
HOUSE BILL 1685

State of Washington

66th Legislature

2019 Regular Session

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

Read first time 01/28/19. Referred to Committee on Education.

1 AN ACT Relating to supporting effective implementation of the
2 hunger-free students' bill of rights act of 2018; amending RCW
3 28A.235.250, 28A.235.260, 28A.235.270, 28A.235.290, and 28A.300.255;
4 and adding a new section to chapter 28A.300 RCW.

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

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

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

17 (b) If a student who, based on information available to the
18 school, is likely eligible for free or reduced-price meals but has
19 not submitted an application to determine eligibility, the school
20 ~~((shall))~~ may, in accordance with the authority granted under 7

1 C.F.R. Sec. 245.6(d), complete and submit the application for the
2 student.

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

7 **Sec. 2.** RCW 28A.235.260 and 2018 c 271 s 3 are each amended to
8 read as follows:

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

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

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

19 ~~((+3))~~ (2) Have a principal, assistant principal, or school
20 counselor contact the parent or guardian for the purpose of: (a)
21 Offering assistance with completing an application to determine the
22 student's eligibility for free or reduced-price meals; (b)
23 determining whether there are any household issues that may prevent
24 the student from having sufficient funds for school meals; and (c)
25 offering any appropriate assistance.

26 **Sec. 3.** RCW 28A.235.270 and 2018 c 271 s 4 are each amended to
27 read as follows:

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

31 (a) Take any action that would publicly identify a student who
32 ~~((cannot pay))~~ does not have sufficient funds for a school meal or
33 for meals previously served to the student, including but not limited
34 to requiring the student to wear a wristband, hand stamp, or other
35 identifying marker, or by serving the student an alternative meal.
36 Serving a student a federally reimbursable alternative meal that is
37 available to all students and in a manner that does not publicly

1 identify the student as being without sufficient funds to pay for a
2 meal does not constitute a violation of this subsection (1)(a);

3 (b) Require a student who ~~((cannot pay))~~ does not have sufficient
4 funds for a school meal or for meals previously served to the student
5 to perform chores or other actions in exchange for a meal or for the
6 reduction or elimination of a school meal debt, unless all students
7 perform similar chores or work;

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

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

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

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

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

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

39 (b) If the school district is unable to directly certify the
40 student for free or reduced-price meals, and no application has been

1 submitted for the student, the school district shall provide the
2 parent or guardian with a paper copy of (~~€~~) and an electronic link
3 to an application for free or reduced-price meals with the
4 notification required by (a) of this subsection and encourage the
5 parent or guardian to submit the application.

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

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

9 (b) A la carte food items; or

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

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

18 **Sec. 4.** RCW 28A.235.290 and 2018 c 271 s 6 are each amended to
19 read as follows:

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

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

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

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

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

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

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

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

24 (a) Any barriers to implementation;

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

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

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

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

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

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.300
2 RCW to read as follows:

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

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

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

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

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

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