
HOUSE BILL 2769

State of Washington

58th Legislature

2004 Regular Session

By Representatives Pettigrew, Benson, Kagi, Nixon, Miloscia, Tom, Darneille, Dickerson, Linville, Hunter, G. Simpson, Kirby, Moeller, Schual-Berke, Chase, Upthegrove, Morrell, Wood and Hudgins

Read first time 01/20/2004. Referred to Committee on Children & Family Services.

1 AN ACT Relating to reducing hunger; amending RCW 74.08A.010; adding
2 a new section to chapter 28A.235 RCW; adding a new section to chapter
3 74.04 RCW; creating new sections; and repealing RCW 28A.235.140.

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

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

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

16 The legislature also recognizes that improved access to federal
17 nutrition and assistance programs, such as the federal food stamp
18 program, can be a critical factor in enabling recipients to gain the
19 ability to support themselves and their families. This is an important

1 step towards self-sufficiency and decreased long-term reliance on
2 governmental assistance and will serve to strengthen families in this
3 state.

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

6 (1) For the purposes of this section:

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

11 (b) "School breakfast program" means a meal program meeting the
12 requirements defined by the superintendent of public instruction under
13 subsection (5) of this section.

14 (c) "School lunch program" means a meal program meeting the
15 requirements defined by the superintendent of public instruction under
16 subsection (5) of this section.

17 (d) "Summer food service program" means a meal or snack program
18 meeting the requirements defined by the superintendent of public
19 instruction under subsection (6) of this section.

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

23 (2) School districts shall implement a school breakfast and school
24 lunch program in each public school in the district in which
25 educational services are provided to children in any of the grades
26 kindergarten through four and in which one child or more qualifies for
27 a free or reduced priced lunch. In developing and implementing its
28 school breakfast and lunch program, each school district may consult
29 with an advisory committee including school staff, community members,
30 and others appointed by the board of directors of the district.

31 (3) School districts not required to provide school meal programs
32 under subsection (2) of this section are required to provide school
33 breakfast programs in severe-need schools. Each school year, each
34 school district shall submit data enabling the superintendent of public
35 instruction to determine which schools within the district qualify as
36 severe-need schools.

1 (4) Applications to determine free or reduced-price lunch
2 eligibility shall be distributed and collected for all households of
3 children in schools containing any of the grades kindergarten through
4 four. The applications that are collected must be reviewed to
5 determine eligibility for free or reduced-price lunches.

6 (5) Using the most current available school data on free and
7 reduced-price lunch eligibility, the superintendent of public
8 instruction shall adopt a schedule for implementation of school
9 breakfast and lunch programs at each school required to offer such a
10 program under subsection (2) of this section as follows:

11 (a) Schools offering a school lunch program but not a school
12 breakfast program as of the effective date of this act shall implement
13 a school breakfast program not later than the second day of school in
14 the 2004-05 school year and in each school year thereafter.

15 (b) Schools not offering either a school breakfast or school lunch
16 program and in which twenty-five percent or more of the enrolled
17 students are eligible for free or reduced-price lunch shall implement
18 either a school breakfast program or a school lunch program not later
19 than the second day of school in the 2005-06 school year and in each
20 school year thereafter.

21 (c) Schools not offering either a school breakfast or school lunch
22 program and in which less than twenty-five percent of the enrolled
23 students are eligible for free or reduced-price lunch shall implement
24 either a school breakfast or school lunch program not later than the
25 second day of school in the 2006-07 school year and in each school year
26 thereafter.

27 (d) Not later than the second day of the 2008-09 school year, each
28 school required to offer a school breakfast or school lunch under
29 subsection (2) of this section shall implement both a school breakfast
30 and school lunch program.

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

35 (f) Nothing in this section shall be interpreted to prevent a
36 school from implementing a school breakfast or school lunch program
37 earlier than the school is required to do so.

1 (6) Each school district shall implement a summer food service
2 program in each public school in the district in which a summer program
3 of academic, enrichment, remedial, or recreational services is provided
4 and in which fifty percent or more of the children enrolled in the
5 school qualify for free or reduced-price lunch. Sites providing meals
6 should be open to all children in the area, unless a compelling case
7 can be made to limit access to the program. The superintendent of
8 public instruction shall adopt a definition of compelling case and a
9 schedule for implementation as follows:

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

12 (b) Beginning the summer following the school year during which a
13 school implements either a school breakfast or school lunch program
14 under subsection (5) of this section.

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

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

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

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

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

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

36 (1) A family that includes an adult who has received temporary

1 assistance for needy families for sixty months after July 27, 1997,
2 shall be ineligible for further temporary assistance for needy families
3 assistance.

4 (2) For the purposes of applying the rules of this section, the
5 department shall count any month in which an adult family member
6 received a temporary assistance for needy families cash assistance
7 grant unless the assistance was provided when the family member was a
8 minor child and not the head of the household or married to the head of
9 the household.

10 (3) The department shall refer recipients who require specialized
11 assistance to appropriate department programs, crime victims' programs
12 through the department of community, trade, and economic development,
13 or the crime victims' compensation program of the department of labor
14 and industries.

15 (4) The department may exempt a recipient and the recipient's
16 family from the application of subsection (1) of this section by reason
17 of hardship or if the recipient meets the family violence options of
18 section 402(A)(7) of Title IVA of the federal social security act as
19 amended by P.L. 104-193. The number of recipients and their families
20 exempted from subsection (1) of this section for a fiscal year shall
21 not exceed twenty percent of the average monthly number of recipients
22 and their families to which assistance is provided under the temporary
23 assistance for needy families program.

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

28 (6) To the maximum extent allowable by federal law, beginning on
29 October 31, 2005, the department shall provide transitional food stamp
30 assistance for a period of five months to a household that ceases to
31 receive temporary assistance for needy families assistance. If
32 necessary, the department shall extend the household's food stamp
33 certification until the end of the transition period.

34 NEW SECTION. Sec. 5. RCW 28A.235.140 (School breakfast programs)
35 and 1993 c 333 s 1 & 1989 c 239 s 2 are each repealed.

1 NEW SECTION. **Sec. 6.** If any part of this act is found to be in
2 conflict with federal requirements that are a prescribed condition to
3 the allocation of federal funds to the state, the conflicting part of
4 this act is inoperative solely to the extent of the conflict and with
5 respect to the agencies directly affected, and this finding does not
6 affect the operation of the remainder of this act in its application to
7 the agencies concerned. Rules adopted under this act must meet federal
8 requirements that are a necessary condition to the receipt of federal
9 funds by the state.

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