

# HOUSE BILL REPORT

## HB 2712

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### As Reported by House Committee On: Appropriations

**Title:** An act relating to eliminating lunch copays for students who qualify for reduced-price lunches.

**Brief Description:** Eliminating lunch copays for students who qualify for reduced-price lunches.

**Sponsors:** Representatives Gregerson, Appleton, Bergquist, Stokesbary, Pollet, Dent, Senn, Caldier, Irwin, Stambaugh, Lovick, Sells, Pettigrew, Hudgins, Wylie, Tarleton, Macri, Sullivan, McBride, Stanford, Doglio, Dolan, Kloba, Valdez, Chapman, Slatter, Orwall, Riccelli, Jinkins, Pellicciotti, Ormsby, Kilduff, Sawyer, McDonald, Peterson, Tharinger, Frame, Goodman, Santos and Kagi.

**Brief History:**

**Committee Activity:**

Appropriations: 1/24/18, 2/6/18 [DPS].

#### Brief Summary of Substitute Bill

- Eliminates lunch copays for students in pre-kindergarten through third grade who qualify for reduced-price lunches under the National School Lunch Program.
- Requires the Office of the Superintendent of Public Instruction (OSPI), working jointly with stakeholders, to develop and implement a plan to increase school participation in the Community Eligibility Provision (CEP), which provides free meals to students.
- Requires the OSPI to report annually to the Legislature on the number of schools adopting the CEP and barriers to adoption.

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 23 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Bergquist, Caldier, Cody, Fitzgibbon, Graves, Haler, Hansen,

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Pettigrew, Pollet, Sawyer, Senn, Stanford, Sullivan and Tharinger.

**Minority Report:** Do not pass. Signed by 8 members: Representatives Stokesbary, Assistant Ranking Minority Member; Buys, Condotta, Schmick, Taylor, Vick, Volz and Wilcox.

**Minority Report:** Without recommendation. Signed by 1 member: Representative MacEwen, Assistant Ranking Minority Member.

**Staff:** James Mackison (786-7104).

### **Background:**

#### Child Nutrition Programs.

The United States Department of Agriculture subsidizes several child nutrition programs, which the state administers to provide healthy food to children. The programs include the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and the Special Milk Program. The NSLP and the SBP are federally assisted meal programs operating in public and nonprofit private schools and residential child care institutions. The programs provide nutritionally balanced, low-cost, or free lunches to children each school day.

#### Free and Reduced-Price Meals.

In order for students to qualify for free meals, their family's income must be at or below 130 percent of the federal poverty level. Students whose families have an income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals (up to 40 cents per lunch). Students whose families earn more than 185 percent of the poverty level pay full price, but the meals in all cases are federally subsidized to some extent.

#### Community Eligibility Provision and Provision 2.

The Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act and Provision 2 of the National School Lunch Act provide an alternative to household applications for Free and Reduced-Price Meals by allowing schools with high numbers of low-income students to serve free meals to all students. A school, group of schools, or district is eligible for the CEP if at least 40 percent of its students are identified as eligible for free meals through means other than household applications (for example, students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families, and foster, homeless, and migrant students). In the 2016-17 school year, there were 58 districts and 208 school sites participating in the CEP.

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### **Summary of Substitute Bill:**

Beginning with the 2018-19 school year, lunch copays are eliminated for students in pre-kindergarten through third grade to the extent funds are appropriated.

The Office of the Superintendent of Public Instruction (OSPI) is required to develop and implement a plan to increase school participation in the CEP for the 2018-19 school year and subsequent years. In developing the plan, the OSPI must work jointly with community-based organizations and national experts focused on hunger and nutrition, and two school representatives familiar with the CEP. Those working jointly on the plan must meet monthly until June 2019. The plan must identify how the OSPI will:

- identify and recruit eligible schools to implement the CEP, with the goal of increasing the participation rate of eligible schools to at least the national average;
- provide comprehensive outreach and technical assistance to school districts and schools to implement the CEP;
- support breakfast after the bell programs authorized by the Legislature to adopt the CEP;
- work with school districts to group schools in order to maximize implementation of the CEP; and
- determine the maximum percentage of students eligible for free meals where participation in the CEP provides the most support to schools.

Beginning in 2018, the OSPI must report to the Legislature annually by September 1, the number of schools that have implemented the CEP, and any barriers to its adoption. An emergency clause is added, with the bill taking effect on April 1, 2018.

**Substitute Bill Compared to Original Bill:**

The substitute bill: (1) limits the elimination of lunch copays to pre-kindergarten through third grade, rather than kindergarten through twelfth grade; (2) adds the requirement that the OSPI, working jointly with stakeholders, develop and implement a plan to increase school participation in the CEP; (3) requires a report to the Legislature on the number of schools that have implemented the CEP, and any barriers to its adoption; and (4) adds an emergency clause.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 9, 2018.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect on April 1, 2018.

**Staff Summary of Public Testimony:**

(In support) One out of five children in Washington does not know where their next meal will come from. One out of six Washingtonians relies on a local food bank. Forty cents a day seems small, but it can help families that rely on reduced price lunches. All kids should have access to three healthy meals a day. Federally reimbursed meals provide healthy food and bring federal dollars to the state. Though the number of children receiving reduced-price lunches has declined over the past several years by 18 percent, the number of children relying

on free meals is up 7 percent. The bill demonstrates the state's commitment to providing healthy meals to students. Pre-school should be included.

(Opposed) None.

**Persons Testifying:** Christina Wong, Northwest Harvest; Claire Lane, Anti-Hunger and Nutrition Coalition; and Leanne Eko, Office of the Superintendent of Public Instruction.

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