

ESHB 2610 - S AMD 932
By Senator Wellman

ADOPTED 03/07/2018

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.235
4 RCW to read as follows:

5 (1)(a) Except as provided otherwise in subsection (2) of this
6 section, each school that participates in the national school lunch
7 program, the school breakfast program, or both, shall annually
8 distribute and collect an application for all households of children
9 in kindergarten through grade twelve to determine student eligibility
10 for free or reduced-price meals. If a parent or guardian of a student
11 needs assistance with application materials in a language other than
12 English, the school shall offer appropriate assistance to the parent
13 or guardian.

14 (b) If a student who, based on information available to the
15 school, is likely eligible for free or reduced-price meals but has
16 not submitted an application to determine eligibility, the school
17 shall, in accordance with the authority granted under 7 C.F.R. Sec.
18 245.6(d), complete and submit the application for the student.

19 (2) Subsection (1) of this section does not apply to a school
20 that provides free meals to all students in a year in which the
21 school does not collect applications to determine student eligibility
22 for free or reduced-price meals.

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

25 (1) Local liaisons for homeless children and youths designated by
26 districts in accordance with the federal McKinney-Vento homeless
27 assistance act 42 U.S.C. Sec. 11431 et seq. must improve systems to
28 identify homeless students and coordinate with the applicable school
29 nutrition program to ensure that each homeless student has proper
30 access to free school meals and that applicable accountability and
31 reporting requirements are satisfied.

1 (2) Schools and school districts shall improve systems to
2 identify students in foster care, runaway students, and migrant
3 students to ensure that each student has proper access to free school
4 meals and that applicable accountability and reporting requirements
5 are satisfied.

6 (3) At least monthly, schools and school districts shall directly
7 certify students for free school meals if the students qualify
8 because of enrollment in assistance programs, including but not
9 limited to the supplemental nutrition assistance program, the
10 temporary assistance for needy families, and medicaid.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.235
12 RCW to read as follows:

13 If a student has not paid for five or more previous meals, the
14 school shall:

15 (1) Determine whether the student is categorically eligible for
16 free meals;

17 (2) If no application has been submitted for the student to
18 determine his or her eligibility for free or reduced-price meals,
19 make no fewer than two attempts to contact the student's parent or
20 guardian to have him or her submit an application; and

21 (3) Have a principal, assistant principal, or school counselor
22 contact the parent or guardian for the purpose of: (a) Offering
23 assistance with completing an application to determine the student's
24 eligibility for free or reduced-price meals; (b) determining whether
25 there are any household issues that may prevent the student from
26 having sufficient funds for school meals; and (c) offering any
27 appropriate assistance.

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

30 (1) No school or school district personnel or school volunteer
31 may:

32 (a) Take any action that would publicly identify a student who
33 cannot pay for a school meal or for meals previously served to the
34 student, including but not limited to requiring the student to wear a
35 wristband, hand stamp, or other identifying marker, or by serving the
36 student an alternative meal;

37 (b) Require a student who cannot pay for a school meal or for
38 meals previously served to the student to perform chores or other

1 actions in exchange for a meal or for the reduction or elimination of
2 a school meal debt, unless all students perform similar chores or
3 work;

4 (c) Require a student to dispose of an already served meal
5 because of the student's inability to pay for the meal or because of
6 money owed for meals previously served to the student;

7 (d) Allow any disciplinary action that is taken against a student
8 to result in the denial or delay of a nutritionally adequate meal to
9 the student; or

10 (e) Require a parent or guardian to pay fees or costs in excess
11 of the actual amounts owed for meals previously served to the
12 student.

13 (2) Communications from a school or school district about amounts
14 owed for meals previously served to a student under the age of
15 fifteen may only be directed to the student's parent or guardian.
16 Nothing in this subsection prohibits a school or school district from
17 sending a student home with a notification that is addressed to the
18 student's parent or guardian.

