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**HOUSE BILL 1404**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** 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

Read first time 01/20/25. Referred to Committee on Appropriations.

1 AN ACT Relating to increasing student access to free meals served  
2 at public schools; amending RCW 28A.235.135, 28A.235.160,  
3 28A.235.250, 28A.235.270, 28A.235.285, 28A.235.300, and 28A.405.415;  
4 reenacting and amending RCW 28A.150.260; creating new sections;  
5 repealing RCW 28A.235.260; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that providing all  
8 public school students with access to meals served without charge  
9 each school day will support academic success and promote student  
10 well-being. The legislature, in support of students, families, and  
11 productive learning environments, and in recognition of financial  
12 challenges that can create barriers to academic achievement, declares  
13 that no student should ever experience hunger or food insecurity  
14 within a public school.

15 The legislature, therefore, intends to provide all requesting  
16 students with access to school meals that are served without charge.

17 **Sec. 2.** RCW 28A.150.260 and 2024 c 262 s 2 and 2024 c 191 s 2  
18 are each reenacted and amended to read as follows:

19 The purpose of this section is to provide for the allocation of  
20 state funding that the legislature deems necessary to support school

1 districts in offering the minimum instructional program of basic  
2 education under RCW 28A.150.220. The allocation shall be determined  
3 as follows:

4 (1) The governor shall and the superintendent of public  
5 instruction may recommend to the legislature a formula for the  
6 distribution of a basic education instructional allocation for each  
7 common school district.

8 (2)(a) The distribution formula under this section shall be for  
9 allocation purposes only. Except as may be required under subsections  
10 (4)(b) and (c), (5)(b) and (c), (8), and (9) of this section, chapter  
11 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and  
12 regulations, nothing in this section requires school districts to use  
13 basic education instructional funds to implement a particular  
14 instructional approach or service. Nothing in this section requires  
15 school districts to maintain a particular classroom teacher-to-  
16 student ratio or other staff-to-student ratio or to use allocated  
17 funds to pay for particular types or classifications of staff.  
18 Nothing in this section entitles an individual teacher to a  
19 particular teacher planning period.

20 (b) To promote transparency in state funding allocations, the  
21 superintendent of public instruction must report state per-pupil  
22 allocations for each school district for the general apportionment,  
23 special education, learning assistance, transitional bilingual,  
24 highly capable, and career and technical education programs. The  
25 superintendent must report this information in a user-friendly format  
26 on the main page of the office's website. School districts must  
27 include a link to the superintendent's per-pupil allocations report  
28 on the main page of the school district's website. In addition, the  
29 budget documents published by the legislature for the enacted omnibus  
30 operating appropriations act must report statewide average per-pupil  
31 allocations for general apportionment and the categorical programs  
32 listed in this subsection.

33 (3)(a) To the extent the technical details of the formula have  
34 been adopted by the legislature and except when specifically provided  
35 as a school district allocation, the distribution formula for the  
36 basic education instructional allocation shall be based on minimum  
37 staffing and nonstaff costs the legislature deems necessary to  
38 support instruction and operations in prototypical schools serving  
39 high, middle, and elementary school students as provided in this  
40 section. The use of prototypical schools for the distribution formula

1 does not constitute legislative intent that schools should be  
2 operated or structured in a similar fashion as the prototypes.  
3 Prototypical schools illustrate the level of resources needed to  
4 operate a school of a particular size with particular types and grade  
5 levels of students using commonly understood terms and inputs, such  
6 as class size, hours of instruction, and various categories of school  
7 staff. It is the intent that the funding allocations to school  
8 districts be adjusted from the school prototypes based on the actual  
9 number of annual average full-time equivalent students in each grade  
10 level at each school in the district and not based on the grade-level  
11 configuration of the school to the extent that data is available. The  
12 allocations shall be further adjusted from the school prototypes with  
13 minimum allocations for small schools and to reflect other factors  
14 identified in the omnibus appropriations act.

15 (b) For the purposes of this section, prototypical schools are  
16 defined as follows:

17 (i) A prototypical high school has 600 average annual full-time  
18 equivalent students in grades nine through 12;

19 (ii) A prototypical middle school has 432 average annual full-  
20 time equivalent students in grades seven and eight; and

21 (iii) A prototypical elementary school has 400 average annual  
22 full-time equivalent students in grades kindergarten through six.

