

# FINAL BILL REPORT

## SHB 1878

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Synopsis as Enacted

**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).

**House Committee on Education**

**House Committee on Appropriations**

**Senate Committee on Early Learning & K-12 Education**

### **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. 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 are administered in Washington by the Office of the Superintendent of Public Instruction (OSPI) and both programs provide reimbursement for meals served that meet federal requirements.

#### 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 (FPL). Students whose families have an income between 130 percent and 185 percent of the FPL are eligible for reduced-price meals. Students whose families earn more than 185 percent of the FPL 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.

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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 part of the legislation nor does it constitute a statement of legislative intent.*

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 meals to all students free of charge. 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.

Legislation enacted in 2020 mandated participation in the CEP for qualifying schools. As provided in the legislation, each school with students in or below grade 8 and an annually determined ISP of at least 62.5 percent 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:**

Provisions mandating participation in the CEP are modified. Each public school that has an annually determined ISP of at least 40 percent, or a lower percentage if authorized by federal law, 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 remain exempt 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.

**Votes on Final Passage:**

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| House  | 93 | 3 |
| Senate | 45 | 4 |

**Effective:** March 4, 2022