

# SENATE BILL REPORT

## HB 1833

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As Passed Senate, March 2, 2022

**Title:** An act relating to establishing an electronic option for the submission of household income information required for participation in school meals and programs.

**Brief Description:** Establishing an electronic option for the submission of household income information required for participation in school meals and programs.

**Sponsors:** Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley.

**Brief History:** Passed House: 2/10/22, 92-4.

**Committee Activity:** Early Learning & K-12 Education: 2/18/22, 2/23/22 [DP].

**Floor Activity:** Passed Senate: 3/2/22, 48-0.

### Brief Summary of Bill

- Requires the Office of the Superintendent of Public Instruction (OSPI) to oversee the development and implementation of a statewide electronic repository of household income information that is required for a student's enrollment in a free and reduced-price meal program.
- Exempts this household income information from disclosure under the Public Records Act.
- Directs OSPI to submit annual reports on the implementation of the electronic repository.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

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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.*

**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. School meal programs are subsidized by the U.S. Department of Agriculture, the state, and student co-pays based on income. Students whose families have incomes at or below 130 percent of the federal poverty level are eligible for free meals. Students whose families have incomes between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals. Generally, eligibility is determined through school meal applications.

Alternatives Approaches Without School Meal Applications. Federal law provides alternative approaches to offering school meals to all students in schools in low-income areas. The federal Healthy, Hunger-Free Kids Act of 2010 includes a universal meal program called the Community Eligibility Provision (CEP). CEP allows schools with high numbers of low-income students to serve free breakfast and lunch to all students without collecting school meal applications. Provision 2 of the National School Lunch Act reduces application burdens and simplifies counting and claiming procedures over a four-year period.

For school districts or schools that do not collect school meal applications, family income surveys are used to collect data used for other types of funding such as the Learning Assistance Program, the E-rate Discount Program, and the National Board Certified Teacher High Poverty Bonus.

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, the Temporary Assistance for Need Families Program, or the Food Distribution Program on Indian Reservations. Students are also categorically eligible if they are homeless, migrant, in foster care, or enrolled in Head Start or other eligible prekindergarten programs. Direct certification systems match student enrollment lists against assistance agencies whose participants are categorically eligible for free meals.

Summer Pandemic-EBT Program. During the COVID-19 pandemic, the federal government established the Pandemic-EBT (P-EBT) program in the Families First Coronavirus Response Act. This program provides food benefits to eligible families to replace meals that students would have received, if not for disruptions to in-person instruction or school facility closures.

Public Records Act. This act requires state and local agencies to make their written records available to the public for inspection and copying upon request unless the information fits into a specific exemption.

**Summary of Bill:** Statewide Electronic Repository. The Office of the Superintendent of

Public Instruction (OSPI) must initiate and oversee the development and implementation of a statewide electronic repository of household income information that is required for a student's enrollment in, or eligibility for, the National School Lunch Program, the School Breakfast Program, or both. The purpose of the electronic repository is to:

- remove barriers that diminish access to free and reduced-price meals;
- provide parents and legal guardians with a voluntary, secure, and convenient online portal for providing household information required to participate in meal programs;
- provide student household income information to schools and school districts that provide meals at no charge to students without using school meal applications to determine eligibility for low-income programs for students and schools; and
- ensure an accessible, simplified process for enrolling students in, and administering, related nutrition programs, including the summer P-EBT program.

OSPI must ensure the electronic repository:

- complies with any applicable federal requirements;
- complies with any applicable requirements to allow schools and districts to access the data;
- complies with any applicable standards and requirements necessary to connect the data to the direct certification system;
- includes robust safeguards to ensure the information is secure and accessed only by authorized individuals; and
- is accessible online and easily navigable and in multiple languages.

Disclosure Exemption. Household income information received by OSPI, school district employees, or designees is exempt from disclosure under the Public Records Act. This information may not be disseminated except as provided by law.

Reports. OSPI must annually report on the electronic repository. The report must include the number of schools and school districts accessing the data of the electronic repository, and recommendations for increasing the number of repository users and improving the technical functionality.

For the first report due on December 1, 2022, it must include a plan, timeline, and cost estimate for:

- implementing the development of the repository;
- securing any needed vendors; and
- making the repository accessible to schools, school districts, and the public through appropriate electronic interfaces.

**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: This bill will remove a barrier to free and reduced-price meals for students by providing parents and guardians the option to provide household income through a secure online portal. This alternative method would also help inform other funding and programs based on household income information and would help improve data collection. A voluntary, consistent statewide form will make it easier and streamline the process for students to receive the nutrition support they need. An online system would avoid the need to print or track down a paper form.

OTHER: This bill will help remove barriers for families. However, food service programs have been struggling this school year. These programs are under-staffed, under-funded and have been impacted by supply chain issues. Other policy choices should also be considered to help food service programs.

**Persons Testifying:** PRO: Representative April Berg, Prime Sponsor; Mikhail Cherniske, OSPI; Logan Endres, Washington State School Directors' Association (WSSDA); Mitch Denning, WA School Nutrition Association; Megan Veith, Building Changes.

OTHER: Rick Chisa, Public School Employees of Washington (PSE).

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