23 (4)(a)(i) The minimum allocation for each level of prototypical  
24 school shall be based on the number of full-time equivalent classroom  
25 teachers needed to provide instruction over the minimum required  
26 annual instructional hours under RCW 28A.150.220 and provide at least  
27 one teacher planning period per school day, and based on the  
28 following general education average class size of full-time  
29 equivalent students per teacher:

	General education average class size
30 Grades K-3. . . . .	17.00
31 Grade 4. . . . .	27.00
32 Grades 5-6. . . . .	27.00
33 Grades 7-8. . . . .	28.53
34 Grades 9-12. . . . .	28.74

35 (ii) The minimum class size allocation for each prototypical high  
36 school shall also provide for enhanced funding for class size  
37 reduction for two laboratory science classes within grades nine  
38  
39

1 through 12 per full-time equivalent high school student multiplied by  
2 a laboratory science course factor of 0.0833, based on the number of  
3 full-time equivalent classroom teachers needed to provide instruction  
4 over the minimum required annual instructional hours in RCW  
5 28A.150.220, and providing at least one teacher planning period per  
6 school day:

7		Laboratory science	
8		average class size	
9	Grades 9-12. . . . .		19.98

10 (b) (i) Beginning September 1, 2019, funding for average K-3 class  
11 sizes in this subsection (4) may be provided only to the extent of,  
12 and proportionate to, the school district's demonstrated actual class  
13 size in grades K-3, up to the funded class sizes.

14 (ii) The office of the superintendent of public instruction shall  
15 develop rules to implement this subsection (4) (b).

16 (c) (i) The minimum allocation for each prototypical middle and  
17 high school shall also provide for full-time equivalent classroom  
18 teachers based on the following number of full-time equivalent  
19 students per teacher in career and technical education:

20		Career and technical	
21		education average	
22		class size	
23	Approved career and technical education offered at		
24	the middle school and high school level. . . . .		23.00
25	Skill center programs meeting the standards established		
26	by the office of the superintendent of public		
27	instruction. . . . .		19.00

28 (ii) Funding allocated under this subsection (4) (c) is subject to  
29 RCW 28A.150.265.

30 (d) In addition, the omnibus appropriations act shall at a  
31 minimum specify:

32 (i) A high-poverty average class size in schools where more than  
33 50 percent of the students are eligible for free and reduced-price  
34 meals; and

35 (ii) A specialty average class size for advanced placement and  
36 international baccalaureate courses.

1 (5) (a) The minimum allocation for each level of prototypical  
 2 school shall include allocations for the following types of staff in  
 3 addition to classroom teachers:

	Elementary School	Middle School	High School
6 Principals, assistant principals, and other certificated building-level 7 administrators.....	1.253	1.353	1.880
8 Teacher-librarians, a function that includes information literacy, technology, 9 and media to support school library media programs.....	0.663	0.519	0.523
10 Paraeducators, including any aspect of educational instructional services 11 provided by classified employees.....	1.012	0.776	0.728
12 Office support and other noninstructional aides.....	2.088	2.401	3.345
13 Custodians.....	1.657	1.942	2.965
14 Nurses.....	0.585	0.888	0.824
15 Social workers.....	0.311	0.088	0.127
16 Psychologists.....	0.104	0.024	0.049
17 Counselors.....	0.993	1.716	3.039
18 Classified staff providing student and staff safety.....	0.079	0.092	0.141
19 Parent involvement coordinators.....	0.0825	0.00	0.00

20 (b) (i) The superintendent may only allocate funding, up to the  
 21 combined minimum allocations, for nurses, social workers,  
 22 psychologists, counselors, classified staff providing student and  
 23 staff safety, and parent involvement coordinators under (a) of this  
 24 subsection to the extent of and proportionate to a school district's  
 25 demonstrated actual ratios of: Full-time equivalent physical, social,  
 26 and emotional support staff to full-time equivalent students.

27 (ii) The superintendent must adopt rules to implement this  
 28 subsection (5)(b) and the rules must require school districts to  
 29 prioritize funding allocated as required by (b)(i) of this subsection  
 30 for physical, social, and emotional support staff who hold a valid  
 31 educational staff associate certificate appropriate for the staff's  
 32 role.

33 (iii) For the purposes of this subsection (5)(b), "physical,  
 34 social, and emotional support staff" include nurses, social workers,  
 35 psychologists, counselors, classified staff providing student and  
 36 staff safety, parent involvement coordinators, and other school

1 district employees and contractors who provide physical, social, and  
2 emotional support to students as defined by the superintendent.

3 (c) The superintendent shall develop rules that require school  
4 districts to use the additional funding provided under (a) of this  
5 subsection to support increased staffing, prevent layoffs, or  
6 increase salaries for the following staff types in the 2024-25 school  
7 year: Paraeducators, office support, and noninstructional aides. The  
8 superintendent shall collect data from school districts on how the  
9 increased allocations are used.

10 (6) (a) The minimum staffing allocation for each school district  
11 to provide district-wide support services shall be allocated per one  
12 thousand annual average full-time equivalent students in grades K-12  
13 as follows:

	Staff per 1,000 K-12 students
14 Technology. . . . .	0.628
15 Facilities, maintenance, and grounds. . . . .	1.813
16 Warehouse, laborers, and mechanics. . . . .	0.332

17  
18  
19 (b) The minimum allocation of staff units for each school  
20 district to support certificated and classified staffing of central  
21 administration shall be 5.30 percent of the staff units generated  
22 under subsections (4) (a) and (5) of this section and (a) of this  
23 subsection.