19 (3)(a) A school district shall notify a parent or guardian of the
20 negative balance of a student's school meal account no later than ten
21 days after the student's school meal account has reached a negative
22 balance. Within thirty days of sending this notification, the school
23 district shall exhaust all options to directly certify the student
24 for free or reduced-price meals. Within these thirty days, while the
25 school district is attempting to certify the student for free or
26 reduced-price meals, the student may not be denied access to a school
27 meal unless the school district determines that the student is
28 ineligible for free or reduced-price meals.

29 (b) If the school district is unable to directly certify the
30 student for free or reduced-price meals, the school district shall
31 provide the parent or guardian with a paper copy of or an electronic
32 link to an application for free or reduced-price meals with the
33 notification required by (a) of this subsection and encourage the
34 parent or guardian to submit the application.

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300
36 RCW to read as follows:

37 The office of the superintendent of public instruction shall
38 collect, analyze, and promote to school districts and applicable
39 community-based organizations best practices in local meal charge

1 policies that are required by the United States department of
2 agriculture in memorandum SP 46-2016.

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

5 (1) The office of the superintendent of public instruction shall
6 develop and implement a plan to increase the number of schools
7 participating in the United States department of agriculture
8 community eligibility provision for the 2018-19 school year and
9 subsequent years. The office shall work jointly with community-based
10 organizations and national experts focused on hunger and nutrition
11 and familiar with the community eligibility provision, at least two
12 school representatives who have successfully implemented community
13 eligibility, and the state agency responsible for medicaid direct
14 certification. The plan must describe how the office of the
15 superintendent of public instruction will:

16 (a) Identify and recruit eligible schools to implement the
17 community eligibility provision, with the goal of increasing the
18 participation rate of eligible schools to at least the national
19 average;

20 (b) Provide comprehensive outreach and technical assistance to
21 school districts and schools to implement the community eligibility
22 provision;

23 (c) Support breakfast after the bell programs authorized by the
24 legislature to adopt the community eligibility provision;

25 (d) Work with school districts to group schools in order to
26 maximize the number of schools implementing the community eligibility
27 provision; and

28 (e) Determine the maximum percentage of students eligible for
29 free meals where participation in the community eligibility provision
30 provides the most support for a school, school district, or group of
31 schools.

32 (2) Until June 30, 2019, the office of the superintendent of
33 public instruction shall convene the organizations working jointly on
34 the plan monthly to report on the status of the plan and coordinate
35 outreach and technical assistance efforts to schools and school
36 districts.

37 (3) Beginning in 2018, the office of the superintendent of public
38 instruction shall report annually the number of schools that have

1 implemented the community eligibility provision to the legislature by
2 September 1st of each year. The report shall identify:

- 3 (a) Any barriers to implementation;
- 4 (b) Recommendations on policy and legislative solutions to
5 overcome barriers to implementation;
- 6 (c) Reasons potentially eligible schools and school districts
7 decide not to adopt the community eligibility provision; and
- 8 (d) Approaches in other states to adopting the community
9 eligibility provision.

10 NEW SECTION. **Sec. 7.** This act may be known and cited as the
11 hunger-free students' bill of rights act."

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12 On page 1, line 1 of the title, after "rights;" strike the
13 remainder of the title and insert "adding new sections to chapter
14 28A.235 RCW; adding a new section to chapter 28A.300 RCW; and
15 creating a new section."

EFFECT: Retains the provisions in the Ways and Means Committee striking amendment and adds section 4, which (1) prohibits school and district personnel and school volunteers from taking certain actions regarding unpaid school meals, (2) requires that communication about amounts owed for school meals may only be directed to the parent or guardian when a student is under the age of 15, (3) requires the school district to notify a parent or guardian of a negative balance of a student's school meal account no later than 10 days after the account has reached a negative balance, and (4) within 30 days of notification, requires the school district to exhaust all options to directly certify the student for free or reduced-price meals and the student may not be denied access to a school meal unless the school district determines that the student is ineligible for free or reduced-price meals.

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