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## Appropriations Committee

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### HB 1404

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

**Sponsors:** Representatives Berg, Rude, Leavitt, Stonier, Simmons, Davis, Berry, Mena, Stearns, Thai, Walen, Rule, Ryu, Parshley, Peterson, Reed, Paul, Gregerson, Alvarado, Reeves, Goodman, Cortes, Obras, Fey, Salahuddin, Springer, Bernbaum, Fosse, Pollet, Street, Hill, Macri, Timmons and Scott; by request of Governor Ferguson.

#### Brief Summary of Bill

- Requires public schools, beginning with the 2026-27 school year, to provide breakfast and lunch each school day to any requesting students, and at no charge to the students.
- Extends eligibility provisions for Learning Assistance Program and National Board Certification funding for school districts and schools subject to the meal provision requirements through the 2029-30 school year.
- Requires a state reimbursement up to the federal free meal rate for all meals not reimbursed at the federal free meal rate, plus an additional 5 cents per meal.

**Hearing Date:** 2/3/25

**Staff:** James Mackison (786-7104).

#### **Background:**

##### Federal School Nutrition Programs, Free and Reduced-Price Meals.

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) are child nutrition programs funded by the United States Department of Agriculture (USDA). The NSLP

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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 reimbursements to school districts for served meals that meet federal requirements.

Household applications submitted by families to schools are used to determine student eligibility for free and reduced-price meals (FRPMs). To qualify for free school meals, a student's family income 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.

The Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act provides an alternative to household applications for FRPMs 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 25 percent of its students are identified as eligible for free meals through means other than household applications. The percentage of eligible students identified without using household applications is the identified student percentage (ISP).

#### State Requirements to Provide Meals at No Cost.

School districts and public schools that meet either of the following criteria are required under state law to serve meals at no charge to any requesting student:

- If they have an ISP of at least 40 percent, they must provide meals at no cost through participation in the CEP.
- If they serve students in any of the grades of kindergarten through four, have 30 percent or more eligible for FRPMs, and do not participate in the CEP, they must provide meals at no cost.

According to OSPI, over 700,000 students in the state now attend schools that provide meals at no cost for all students. State reimbursements are statutorily provided to non-CEP schools required to serve meals at no cost to students for meals not reimbursed at the USDA free meal rate. Additional state reimbursements for schools required to participate in the CEP have been provided in the operating budget.

#### State Programs Funded Based on Free and Reduced-Price Meal Percentages.

The Learning Assistance Program (LAP) supports the provision of supplemental instruction and services for students who are not meeting academic standards. The LAP is part of the state's program of basic education and state funding allocations to school districts are based on the percentage of students who are eligible for FRPMs.

The state provides two types of funding allocations for LAP: a general LAP allocation, and an additional high poverty-based allocation for qualifying schools. School districts and schools

qualify for one or both allocations based on prior years' percentages of students who qualify for FRPMs.

Teachers and other certificated instructional staff (CIS) who have attained certification from the National Board for Professional Teaching Standards (National Board) are eligible for a state-funded bonus for each year they maintain the certification. An additional state-funded annual bonus of \$5,000 is paid to each qualifying CIS with an instructional assignment in a qualifying high poverty school. "High poverty schools" are designated in rule by the OSPI, and must meet threshold requirements for the percentage of students who are eligible for FRPMs.

Eligibility for LAP and high poverty National Board bonuses is modified for school districts and schools required by the state to serve meals at no cost to all students.

Schools required to participate in the CEP may use the greater FRPM percentage in the prior year or the year immediately preceding the CEP participation for general LAP. They also retain high poverty LAP and National Board status if they were eligible the year prior to participating in the CEP.

Through the 2025-26 school year, non-CEP schools required to serve no cost meals may use the higher FRPM percentage of 2019-20 through 2022-23, or the prior year for general LAP. They also retain high poverty LAP status if they were eligible in any year since 2019-20, and for high poverty National Board status if eligible in the 2022-23 school year.

### **Summary of Bill:**

#### Providing All Public School Students with Access to Meals Served Without Charge.

Beginning with the 2026-27 school year, school districts, a term that includes charter schools and state-tribal education compact schools, must provide breakfast and lunch each school day to any student at a school who requests a breakfast, lunch, or both. The school districts must provide the meals at no charge to the requesting student and without consideration of the student's eligibility for an FRPM. The provided meals must be nutritiously adequate and qualify for reimbursement under the National School Lunch Program or the federal School Breakfast Program, and students are not eligible for more than one meal in a meal service period.

The obligation to provide meals at no charge to requesting students, which lapses if federal reimbursements for school breakfasts or lunches are eliminated, does not apply to schools participating the CEP that have not completed the duration of the CEP's four-year cycle, or to school districts that have been exempted from the meal provision requirements by the Superintendent of Public Instruction because of showing good cause for not being able to comply.

Corresponding changes are also made to align statutory provisions with requirements to provide meals at no charge to requesting students. Examples include:

- removing provisions that limit the obligation to have school breakfast programs to schools

with students that meet specified FRPM eligibility thresholds, and schools subject to meal provision requirements enacted in 2023;

- removing references to student payments for meals;
- changing various references to student eligibility for FRPMs to students meeting federal eligibility requirements for FRPMs;
- modifying provisions governing school and school district actions when a student cannot pay for a school meal or previously served meals; and
- deleting a reference to barriers that diminish access to FRPMs in provisions governing a statewide electronic repository of household income information for school meal purposes that parents and legal guardians of students may elect to use.

#### State Reimbursements for School Meals.

The OSPI is required to provide state reimbursements to all schools required to provide meals at no charge to requesting students, including those required to participate in the CEP, for meals not federally reimbursed at the free meal rate. The state reimbursement is the difference between the USDA free rate and the USDA paid rate, plus 5 cents per meal.

#### Learning Assistance Program and National Board Certification Bonuses.

Funding provisions for LAP are modified as follows through the 2028-29 school year, instead of through the 2025-26 school year:

- General LAP allocations for school districts providing meals at no charge to all requesting students that do not participate in the CEP must be based on the school district percentage of students who were eligible for FRPMs in school years 2019-20 through 2022-23 or the prior school year, whichever is greatest.
- For the high poverty-based allocation, a school providing meals at no charge to all requesting students, that is not participating in the CEP, continues to be eligible for the high poverty-based allocation if the school qualified during one year of the 2019-20 through 2022-23 school years, or in the prior school year.

For the 2024-25 through 2028-29 school years, instead of through the 2025-26 school year, a qualifying CIS is eligible for the high poverty annual bonus of \$5,000 if they are in an instructional assignment in a school providing meals at no charge to all requesting students that met the definition of high poverty school during the 2022-23 school year.

**Appropriation:** None.

**Fiscal Note:** Requested on February 1, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 10, which takes effect September 1, 2026. However, the bill is null and void unless funded in the budget.