24 (7) The distribution formula shall include staffing allocations  
25 to school districts for career and technical education and skill  
26 center administrative and other school-level certificated staff, as  
27 specified in the omnibus appropriations act.

28 (8) (a) Except as provided in (b) of this subsection, the minimum  
29 allocation for each school district shall include allocations per  
30 annual average full-time equivalent student for the following  
31 materials, supplies, and operating costs as provided in the 2023-24  
32 school year, after which the allocations shall be adjusted annually  
33 for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
34 Technology. . . . .	\$178.98
35 Utilities and insurance. . . . .	\$430.26
36 Curriculum and textbooks. . . . .	\$164.48

1	Other supplies . . . . .	\$326.54
2	Library materials. . . . .	\$22.65
3	Instructional professional development for certificated and	
4	classified staff. . . . .	\$28.94
5	Facilities maintenance. . . . .	\$206.22
6	Security and central office administration. . . . .	\$146.37

7 (b) In addition to the amounts provided in (a) of this  
8 subsection, beginning in the 2023-24 school year, the omnibus  
9 appropriations act shall provide the following minimum allocation for  
10 each annual average full-time equivalent student in grades nine  
11 through 12 for the following materials, supplies, and operating  
12 costs, to be adjusted annually for inflation:

13		Per annual average
14		full-time equivalent student
15		in grades 9-12
16	Technology. . . . .	\$44.05
17	Curriculum and textbooks. . . . .	\$48.06
18	Other supplies . . . . .	\$94.07
19	Library materials. . . . .	\$6.05
20	Instructional professional development for certificated and	
21	classified staff. . . . .	\$8.01

22 (c) The increased allocation amount of \$21 per annual average  
23 full-time equivalent student for materials, supplies, and operating  
24 costs provided under (a) of this subsection is intended to address  
25 growing costs in the enumerated categories and may not be expended  
26 for any other purpose.

27 (9) In addition to the amounts provided in subsection (8) of this  
28 section and subject to RCW 28A.150.265, the omnibus appropriations  
29 act shall provide an amount based on full-time equivalent student  
30 enrollment in each of the following:

- 31 (a) Exploratory career and technical education courses for
- 32 students in grades seven through 12;
- 33 (b) Preparatory career and technical education courses for
- 34 students in grades nine through 12 offered in a high school; and
- 35 (c) Preparatory career and technical education courses for
- 36 students in grades 11 and 12 offered through a skill center.

37 (10) In addition to the allocations otherwise provided under this  
38 section, amounts shall be provided to support the following programs  
39 and services:

1 (a)(i) To provide supplemental instruction and services for  
2 students who are not meeting academic standards through the learning  
3 assistance program under RCW 28A.165.005 through 28A.165.065,  
4 allocations shall be based on the greater of either: The district  
5 percentage of students in kindergarten through grade 12 who were  
6 eligible for free or reduced-price meals for the school year  
7 immediately preceding the district's participation, in whole or part,  
8 in the United States department of agriculture's community  
9 eligibility provision, or the district percentage of students in  
10 grades K-12 who were eligible for free or reduced-price meals in the  
11 prior school year. The minimum allocation for the program shall,  
12 except as provided in (a)(iii) of this subsection, provide for each  
13 level of prototypical school resources to provide, on a statewide  
14 average, 2.3975 hours per week in extra instruction with a class size  
15 of 15 learning assistance program students per teacher.

16 (ii) In addition to funding allocated under (a)(i) of this  
17 subsection, to provide supplemental instruction and services for  
18 students who are not meeting academic standards in qualifying  
19 schools. A qualifying school, except as provided in (a)(iv) of this  
20 subsection, means a school in which the three-year rolling average of  
21 the prior year total annual average enrollment that qualifies for  
22 free or reduced-price meals equals or exceeds 50 percent or more of  
23 its total annual average enrollment. A school continues to meet the  
24 definition of a qualifying school if the school: Participates in the  
25 United States department of agriculture's community eligibility  
26 provision; and met the definition of a qualifying school in the year  
27 immediately preceding their participation. The minimum allocation for  
28 this additional high poverty-based allocation must provide for each  
29 level of prototypical school resources to provide, on a statewide  
30 average, 1.1 hours per week in extra instruction with a class size of  
31 15 learning assistance program students per teacher, under RCW  
32 28A.165.055, school districts must distribute the high poverty-based  
33 allocation to the schools that generated the funding allocation.

34 (iii) For the 2024-25 (~~and 2025-26~~) through 2029-30 school  
35 years, allocations under (a)(i) of this subsection for school  
36 districts providing meals at no charge to students under RCW  
37 28A.235.135 that are not participating, in whole or in part, in the  
38 United States department of agriculture's community eligibility  
39 provision shall be based on the school district percentage of  
40 students in grades K-12 who were eligible for free or reduced-price



1 meals in school years 2019-20 through 2022-23 or the prior school  
2 year, whichever is greatest.

