish minimum standards for the meal programs that are sufficient to qualify for federal reimbursement. If the federal reimbursement for

any of the feeding programs lapses, the state requirement to have any of the school feeding programs will lapse.

## 2. Summer Program

All schools that offer summer academic, enrichment, or remedial services are required to offer a summer food service program that is open to all children in the area if at least 50 percent of the children enrolled in the school qualify for free or reduced-price lunch. However, a school may be exempted from this requirement if the school can demonstrate that an adequate alternate summer feeding program is available.

The sites must be open unless a compelling case can be made to limit access to the program.

The superintendent is required to adopt an implementation schedule for the summer food service program as follows:

- a) Beginning the summer of 2005 if the school currently offers a school breakfast or school lunch program; or
- b) Beginning the summer following the school year during which a school implements a school lunch program.

## 3. Methods of Meal Preparation

Schools may meet the school lunch and summer feeding program requirements through any of the following methods:

- a) Preparing meals on-site at the individual schools;
- b) Receiving meals from other schools; or
- c) Contracting with a non-school entity that is a licensed food service establishment to provide the food.

## **Food Stamp Program**

### 1. Simplified Reporting

The Department of Social and Health Services (DSHS) is required to implement "simplified reporting" for the federal Food Stamp Program by October 31, 2004. "Simplified reporting" is defined to mean that the only report of changes in circumstance that a recipient of a benefit program must make between eligibility reviews is an address change or an increase of income that would result in ineligibility for the program.

### 2. Transitional Benefits

Beginning on October 31, 2005, the DSHS is required to continue to provide food stamp assistance for five months to a person who ceases to receive TANF assistance, so long as the household is not in sanction status. The DSHS is authorized to extend the household's certification until the end of the transition period.

### 3. Federal Opt-out Provision

The federal opt-out provision of the federal legislation restricting access to food stamps by persons convicted of felony drug offenses is utilized. Persons who have felony drug convictions are permitted to access food stamp assistance in the same manner as other persons, including those who have convictions for other felony offenses.

### **Miscellaneous Provisions**

The bill contains a federal severability clause and a null and void clause.

### **Senate Bill As Compared to Engrossed Second Substitute House Bill 2769:**

#### **Child Nutrition**

The Senate bill contains the same child nutrition provisions as are contained in E2SHB 2769 as it passed the House except that the Senate version makes a technical change to the implementation schedule for the school lunch program.

#### **Food Stamp Program**

##### 1. Simplified Reporting

The requirements for simplified reporting are the same in the Senate bill and in E2SHB 2769.

##### 2. Transitional Benefits

The Senate bill changes the language of the transitional benefits to specify that transitional benefits may not be provided to persons who leave TANF and are in sanction status.

##### 3. Federal Opt-out Provision

The Senate bill contains a provision not contained in E2SHB 2769 that permits a person who is convicted of a felony drug offense to receive food stamp benefits in the same manner as other persons, including those who have convictions for other felony offenses.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

**Testimony For:** None.

**Testimony Against:** None.

**Persons Testifying:** None.

**Persons Signed In To Testify But Not Testifying:** None.