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SENATE BILL 6411

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State of Washington

58th Legislature

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

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

1 AN ACT Relating to reducing hunger; amending RCW 74.08A.010 and  
2 74.08.025; adding a new section to chapter 28A.235 RCW; adding a new  
3 section to chapter 74.04 RCW; creating new sections; and repealing RCW  
4 28A.235.140.

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

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

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

17 The legislature also recognizes that improved access to federal  
18 nutrition and assistance programs, such as the federal food stamp  
19 program, can be a critical factor in enabling recipients to gain the

1 ability to support themselves and their families. This is an important  
2 step towards self-sufficiency and decreased long-term reliance on  
3 governmental assistance and will serve to strengthen families in this  
4 state.

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

7 (1) For the purposes of this section:

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

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

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

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

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

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

32 (3) School districts not required to provide school meal programs  
33 under subsection (2) of this section are required to provide school  
34 breakfast programs in severe-need schools. Each school year, each  
35 school district shall submit data enabling the superintendent of public  
36 instruction to determine which schools within the district qualify as  
37 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 **Sec. 5.** RCW 74.08.025 and 1997 c 58 s 101 are each amended to read  
35 as follows:

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

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

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

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

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

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

36 (4) In order to be eligible for temporary assistance for needy  
37 families (~~and food stamp program~~) benefits, any applicant with a  
38 felony conviction after August 21, 1996, involving drug use or

1 possession, must: (a) Have been assessed as chemically dependent by a  
2 chemical dependency program approved under chapter 70.96A RCW and be  
3 participating in or have completed a coordinated rehabilitation plan  
4 consisting of chemical dependency treatment and vocational services;  
5 and (b) have not been convicted of a felony involving drug use or  
6 possession in the three years prior to the most current conviction.

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

10 NEW SECTION. Sec. 6. RCW 28A.235.140 (School breakfast programs)  
11 and 1993 c 333 s 1 & 1989 c 239 s 2 are each repealed.

12 NEW SECTION. Sec. 7. If any part of this act is found to be in  
13 conflict with federal requirements that are a prescribed condition to  
14 the allocation of federal funds to the state, the conflicting part of  
15 this act is inoperative solely to the extent of the conflict and with  
16 respect to the agencies directly affected, and this finding does not  
17 affect the operation of the remainder of this act in its application to  
18 the agencies concerned. Rules adopted under this act must meet federal  
19 requirements that are a necessary condition to the receipt of federal  
20 funds by the state.

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