3 (iv) For the 2024-25 (~~and 2025-26~~) through 2029-30 school  
4 years, a school providing meals at no charge to students under RCW  
5 28A.235.135 that is not participating in the department of  
6 agriculture's community eligibility provision continues to meet the  
7 definition of a qualifying school under (a)(ii) of this subsection if  
8 the school met the definition during one year of the 2019-20 through  
9 2022-23 school years, or in the prior school year.

10 (b)(i) To provide supplemental instruction and services for  
11 students whose primary language is other than English, allocations  
12 shall be based on the head count number of students in each school  
13 who are eligible for and enrolled in the transitional bilingual  
14 instruction program under RCW 28A.180.010 through 28A.180.080. The  
15 minimum allocation for each level of prototypical school shall  
16 provide resources to provide, on a statewide average, 4.7780 hours  
17 per week in extra instruction for students in grades kindergarten  
18 through six and 6.7780 hours per week in extra instruction for  
19 students in grades seven through 12, with 15 transitional bilingual  
20 instruction program students per teacher. Notwithstanding other  
21 provisions of this subsection (10), the actual per-student allocation  
22 may be scaled to provide a larger allocation for students needing  
23 more intensive intervention and a commensurate reduced allocation for  
24 students needing less intensive intervention, as detailed in the  
25 omnibus appropriations act.

26 (ii) To provide supplemental instruction and services for  
27 students who have exited the transitional bilingual program,  
28 allocations shall be based on the head count number of students in  
29 each school who have exited the transitional bilingual program within  
30 the previous two years based on their performance on the English  
31 proficiency assessment and are eligible for and enrolled in the  
32 transitional bilingual instruction program under RCW  
33 28A.180.040(1)(g). The minimum allocation for each prototypical  
34 school shall provide resources to provide, on a statewide average,  
35 3.0 hours per week in extra instruction with 15 exited students per  
36 teacher.

37 (c) To provide additional allocations to support programs for  
38 highly capable students under RCW 28A.185.010 through 28A.185.030,  
39 allocations shall be based on 5.0 percent of each school district's  
40 full-time equivalent basic education enrollment. The minimum

1 allocation for the programs shall provide resources to provide, on a  
2 statewide average, 2.1590 hours per week in extra instruction with  
3 fifteen highly capable program students per teacher.

4 (11) The allocations under subsections (4)(a), (5), (6), and (8)  
5 of this section shall be enhanced as provided under RCW 28A.150.390  
6 on an excess cost basis to provide supplemental instructional  
7 resources for students with disabilities.

8 (12)(a) For the purposes of allocations for prototypical high  
9 schools and middle schools under subsections (4) and (10) of this  
10 section that are based on the percent of students in the school who  
11 are eligible for free and reduced-price meals, the actual percent of  
12 such students in a school shall be adjusted by a factor identified in  
13 the omnibus appropriations act to reflect underreporting of free and  
14 reduced-price meal eligibility among middle and high school students.

15 (b) Allocations or enhancements provided under subsections (4),  
16 (7), and (9) of this section for exploratory and preparatory career  
17 and technical education courses shall be provided only for courses  
18 approved by the office of the superintendent of public instruction  
19 under chapter 28A.700 RCW.

20 (13)(a) This formula for distribution of basic education funds  
21 shall be reviewed biennially by the superintendent and governor. The  
22 recommended formula shall be subject to approval, amendment or  
23 rejection by the legislature.

24 (b) In the event the legislature rejects the distribution formula  
25 recommended by the governor, without adopting a new distribution  
26 formula, the distribution formula for the previous school year shall  
27 remain in effect.

28 (c) The enrollment of any district shall be the annual average  
29 number of full-time equivalent students and part-time students as  
30 provided in RCW 28A.150.350, enrolled on the first school day of each  
31 month, including students who are in attendance pursuant to RCW  
32 28A.335.160 and 28A.225.250 who do not reside within the servicing  
33 school district. The definition of full-time equivalent student shall  
34 be determined by rules of the superintendent of public instruction  
35 and shall be included as part of the superintendent's biennial budget  
36 request. The definition shall be based on the minimum instructional  
37 hour offerings required under RCW 28A.150.220. Any revision of the  
38 present definition shall not take effect until approved by the house  
39 ways and means committee and the senate ways and means committee.

1 (d) The office of financial management shall make a monthly  
2 review of the superintendent's reported full-time equivalent students  
3 in the common schools in conjunction with RCW 43.62.050.

4 **Sec. 3.** RCW 28A.235.135 and 2023 c 379 s 2 are each amended to  
5 read as follows:

6 (1) (a) (~~In accordance with (b) and (c) of this subsection~~)  
7 Except as provided otherwise by this section and RCW 28A.235.160,  
8 beginning with the (~~2023-24~~) 2026-27 school year, each school  
9 district shall provide breakfast and lunch each school day to any  
10 student who requests a breakfast, lunch, or both. The school district  
11 must provide the meals at no charge to the student and without  
12 consideration of the student's eligibility for a federally reimbursed  
13 free or reduced-price meal. Meals provided under this section must be  
14 nutritiously adequate and qualify for federal reimbursement under the  
15 school lunch program or the school breakfast program, and students  
16 are not eligible for more than one meal in a meal service period.

