

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1771**

Chapter 287, Laws of 2005

59th Legislature  
2005 Regular Session

SCHOOL MEAL PROGRAMS

EFFECTIVE DATE: 7/24/05

Passed by the House April 20, 2005  
Yeas 89 Nays 1

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 15, 2005  
Yeas 43 Nays 3

BRAD OWEN

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**President of the Senate**

Approved May 4, 2005.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1771** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

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**Chief Clerk**

FILED

May 4, 2005 - 3:55 p.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 1771

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AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington                      59th Legislature                      2005 Regular Session

By Representatives McDermott, Nixon, Tom, Santos, Simpson, Chase,  
Quall and Kenney

Read first time 02/04/2005. Referred to Committee on Education.

1            AN ACT Relating to school meal programs; amending RCW 28A.235.160;  
2 and amending 2004 c 54 s 1 (uncodified).

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

4            **Sec. 1.** RCW 28A.235.160 and 2004 c 54 s 2 are each amended to read  
5 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 lunch program" means a meal program meeting the  
12 requirements defined by the superintendent of public instruction under  
13 subsection ~~((4))~~ (2)(b) of this section.

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

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

1        (e) "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))~~ (4) 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))~~ (a) 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))~~ (b) Using the most current available school data on free  
21 and 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))~~ (i) Schools not offering a school lunch program and in  
26 which twenty-five percent or more of the enrolled students are eligible  
27 for free or reduced-price lunch shall implement a school lunch program  
28 not later than the second day of school in the 2005-06 school year and  
29 in each school year thereafter.

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

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

37        ~~((+5))~~ (3) To extent funds are appropriated for this purpose, each  
38 school district shall implement a school breakfast program in each

1 school where more than forty percent of students eligible to  
2 participate in the school lunch program qualify for free or reduced-  
3 price meal reimbursement by the school year 2005-06. For the second  
4 year before the implementation of the district's school breakfast  
5 program, and for each subsequent school year, each school district  
6 shall submit data enabling the superintendent of public instruction to  
7 determine which schools within the district will qualify for this  
8 requirement. Schools where lunch programs start after the 2003-04  
9 school year, where forty percent of students qualify for free or  
10 reduced-price meals, must begin school breakfast programs the second  
11 year following the start of a lunch program.

12 (4) Each school district shall implement a summer food service  
13 program in each public school in the district in which a summer program  
14 of academic, enrichment, or remedial services is provided and in which  
15 fifty percent or more of the children enrolled in the school qualify  
16 for free or reduced-price lunch. However, the superintendent of public  
17 instruction shall develop rules establishing criteria to permit an  
18 exemption for a school that can demonstrate availability of an adequate  
19 alternative summer feeding program. Sites providing meals should be  
20 open to all children in the area, unless a compelling case can be made  
21 to limit access to the program. The superintendent of public  
22 instruction shall adopt a definition of compelling case and a schedule  
23 for implementation as follows:

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

26 (b) Beginning the summer following the school year during which a  
27 school implements a school lunch program under subsection ~~((4))~~  
28 (2)(b) of this section.

29 ~~((6))~~ (5) Schools not offering a breakfast or lunch program may  
30 meet the meal service requirements of subsections (2)(b) and (4) ~~((and~~  
31 ~~(5))~~) of this section through any of the following:

32 (a) Preparing the meals on-site;

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

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

37 ~~((7))~~ (6) Requirements that school districts have a school lunch,  
38 breakfast, or summer nutrition program under this section shall not

1 create or imply any state funding obligation for these costs. The  
2 legislature does not intend to include these programs within the  
3 state's obligation for basic education funding under Article IX of the  
4 state Constitution.

5 ~~((+8))~~ (7) The requirements in this section shall lapse if the  
6 federal reimbursement for any school breakfasts, lunches, or summer  
7 food service programs is eliminated.

8 ~~((+9))~~ (8) School districts may be exempted from the requirements  
9 of this section by showing good cause why they cannot comply with the  
10 office of the superintendent of public instruction to the extent that  
11 such exemption is not in conflict with federal or state law. The  
12 process and criteria by which school districts are exempted shall be  
13 developed by the office of the superintendent of public instruction in  
14 consultation with representatives of school directors, school food  
15 service, community-based organizations and the Washington state PTA.

16 **Sec. 2.** 2004 c 54 s 1 (uncodified) is amended to read as follows:

17 The legislature recognizes that hunger and food insecurity are  
18 serious problems in the state. Since the United States department of  
19 agriculture began to collect data on hunger and food insecurity in  
20 1995, Washington has been ranked each year within the top ~~((five))~~ ten  
21 states with the highest levels of hunger. A significant number of  
22 these households classified as hungry are families with children.

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

27 The legislature also recognizes that improved access to federal  
28 nutrition and assistance programs, such as the federal food stamp  
29 program and child nutrition programs, can be a critical factor in  
30 enabling recipients to gain the ability to support themselves and their  
31 families. This is an important step towards self-sufficiency and  
32 decreased long-term reliance on governmental assistance and will serve  
33 to strengthen families in this state.

Passed by the House April 20, 2005.

Passed by the Senate April 15, 2005.

Approved by the Governor May 4, 2005.

Filed in Office of Secretary of State May 4, 2005.