

HOUSE BILL REPORT

SHB 1878

As Passed House:
February 10, 2022

Title: An act relating to increasing public school participation in the community eligibility provision of the United States department of agriculture.

Brief Description: Increasing public school participation in the community eligibility provision of the United States department of agriculture.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Riccelli, Berg, Bergquist, Berry, Leavitt, Maycumber, Santos, Stonier, Wicks, Peterson, Shewmake, Taylor, Gregerson, Ormsby, Lekanoff, Fitzgibbon, Orwall, Harris, Ramel, Thai and Valdez).

Brief History:

Committee Activity:

Education: 1/20/22, 1/27/22 [DP];
Appropriations: 2/4/22, 2/5/22 [DPS].

Floor Activity:

Passed House: 2/10/22, 93-3.

Brief Summary of Substitute Bill

- Expands the Community Eligibility Provision (CEP) mandatory participation requirements to all public schools with an identified student percentage of 40 percent, or lower if permitted by federal law.
- Requires school districts, to the extent practicable, to group schools for the purpose of maximizing the number of schools eligible to participate in the CEP.
- Includes a null and void clause if funding for the bill is not provided in the state budget.

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

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 13 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg, Bergquist, Callan, McCaslin, McEntire, Ortiz-Self, Rude, Steele and Stonier.

Staff: Ethan Moreno (786-7386).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: James Mackison (786-7104).

Background:

Federal School Nutrition Programs.

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) are child nutrition programs funded by the United States Department of Agriculture. In Washington, the Office of the Superintendent of Public Instruction (OSPI) administers the programs. The NSLP and the SBP are designed to promote the health and well-being of children by providing nutritionally balanced, low-cost or no-cost meals to children each school day. The NSLP and the SBP provide reimbursement for meals served that meet federal requirements. Public or nonprofit private schools and public or nonprofit private residential childcare institutions may participate in the NSLP and the SBP.

Free and Reduced-Price Meals.

To qualify for free school meals, a student's family income, as evidenced through household applications submitted by families to schools, 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. Students whose families earn more than 185 percent of the poverty level pay full price, but the meals are federally subsidized to some extent. Data from October 2020 indicated that 476,161 Washington students (45.8 percent) were enrolled in the free or reduced-price meals (FRPMs) program.

Community Eligibility Provision.

The Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act provides an alternative to household applications for FRPM by allowing schools with high numbers of low-income students to serve free meals to all students. A school, group of schools, or school 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, examples of which include: students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families, and foster, homeless, and migrant students. The percentage of eligible students identified without using household applications is the identified student percentage (ISP).

In the 2021-22 school year, 490 Washington schools, with a combined enrollment of 204,131, met the ISP requirements and participated in the CEP.

Recent Legislative Actions.

Legislation adopted in 2018 directed the OSPI to develop and implement a plan to increase the number of schools participating in the CEP for the 2018-19 school year and subsequent years. The legislation required the OSPI to convene monthly stakeholder meetings until June 31, 2019, to report on the status of the plan and to coordinate outreach and technical assistance efforts to districts. The 2018 legislation also required the OSPI to annually provide reports to the Legislature each December 1 on the number of schools participating in the CEP.

Legislation adopted in 2020 mandated participation in the CEP for schools with certain characteristics. As provided in the legislation, each school with students in or below grade 8 that has an ISP of at least 62.5 percent, as determined annually by each April 1, must participate in the CEP in the subsequent school year and throughout the duration of the CEP's four-year cycle. Schools that provide meals to all students and at no cost to the students through an arrangement with a local entity are exempted from the mandatory CEP participation requirements.

Summary of Substitute Bill:

Provisions mandating participation in the CEP are modified. Each public school that has an ISP of at least 40 percent, or a lower percentage if authorized by federal law, as determined annually by each April 1, must participate in the CEP in the subsequent school year and throughout the duration of the CEP's four-year cycle. Public schools that provide meals to all students and at no cost to the students through an arrangement with a local entity are exempted from the mandatory CEP participation requirements.