17 (b) The requirements in (a) of this subsection (~~apply to public~~  
18 ~~schools in which:~~

19 ~~(i) Educational services are provided to students in any of the~~  
20 ~~grades of kindergarten through four; and~~

21 ~~(ii) 30 percent or more of the enrolled students meet federal~~  
22 ~~eligibility requirements for free or reduced-price lunches.~~

23 ~~(c) The obligation to provide breakfast and lunch to students~~  
24 ~~under this subsection (1):~~

25 ~~(i) Begins in the 2023-24 school year for schools in which 40~~  
26 ~~percent or more of the enrolled students meet federal eligibility~~  
27 ~~requirements for free or reduced-price lunches;~~

28 ~~(ii) Begins in the 2024-25 school year for schools in which the~~  
29 ~~percentage of enrolled students that meet federal eligibility~~  
30 ~~requirements for free or reduced-price lunches is at least 30 percent~~  
31 ~~and less than 40 percent; and~~

32 ~~(iii) Does),~~ for purposes of having schools participating in the  
33 United States department of agriculture's community eligibility  
34 provision under RCW 28A.235.300 complete the duration of the  
35 provision's four-year cycle, do not apply to schools participating in  
36 the ((United States department of agriculture's)) community  
37 eligibility provision ((under RCW 28A.235.300)) that have not  
38 completed the duration of the provision's four-year cycle.

1 (2) The office of the superintendent of public instruction shall  
2 reimburse school districts, subject to the requirements of subsection  
3 (1) of this section, on a per meal reimbursement basis for meals that  
4 are not (~~already~~) reimbursed at the United States department of  
5 agriculture's free rate. The additional state reimbursement amount  
6 must be the difference between the United States department of  
7 agriculture's free rate and the United States department of  
8 agriculture's paid rate, plus an additional amount of \$0.05 per meal  
9 or a higher amount if authorized in the omnibus appropriations act.

10 (3) School districts, in accordance with RCW 28A.235.160, may be  
11 exempted from the requirements of this section.

12 (4) To maximize federal funding, school districts must continue  
13 collecting free and reduced-price meal eligibility applications where  
14 applicable and run direct certification at least monthly in  
15 accordance with RCW 28A.235.280. School districts shall also annually  
16 monitor data for eligibility in the United States department of  
17 agriculture community eligibility provision and apply where eligible  
18 as required in RCW 28A.235.300.

19 (5) For the purposes of this section, the following definitions  
20 apply:

21 (a) "Public school" has the same meaning as in RCW 28A.150.010.

22 (b) "School breakfast program" has the same meaning as in RCW  
23 28A.235.160.

24 (c) "School lunch program" has the same meaning as in RCW  
25 28A.235.160.

26 (6) This section governs school operation and management under  
27 RCW 28A.710.040 and 28A.715.020, and applies to charter schools  
28 established under chapter 28A.710 RCW and state-tribal education  
29 compact schools (~~established under~~) subject to chapter 28A.715 RCW  
30 to the same extent as it applies to school districts.

31 (7) The requirements in this section shall lapse if the federal  
32 reimbursement for (~~any~~) school breakfasts or lunches is eliminated.

33 **Sec. 4.** RCW 28A.235.160 and 2023 c 379 s 4 are each amended to  
34 read as follows:

35 (1) For the purposes of this section:

36 (a) "Free or reduced-price lunch" means a lunch served by a  
37 school district participating in the national school lunch program to  
38 a student qualifying for national school lunch program benefits based  
39 on family size-income criteria.

1 (b) (~~"Lunch copay" means the amount a student who qualifies for~~  
2 ~~a reduced-price lunch is charged for a reduced-price lunch.~~

3 ~~(e))~~ "School breakfast program" means a program meeting federal  
4 requirements defined in 42 U.S.C. Sec. 1773.

5 ~~((d))~~ (c) "School lunch program" means a meal program meeting  
6 the requirements defined in Title 42 U.S.C. Sec. 1751 et seq.

7 ~~((e) "Severe-need school" means a school that qualifies for a~~  
8 ~~severe-need school reimbursement rate from federal funds for school~~  
9 ~~breakfasts served to children from low-income families.~~

10 ~~(f))~~ (d) "Summer food service program" means a meal or snack  
11 program meeting the requirements defined by the superintendent of  
12 public instruction under subsection ~~((4))~~ (3) of this section.

