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**HOUSE BILL 1685**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Peterson, Harris, Appleton, Bergquist, Gregerson, Fey, Leavitt, Ormsby, Valdez, and Hudgins

AN ACT Relating to supporting effective implementation of the hunger-free students' bill of rights act of 2018; amending RCW 28A.235.250, 28A.235.260, 28A.235.270, 28A.235.290, and 28A.300.255; and adding a new section to chapter 28A.300 RCW.

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

**Sec.**  RCW 28A.235.250 and 2018 c 271 s 1 are each amended to read as follows:

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

(b) 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 to determine eligibility, the school ((~~shall~~)) may, in accordance with the authority granted under 7 C.F.R. Sec. 245.6(d), complete and submit the application for the student.

(2) Subsection (1) of this section does 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.

**Sec.**  RCW 28A.235.260 and 2018 c 271 s 3 are each amended to read as follows:

If a ((~~student has not paid for five or more previous meals~~)) student's school meal account has had a negative balance for ten days, the school shall:

(1) Take actions to determine whether the student is categorically eligible for free meals((~~;~~

~~(2)~~)). If no application has been submitted for the student to determine his or her eligibility for free or reduced-price meals, the school shall make no fewer than two attempts to contact the student's parent or guardian ((~~to have~~)) for the purpose of having him or her submit an application; and

((~~(3)~~)) (2) Have a principal, assistant principal, or school counselor contact the parent or guardian for the purpose of: (a) Offering assistance with completing an application to determine the student's eligibility for free or reduced-price meals; (b) determining whether there are any household issues that may prevent the student from having sufficient funds for school meals; and (c) offering any appropriate assistance.

**Sec.**  RCW 28A.235.270 and 2018 c 271 s 4 are each amended to read as follows:

(1) Except as provided otherwise in subsections (4) and (5) of this section, no ((~~school or~~)) school district personnel or ((~~school~~)) volunteer may:

(a) Take any action that would publicly identify a student who ((~~cannot pay~~)) does not have sufficient funds for a school meal or for meals previously served to the student, including but not limited to requiring the student to wear a wristband, hand stamp, or other identifying marker, or by serving the student an alternative meal. Serving a student a federally reimbursable alternative meal that is available to all students and in a manner that does not publicly identify the student as being without sufficient funds to pay for a meal does not constitute a violation of this subsection (1)(a);

(b) Require a student who ((~~cannot pay~~)) does not have sufficient funds for a school meal or for meals previously served to the student 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;

(c) Require a student or staff to dispose of an already served meal because of ((~~the student's inability~~)) insufficient funds to pay for the meal or because of money owed for meals previously served to the student;

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

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

(2) Communications from a school or school district about amounts owed for meals previously served to a student ((~~under the age of fifteen~~)) who is in grade eight or an earlier grade may only be directed to the student's parent or guardian. Nothing in this subsection prohibits a school or school district from sending a student home with a notification that is addressed to the student's parent or guardian.

(3)(a)(i) A school district shall notify a parent or guardian of the negative balance of a student's school meal account no later than ten days after the student's school meal account has reached a negative balance or according to a notification policy adopted by the school district.

(ii) Within thirty days of sending ((~~this~~)) a notification that complies with (a)(i) of this subsection, the school district shall exhaust all options to directly certify the student for free or reduced-price meals. ((~~Within these thirty days, while the school district is attempting to certify the student for free or reduced-price meals, the~~)) A student may not be denied access to a federally reimbursable school meal ((~~unless~~)) during the time in which the school district ((~~determines that~~)) is attempting to directly certify the student ((~~is ineligible~~)) for free or reduced-price meals.

(b) If the school district is unable to directly certify the student for free or reduced-price meals, and no application has been submitted for the student, the school district shall provide the parent or guardian with a paper copy of ((~~or~~)) and an electronic link to an application for free or reduced-price meals with the notification required by (a) of this subsection and encourage the parent or guardian to submit the application.

(4) Nothing in this section prohibits a school district from denying a student access to:

(a) A second meal in a one meal period;

(b) A la carte food items; or

(c) A meal or an a la carte food item if the debt limit established by the parent or guardian for a student's meal account has been reached.

(5) Nothing in this section prohibits a school district from denying a student in grade nine, ten, eleven, or twelve access to a meal or an a la carte food item if the legislature has not provided funding for school districts to reimburse financial losses attributable to negative student meal account balances.

**Sec.**  RCW 28A.235.290 and 2018 c 271 s 6 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the ((~~2018-19~~)) 2020-21 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

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

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

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

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

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

(2) Until June 30, ((~~2019~~)) 2021, the office of the superintendent of public instruction shall convene the organizations working jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts. The office of the superintendent of public instruction must provide annual summary reports of the actions occurring in accordance with this subsection and subsection (1) of this section to the education committees of the house of representatives and the senate on or before each September 1st. Reports provided under this subsection may be combined with the report required in subsection (3) of this section and must comply with RCW 43.01.036.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by September 1st of each year. The report shall identify:

(a) Any barriers to implementation;

(b) Recommendations on policy and legislative solutions to overcome barriers to implementation;

(c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and

(d) Approaches in other states to adopting the community eligibility provision.

**Sec.**  RCW 28A.300.255 and 2018 c 271 s 5 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall ((~~collect, analyze, and~~)) promote to school districts and applicable community-based organizations best practices in local meal charge policies that are required by the United States department of agriculture in memorandum SP 46-2016.

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

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall collect and summarize data from school districts on unpaid meal and food debts of students and incurred by school districts in school years 2016-17, 2017-18, and 2018-19.

(2) The purpose of the data collection and summary required by this section is to provide the superintendent of public instruction, the legislature, and other interested parties with an understanding of:

(a) Which school districts have students with negative school meal account balances, the total amount of those balances, the number of students with negative balances, and the average negative balance per student as determined by dividing the total amount owed by students to the school district for unpaid meals by the number of students with negative balances; and

(b) Any changes to meal and food debt incurring practices of students that may be attributable to the enactment of chapter 271, Laws of 2018.

(3) The report required by this section must be submitted to the governor and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by September 1, 2019.

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