

SENATE BILL REPORT

SB 5964

As of January 29, 2024

Title: An act relating to increasing student access to free meals served at public schools.

Brief Description: Increasing student access to free meals served at public schools.

Sponsors: Senators Nobles, Frame, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Pedersen, Randall, Saldaña, Stanford, Trudeau, Valdez and Wilson, C..

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/29/24.

Brief Summary of Bill

- Requires school districts, charter schools, and state-tribal compact schools to provide breakfast and lunch at no charge to any requesting student beginning in the 2024-25 school year.
- Extends funding stability provisions for the Learning Assistance Program and the National Board Certified Teacher Bonus through the 2027-28 school year.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Federal School Nutrition Programs. 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 (USDA), the state, and student copays 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. Eligibility is determined through school meal applications.

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 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. All public schools, including charter schools and state-tribal compact schools, that have an identified student percentage of at least 40 percent, as determined annually, must participate in CEP. Identified student means a student who is directly certified for free school meals based on the student's participation in other means-tested assistance programs, and students who are categorically eligible without an application and not subject to income verification.

Requirement to Provide Breakfast and Lunch at Certain Public Schools. Legislation enacted in 2023 requires certain public schools, including charter schools and state-tribal compact schools, to provide one breakfast and one lunch each school day at no charge to any student who requests these meals and without consideration of student's eligibility for a federally reimbursed free or reduced-price meal. Meals must be nutritiously adequate and qualify for federal reimbursement.

These requirements apply to public schools in which:

- educational services are provided to students in grades K-4; and
- 30 percent or more of the enrolled students meet federal eligibility requirements for free or reduced-price lunches.

These requirements are phased in and:

- begin in the 2023-24 school year for schools in which 40 percent or more of the enrolled students meet federal eligibility requirements; and
- begin in the 2024-25 school year for schools in which 30, and less than 40, percent of the enrolled students meet federal eligibility requirements.

These requirements do not apply to schools participating in CEP that have not completed the duration of the four-year cycle.

Exemptions. School districts may be exempted from these requirements by showing good cause why they cannot comply. The Office of the Superintendent of Public Instruction (OSPI) must adopt rules with the process and criteria for exemptions.

Learning Assistance Program Funding. The Learning Assistance Program (LAP) is designed to provide supplemental instruction and services to assist students who are not meeting academic standards. Allocations for LAP are based on the greater of either the district percentage of students who were eligible for free or reduced-price meals for the school year immediately preceding CEP participation; or a school district's percentage of students who were eligible for free or reduced-price meals in the prior school year. Qualifying schools, with 50 percent or more of students who qualify for free or reduced-price meals, receive an additional high poverty-based allocation.

LAP funding includes hold harmless provisions for the 2024-25 and 2025-26 school years:

- LAP allocations for school districts providing meals at no charge and not participating in CEP must be based on the school district percentage of students in grades K-12 who were eligible for free or reduced-price meals in school years 2019-20 through 2022-23 or the prior school year, whichever is greatest; and
- a school providing meals at no charge and not participating in CEP continues to meet the definition of a qualifying school for LAP high poverty funding if the school met the definition one year of the 2019-20 through 2022-23 school years, or in the prior school year.

National Board Certified Teacher Bonus. Certificated instructional staff who have attained certification from the National Board for Professional Teaching Standards receive a bonus each year in which they maintain the certification. Certificated instructional staff who have attained the certification are eligible for an additional bonus if they teach in a school in which at least 70 percent of the students qualify for free and reduced-price lunch.

For the 2024-25 and 2025-26 school years, individuals are eligible for the bonus in qualifying high poverty schools if they met the definition of high poverty school defined in OSPI rule during the 2022-23 school year.

Summary of Bill: Requirement to Provide Breakfast and Lunch. Beginning with the 2024-25 school year, school districts, charter schools, and state-tribal compact schools must provide breakfast and lunch each school day to any requesting student at no charge unless OSPI has granted an exemption or the school participates in CEP and already provides meals to all requesting students.

Statutory language is updated or removed to align with this requirement.

Learning Assistance Program Funding. The hold harmless provisions for LAP funding is extended through the 2027-28 school year instead of the 2025-26 school year.

National Board Certified Teacher Bonus. The hold harmless provision for the National Board bonus is extended through the 2027-28 school year instead of the 2025-26 school year.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Requested on January 17, 2024.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: Hunger can be a barrier to education because hungry students cannot learn. In a household with two parents making minimum wage, the children would not qualify for free school meals, and the cost for school meals in middle schools is about \$260 a month. With the ongoing rise of food costs, school meals are a crucial lifeline for families. When free meals are provided to all students, the stigma of free meals goes away, and the issues around meal debt is removed. No student should have to learn on an empty stomach. Teachers should not have to buy snacks for hungry students. Research shows many benefits for providing free meals to all students including increasing academic achievement and decreasing incidents of discipline.

CON: Parents are responsible for preparing breakfast and lunch for their children. Providing free meals to students is a mandated welfare program and is anti-American. There are already systems in place to make sure needy families receive free or reduced-price meals. The state does not have the money to pay for meals for families that can afford them. Students should not be taught that the school will provide everything for them when that is their parents' responsibility. This is socialism and does not work.

Persons Testifying: PRO: Senator T'wina Nobles, Prime Sponsor; Jazmine Smith, The Washington Bus; Danica Noble, Washington State PTA; Sandra Conradi, WSNA/Yelm Community Schools; Nikki Lockwood, WSSDA; Sean Foster, WA Education Assoc.; Michal Frisen, WEA - Bellevue SD and Parent; Emily Bianconi, Washington Chapter of the American Academy of Pediatrics; Mikhail Cherniske, Office of Superintendent of Public Instruction; Lily Fredericks, Student Representative, Shoreline School Board; Rahul Sharma, Legislative Youth Advisory Council.

CON: John Axtell; Nicole Wells; Sharon Damoff; Jennifer Heine-Withee.

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