13 (2) School districts shall implement a school lunch program ~~((in~~  
14 ~~each public school in the district in which educational services are~~  
15 ~~provided to children in any of the grades of kindergarten through~~  
16 ~~four and in which 25 percent or more of the enrolled students qualify~~  
17 ~~for a free or reduced-price lunch))~~ and school breakfast program in  
18 each public school in the district in which educational services are  
19 provided to students. In accordance with RCW 28A.235.135, school  
20 districts shall provide meals at no charge to all requesting students  
21 at public schools ~~((that meet the criteria established in RCW~~  
22 ~~28A.235.135(1) (b) and (e))~~). In developing and implementing its  
23 school lunch program and school breakfast program, each school  
24 district may consult with an advisory committee including school  
25 staff, community members, and others appointed by the board of  
26 directors of the district.

27 (3) ~~((To the extent funds are appropriated for this purpose, each~~  
28 ~~school district shall implement a school breakfast program in each~~  
29 ~~school where more than 40 percent of students eligible to participate~~  
30 ~~in the school lunch program qualify for free or reduced-price meal~~  
31 ~~reimbursement. Beginning in the 2023-24 school year and in accordance~~  
32 ~~with RCW 28A.235.135, school districts shall implement a breakfast~~  
33 ~~program in each school providing meals at no charge to students. For~~  
34 ~~the second year before the implementation of the district's school~~  
35 ~~breakfast program, and for each subsequent school year, each school~~  
36 ~~district shall submit data enabling the superintendent of public~~  
37 ~~instruction to determine which schools within the district will~~  
38 ~~qualify for this requirement. Schools where lunch programs start~~  
39 ~~after the 2003-04 school year, where 30 percent of students qualify~~

1 ~~for free or reduced-price meals, must begin school breakfast programs~~  
2 ~~the second year following the start of a lunch program.~~

3 (4)) Each school district shall implement a summer food service  
4 program in each public school in the district in which a summer  
5 program of academic, enrichment, or remedial services is provided and  
6 in which 50 percent or more of the children enrolled in the school  
7 meet federal eligibility requirements for free or reduced-price  
8 lunch. However, the superintendent of public instruction shall  
9 develop rules establishing criteria to permit an exemption for a  
10 school that can demonstrate availability of an adequate alternative  
11 summer feeding program. Sites providing meals should be open to all  
12 children in the area, unless a compelling case can be made to limit  
13 access to the program. The superintendent of public instruction shall  
14 adopt a definition of compelling case and a schedule for  
15 implementation as follows:

16 (a) Beginning the summer of 2005 if the school currently offers a  
17 school breakfast or lunch program; or

18 (b) Beginning the summer following the school year during which a  
19 school implements a school lunch program under this section.

20 ((5)) (4) Schools not offering a (~~breakfast or lunch~~) summer  
21 food service program may meet the meal service requirements of  
22 (~~subsections (2) and (4)~~) subsection (3) of this section through  
23 any of the following:

24 (a) Preparing the meals on-site;

25 (b) Receiving the meals from another school that participates in  
26 a United States department of agriculture child nutrition program; or

27 (c) Contracting with a nonschool entity that is a licensed food  
28 service establishment under RCW 69.07.010.

29 (~~(6) Requirements that school districts have a school lunch,~~  
30 ~~breakfast, or summer nutrition program under this section shall not~~  
31 ~~create or imply any state funding obligation for these costs.)) (5)~~

32 The legislature does not intend to include ((these)) school lunch,  
33 breakfast, or summer food service programs, or the requirements of  
34 RCW 28A.235.135, within the state's obligation for basic education  
35 funding under Article IX of the state Constitution.

36 (~~(7) Beginning in the 2021-22 school year, school districts with~~  
37 ~~school lunch programs must eliminate lunch copays for students in~~  
38 ~~prekindergarten through 12th grade who qualify for reduced-price~~  
39 ~~lunches, and the superintendent of public instruction must allocate~~  
40 ~~funding for this purpose.~~

1       ~~(8))~~ (6) The requirements in this section shall lapse if the  
2 federal reimbursement for ~~((any))~~ school breakfasts, lunches, or  
3 summer food service programs is eliminated.

4       ~~((9))~~ (7) School districts may be exempted from the  
5 requirements of this section and RCW 28A.235.135 by showing good  
6 cause why they cannot comply with the office of the superintendent of  
7 public instruction to the extent that such exemption is not in  
8 conflict with federal or state law. The process and criteria by which  
9 school districts may be exempted shall be developed by rule and  
10 revised if necessary by the office of the superintendent of public  
11 instruction in consultation with representatives of school directors,  
12 school food service, community-based organizations, and a state  
13 organization of parents and teachers.

14       **Sec. 5.** RCW 28A.235.250 and 2018 c 271 s 1 are each amended to  
15 read as follows:

16       (1)(a) Except as provided otherwise in subsection (2) of this  
17 section, each school that participates in the national school lunch  
18 program, the school breakfast program, or both, shall annually  
19 distribute and collect an application for all households of children  
20 in kindergarten through grade ~~((twelve))~~ 12 to determine whether a  
21 student meets federal eligibility for free or reduced-price meals. If  
22 a parent or guardian of a student needs assistance with application  
23 materials in a language other than English, the school shall offer  
24 appropriate assistance to the parent or guardian.

