

SENATE BILL REPORT

ESHB 2610

As of February 22, 2018

Title: An act relating to a hunger-free students' bill of rights.

Brief Description: Creating the hunger-free students' bill of rights act.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Peterson, Bergquist, Pollet, Gregerson, Appleton, Valdez, Ryu, Jenkins, Macri, Tarleton, Hudgins, McBride, Doglio, Stonier, Fey, Goodman, Santos, Frame and Stanford).

Brief History: Passed House: 2/13/18, 59-39.

Committee Activity: Early Learning & K-12 Education: 2/22/18.

Brief Summary of Bill

- Requires schools to take certain actions regarding free and reduced-price meal applications and direct certification of students for these meals.
- Directs schools to take certain actions when a student has not paid for five or more previous meals.
- Prohibits school and district personnel and volunteers from taking certain actions when there are unpaid meals.
- Tasks the Office of the Superintendent of Public Instruction (OSPI) with collecting, analyzing, and promoting best practices in local meal charge policies.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Free and Reduced-Price Meals. The National School Lunch Program and the School Breakfast Program are federally assisted meal programs operating in public and nonprofit private schools and residential child care institutions that provide free and reduced-price meals to students. School lunch and breakfast programs are subsidized by the U.S. Department of Agriculture (USDA), the state, and student co-pays based on income.

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.

Federal law requires public and private schools choosing to participate in these programs to make free and reduced-price meals available to all eligible children. State law requires certain school districts to implement lunch and breakfast food service programs based on percentages of eligible children in certain grades.

Student Eligibility. Students whose families have income at or below 130 percent of the federal poverty level are eligible for free meals. Students whose families have income between 130 percent and 185 percent of the federal poverty level are eligible for reduced price meals. For the period of July 1, 2017, to June 30, 2018, 130 percent of the poverty level is \$31,980 for a family of four and 185 percent is \$44,510. Student eligibility for these programs is determined by meal application or by direct certification.

Meal Applications. School districts must provide applications to families applying for free and reduced-price meals unless the household has been directly certified. Federal guidance requires school districts to take reasonable steps to ensure meaningful access for individuals with limited English proficiency to the information and services they provide.

Federal regulations permit school district officials to complete an application for a student known to be eligible for meal benefits if, after household applications have been disseminated, the household has not applied.

Direct Certification. Federal law provides that certain students are deemed categorically eligible for free school meals, which includes students who are or have household members participating in the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Need Families (TANF) Program, or the Food Distribution Program on Indian Reservations. Students are also categorically eligible if they are homeless, migrant, runaway, in foster care, or enrolled in Head Start or other eligible prekindergarten program. Direct certification systems match student enrollment lists against assistance agencies whose participants are categorically eligible for free meals. School districts are required to conduct direct certification at least three times per year.

Local Meal Charge Policies. USDA required all school districts participating in the National School Lunch Program, the School Breakfast Program, or both to have a written policy by July 1, 2017, to address situations where students participating at the reduced price or paid rate do not have money to cover the cost of a meal at the time of the meal service

Summary of Bill: Meal Applications. Each school that participates in the National School Lunch Program, the School Breakfast Program, or both, must annually distribute and collect an application for all households of children in K-12 to determine student eligibility for free or reduced-price meals. If a parent or guardian of a student needs assistance in a language other than English, the school must offer appropriate assistance.

If a student who, based on information available to the school, is likely eligible for free or reduced-price meals but has not submitted an application, the school must, in accordance with federal regulations, complete and submit the application for the student.

These requirements do not apply to a school that provides free meals to all students in a year in which the school does not collect applications to determine student eligibility for free or reduced-price meals.

Specific Student Populations and Direct Certification. Local homeless student liaisons must improve systems to identify homeless students and coordinate with the applicable school nutrition program to ensure that each student has proper access to free school meals and that accountability and reporting requirements are satisfied. Schools and districts must also improve systems for students in foster care, runaway students, and migrant students.

At least monthly, schools and districts must directly certify students for free school meals if the students qualify because of enrollment in assistance programs, including but not limited to SNAP, TANF, and Medicaid.

Unpaid Meals. If a student has not paid for five or more previous meals, the school must:

- determine whether the student is categorically eligible for free meals;
- if no meal application has been submitted for the student, make no fewer than two attempts to contact the student's parent or guardian to submit an application; and
- have a principal, assistant principal, or school counselor contact the parent or guardian to offer certain assistance.

If a student is under the age of 15, school districts may only direct communication about amounts owed to the parent or guardian. Nothing prohibits a school or district from sending a student home with a notification that is addressed to a parent or guardian.

A school district must notify a parent or guardian of the negative balance of a student's school meal account no later than ten days after the balance is reached. Before sending notification, the district must exhaust all options to directly certify the student. If a student is not directly certified, the school district must provide the parent or guardian with a paper copy of or an electronic link to a meal application and encourage them to apply.

Prohibitions. School and district personnel and school volunteers may not:

- take any action directed at a student under the age of 15 to collect unpaid school meal fees;
- stigmatize, or take any action that would likely stigmatize, a student who cannot pay for school meals, including but not limited to requiring the student wear a wristband, hand stamp, or other identifying marker, or by serving an alternative meal;
- require a student who cannot pay for school meals to perform chores or other actions in exchange for a meal or for the reduction or elimination of a school meal debt, unless all students perform similar chores or work;
- require a student to dispose of a served meal because of the inability to pay or because of money owed;
- allow any disciplinary action that is taken against a student to result in the denial or delay of a nutritionally adequate meal; or
- require a parent or guardian to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.

Best Practices in Local Meal Charge Policies. OSPI must collect, analyze, and promote to school districts and applicable community-based organizations best practices in local meal charge policies that are required by USDA.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Many children live in a family that struggles to put food on the table on a regular basis. Hungry students struggle to learn. Children should have a quality education, safety, and two meals. Currently, schools deal with meal debt in different ways. This bill addresses lunch shaming and stigmatizing students who cannot pay for their lunch, which impacts students across the state. When students have to throw away a lunch or receive an alternative lunch, everyone in the lunchroom knows that the student is not able pay. The best way to avoid lunch shaming is to make sure that eligible children receive free meals. This bill asks schools to proactively reach out to families. Families may not understand the system or application process. There are concerns about the financial and administrative burdens this bill could place on school districts.

Persons Testifying: PRO: Representative Strom Peterson, Prime Sponsor; Lauren McGowan, Sr. Director, United Way of King County; Aaron Czyzewski, Director of Advocacy and Public Policy, Food Lifeline; Donna Parsons, OSPI.

Persons Signed In To Testify But Not Testifying: No one.