

SENATE BILL REPORT

SB 5352

As of February 4, 2025

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 Riccelli, Nobles, Harris, Cortes, Slatter, Orwall, Chapman, Ramos, Trudeau, Kauffman, Muzzall, Lovelett, Valdez, Krishnadasan, Hasegawa, Lovick, Lias, Saldaña, Dhingra, Conway, Bateman, Holy, Christian, Cleveland, King, Frame, Salomon, Stanford and Wilson, C.; by request of Governor Ferguson.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/04/25.

Brief Summary of Bill

- Requires all school districts, charter schools, and state-tribal education compact schools, rather than certain schools, to provide breakfast and lunch at no charge to any requesting student, beginning with the 2026-27 school year.
- Provides an additional state-funded reimbursement amount of at least \$0.05 per meal to provide free meals under this provision, and adds state reimbursement provisions for public schools required to participate in the Community Eligibility Provision, which provides universal meals to schools with high numbers of low-income students.
- Extends funding stability provisions for the Learning Assistance Program and the National Board Certified Teacher Bonus through the 2029-30 school year.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

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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.

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 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. Eligibility is determined through school meal applications.

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.

State law requires 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.

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 Needy 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.

Requirement to Provide Free Breakfast and Lunch. Current state law requires public schools that serve students in grades K-4 and have at least 40 percent of enrolled students that meet federal eligibility requirements for free or reduced-price lunch to provide breakfast and lunch each school day to any student requesting a meal. The school district, charter school, and state-tribal education compact school must provide the meals at no charge to the student and without consideration of the student's eligibility for a federally reimbursed free or reduced-price meal. Meals must be nutritiously adequate and qualify for federal reimbursement.

These requirements do not apply to schools participating in CEP and lapse if the federal reimbursement for school meals is eliminated. The Office of Superintendent of Public Instruction (OSPI) may grant an exemption to these requirements by a showing of good cause why the school cannot comply and the exemption is not in conflict with federal or state law.

When public schools are required to provide free meals to all students, OSPI must reimburse on a per meal reimbursement basis for meals that are not already reimbursed at the USDA's free rate. The additional state reimbursement amount must be the difference between the USDA's free rate and paid rate, which varies by the type of meal, the state, school year, and other categories.

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 percentage of students who were eligible for free or reduced-price meals.

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.

For those same two school years, 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 Free Breakfast and Lunch. Beginning with the 2026-27 school year, each school district, charter school, and state-tribal education compact school must provide breakfast and lunch at no charge each school day to any student who requests the meal. This requirement does not apply to schools participating in CEP that have not completed the duration of the four-year cycle.

School districts, charter schools, and state-tribal education compact schools may continue to be exempted from this requirement by showing good cause why they cannot comply with OSPI and these requirements will continue to lapse if the federal reimbursement for meals is eliminated.

Changes are made to existing law to align with the requirement to provide free meals to any requesting student.

Additional State Reimbursement Amount. Similar to public schools that are required to provide free meals to any requesting student, OSPI must reimburse public schools that are required to participate in CEP on a per meal reimbursement basis for meals that are not reimbursed at the USDA's free rate. The additional state reimbursement amount must be the difference between the USDA's free rate and paid rate.

An additional amount of \$0.05 per meal or a higher amount if authorized in the omnibus appropriations act is provided to public schools that are required to provide free meals to any requesting student.

Learning Assistance Program Funding. LAP funding provisions applying to the 2024-25 through the 2025-26 school years is extended through the 2029-30 school year.

National Board Certified Teacher Bonus. The application of the 2022-23 rule defining high poverty school is extended from the 2025-26 to the 2029-30 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 23, 2025.

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

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