25       (b) If a student who, based on information available to the  
26 school, ~~((is likely eligible))~~ likely meets federal eligibility for  
27 free or reduced-price meals but has not submitted an application to  
28 determine eligibility, the school shall, in accordance with the  
29 authority granted under 7 C.F.R. Sec. 245.6(d), complete and submit  
30 the application for the student.

31       (2) Subsection (1) of this section does not apply to a school  
32 that provides free meals to all students in a year in which the  
33 school does not collect applications to determine student eligibility  
34 for free or reduced-price meals.

35       **Sec. 6.** RCW 28A.235.270 and 2018 c 271 s 4 are each amended to  
36 read as follows:

37       ~~((1))~~ No school or school district personnel or school  
38 volunteer may:

1       ~~((a) Take any action that would publicly identify a student who~~  
2 ~~cannot pay for a school meal or for meals previously served to the~~  
3 ~~student, including but not limited to requiring the student to wear a~~  
4 ~~wristband, hand stamp, or other identifying marker, or by serving the~~  
5 ~~student an alternative meal;~~

6       ~~(b))~~ (1) Require a student who cannot pay for ~~((a school meal or~~  
7 ~~for))~~ meals previously served to the student to perform chores or  
8 other actions in exchange for a meal or for the reduction or  
9 elimination of a school meal debt ~~((, unless all students perform~~  
10 ~~similar chores or work;~~

11       ~~(c))~~ ;

12       (2) Require a student to dispose of an already served meal  
13 because of ~~((the student's inability to pay for the meal or because~~  
14 ~~of))~~ money owed for meals previously served to the student; or

15       ~~((d))~~ (3) Allow any disciplinary action that is taken against a  
16 student to result in the denial or delay of a nutritionally adequate  
17 meal to the student ~~((; or~~

18       ~~(e) Require a parent or guardian to pay fees or costs in excess~~  
19 ~~of the actual amounts owed for meals previously served to the~~  
20 ~~student.~~

21       ~~(2) Communications from a school or school district about amounts~~  
22 ~~owed for meals previously served to a student under the age of~~  
23 ~~fifteen may only be directed to the student's parent or guardian.~~  
24 ~~Nothing in this subsection prohibits a school or school district from~~  
25 ~~sending a student home with a notification that is addressed to the~~  
26 ~~student's parent or guardian.~~

27       ~~(3) (a) A school district shall notify a parent or guardian of the~~  
28 ~~negative balance of a student's school meal account no later than ten~~  
29 ~~days after the student's school meal account has reached a negative~~  
30 ~~balance. Within thirty days of sending this notification, the school~~  
31 ~~district shall exhaust all options to directly certify the student~~  
32 ~~for free or reduced-price meals. Within these thirty days, while the~~  
33 ~~school district is attempting to certify the student for free or~~  
34 ~~reduced-price meals, the student may not be denied access to a school~~  
35 ~~meal unless the school district determines that the student is~~  
36 ~~ineligible for free or reduced-price meals.~~

37       ~~(b) If the school district is unable to directly certify the~~  
38 ~~student for free or reduced-price meals, the school district shall~~  
39 ~~provide the parent or guardian with a paper copy of or an electronic~~  
40 ~~link to an application for free or reduced-price meals with the~~



1 notification required by (a) of this subsection and encourage the  
2 parent or guardian to submit the application)).

3 **Sec. 7.** RCW 28A.235.285 and 2022 c 111 s 1 are each amended to  
4 read as follows:

5 (1) The office of the superintendent of public instruction shall  
6 initiate and oversee the development and implementation of a  
7 statewide electronic repository of household income information that  
8 is required for a student's enrollment in, or eligibility for, the  
9 national school lunch program, the school breakfast program, or both  
10 programs for the purpose of:

11 ~~((Removing barriers that diminish access to free and reduced-~~  
12 ~~price meals by students enrolled in eligible schools;~~

13 ~~(b))~~ Providing parents and legal guardians ~~((of students~~  
14 ~~enrolled in eligible schools))~~ with a voluntary, secure, and  
15 convenient online portal for providing household information that is  
16 required for participation in the national school lunch program, the  
17 school breakfast program, or both programs;

18 ~~((e))~~ (b) Providing student household income information to  
19 schools and school districts ~~((that provide meals at no charge to~~  
20 ~~students without using school meal applications to determine))~~ for  
21 purposes of determining eligibility for low-income programs for  
22 students and schools without the use of school meal applications; and

23 ~~((d))~~ (c) Ensuring an accessible, simplified process for  
24 enrolling students in, and administering, related nutrition programs,  
25 including the summer P-EBT program.