School districts, to the extent practicable, must group public schools for purposes of maximizing the number of schools eligible to participate in the CEP. Individual schools participating in a group may have less than 40 percent identified students, provided the average ISP for the group is at least 40 percent.

Provisions mandating participation in the CEP for qualifying schools are expressly extended to charter schools and state-tribal education compact schools.

All provisions are null and void if specific funding for the bill is not provided by June 30, 2022, in the omnibus operating appropriations act.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 9, 2022.

Effective Date: The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Education):

(In support) Food is health, and consistent access to food is how society helps students grow and learn. The CEP can provide more meals to more students, and this bill will bring more than 600 schools, more than 92,000 students, into the program.

Child hunger is one of the most serious issues facing children. This issue can be helped by expanding access to school meal programs. The rates of food insecurity have almost tripled, and one third of households with children do not have enough to eat. Addressing the issues of hunger and food insecurity through the CEP is innovative and will reduce the stigma associated with traditional meal program.

The Yakima School District has participated in the CEP for almost 10 years. Before doing so, some students did not eat school meals because of concerns about submitting data or public stigma. The passage of this bill will result in more students being fed at schools.

The goal of this bill is supporting students in need. This bill is good for kids and good for reducing barriers to accessing food.

Schools participating in the CEP provide balanced meals and the students no longer need to stand in the free line. This practice should be extended to all families. It is critical that all children have access to food.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The policy is estimated to add 646 new schools and 92,000 students into the CEP. Funding of \$21.5 million is needed to keep districts whole. Please add an emergency clause to help districts meet the June 30 deadline to begin participating in the 2022-23

school year.

Members have agreed to an amendment.

The CEP's impact on Franklin-Pierce school district has been remarkable. As a district with low-income students, CEP has made a difference to families and students by providing free meals. It is exciting that the state plans to backfill the loss of federal reimbursement under CEP. This backfill will reduce a financial risk that prevents school participation, because districts below 62.5 percent do not receive full federal reimbursements for all meals.

Hunger impedes learning. Increasing funding and access to meals is a priority. The bill and associated funding will result in more students being fed and reduce stigmas associated with other FRPM programs. Some districts have seen meal rates triple after participating in CEP.

This policy ensures universal free meals to all schools eligible for the CEP, covering more than 92,000 additional students. It also builds on recent CEP growth in the state. The OSPI is excited to implement the bill.

Families should not have to choose between paying for gas and other needs or healthy nutritious meals. This policy is important to ensure students have both nutritious meals and success in education.

The policy will provide more meals to students in low-income schools. There are state and federal programs that rely on FRPM data for funding allocations. It is important that funding stability for programs that rely on FRPM data is maintained as schools move to the CEP.

(Opposed) None.

Persons Testifying (Education): Representative Marcus Riccelli, prime sponsor; Mollie Grow, Washington Chapter of the American Academy of Pediatrics; Martha Rice, Washington State School Directors' Association, and Yakima School District; Doug Wordell, Spokane Public Schools; Megan Pirie; and Debra Long, Central Valley School District.

Persons Testifying (Appropriations): Mitch Denning and Karen Brown, Washington School Nutrition Association; Logan Endres, Washington State School Directors' Association; Mikhail Cherniske, Office of Superintendent of Public Instruction; Gerald Donaldson; and Jared Mason-Gere, Washington Education Association.

Persons Signed In To Testify But Not Testifying (Education): Mikhail Cherniske, Office of the Superintendent of Public Instruction; Simone Boe, Washington Education Association; Melissa Gombosky, Spokane Public Schools; Christina Wong, Northwest

Harvest; Mitch Denning and Karen Brown, Washington School Nutrition Association; Madeline Wozniak, Washington Chapter of American Academy of Pediatrics; and Rick Chisa, Public School Employees of Washington.

Persons Signed In To Testify But Not Testifying (Appropriations): None.