26 (2) In addition to the requirements of this section and other  
27 requirements deemed necessary by the superintendent of public  
28 instruction, the superintendent of public instruction shall ensure  
29 the electronic repository:

30 (a) Complies with any applicable federal requirements for  
31 participation in the national school lunch program, the school  
32 breakfast program, or both programs;

33 (b) Complies with any applicable requirements necessary for  
34 schools and school districts to access repository data;

35 (c) Complies with any applicable standards and requirements  
36 necessary to ensure that the repository data connects to the direct  
37 certification system and streamlines the process in a manner that  
38 maximizes the number of eligible students directly certified for free  
39 school meals each month;

1 (d) Includes robust safeguards, both technically and  
2 procedurally, to ensure that the income information provided by  
3 parents and legal guardians is secure and accessed only by  
4 individuals with express authorization to do so; and

5 (e) Is accessible online and easily navigable by parents and  
6 legal guardians, and in multiple languages, for the purpose of  
7 voluntarily providing the pertinent household income data.

8 (3) Household income information received by the office of the  
9 superintendent of public instruction, school employees, school  
10 district employees, or their designees in accordance with this  
11 section is exempt from disclosure under chapter 42.56 RCW and may not  
12 be disseminated except as provided by law.

13 (4)(a) Beginning in 2022, the office of the superintendent of  
14 public instruction shall report annually to the legislature by  
15 December 1st on the electronic repository, including: (i) The number  
16 of schools and school districts accessing the data of the electronic  
17 repository for providing household information that is required for a  
18 school's participation in the national school lunch program, the  
19 school breakfast program, or both programs; and (ii) recommendations  
20 for increasing the number of repository users and improving the  
21 technical functionality of the repository.

22 (b) In lieu of the report contents required in (a) of this  
23 subsection, the report required by December 1, 2022, shall include a  
24 plan, timeline, and cost estimate for: (i) Implementing the  
25 development of the repository; (ii) securing any needed vendors for  
26 its development and, if necessary, operation; and (iii) making the  
27 repository accessible to schools, school districts, and the public  
28 through appropriate electronic interfaces.

29 (5) For the purposes of this section, "school breakfast program"  
30 and "school lunch program" have the same meaning as in RCW  
31 28A.235.160.

32 **Sec. 8.** RCW 28A.235.300 and 2023 c 379 s 8 are each amended to  
33 read as follows:

34 (1)(a) Except as provided otherwise by this section, each public  
35 school that has an identified student percentage of at least 40  
36 percent as determined annually by April 1st, must participate in the  
37 United States department of agriculture's community eligibility  
38 provision in the subsequent school year and throughout the duration  
39 of the community eligibility provision's four-year cycle.

1 (b) School districts, to the extent practicable, shall group  
2 public schools for purposes of maximizing the number of public  
3 schools eligible to participate in the community eligibility  
4 provision. Individual schools participating in a group may have less  
5 than 40 percent identified students, provided the average identified  
6 student percentage for the group is at least 40 percent.

7 (2) Public schools that, through an arrangement with a local  
8 entity, provide meals to all students and at no costs to the students  
9 are exempt from the requirements of this section.

10 (3) ~~((This section governs))~~ The office of the superintendent of  
11 public instruction shall reimburse school districts, subject to the  
12 requirements of subsection (1) of this section, on a per meal  
13 reimbursement basis for meals that are not reimbursed at the United  
14 States department of agriculture's free rate. The additional state  
15 reimbursement amount must be the difference between the United States  
16 department of agriculture's free rate and the United States  
17 department of agriculture's paid rate, plus an additional amount of  
18 \$0.05 per meal or a higher amount if authorized in the omnibus  
19 appropriations act.

20 (4) Subsections (1) and (2) of this section govern school  
21 operation and management under RCW 28A.710.040 and 28A.715.020, and  
22 ~~((applies))~~ apply to charter schools established under chapter  
23 28A.710 RCW and state-tribal education compact schools established  
24 under chapter 28A.715 RCW to the same extent as ~~((it applies))~~ they  
25 apply to public schools and school districts.

26 ~~((4))~~ (5) For the purposes of this section, "identified  
27 student" means a student who is directly certified for free school  
28 meals based on the student's participation in other means-tested  
29 assistance programs, and students who are categorically eligible for  
30 free school meals without an application and not subject to income  
31 verification.

32 **Sec. 9.** RCW 28A.405.415 and 2023 c 379 s 7 are each amended to  
33 read as follows:

34 (1) Certificated instructional staff who have attained  
35 certification from the national board for professional teaching  
36 standards shall receive a bonus each year in which they maintain the  
37 certification. The bonus shall be calculated as follows: The annual  
38 bonus shall be \$5,000 in the 2007-08 school year. Thereafter, the

1 annual bonus shall increase by inflation, except that the bonus shall  
2 not be increased during the 2013-14 and 2014-15 school years.

3 (2) (a) Certificated instructional staff who have attained  
4 certification from the national board for professional teaching  
5 standards shall be eligible for bonuses in addition to that provided  
6 by subsection (1) of this section if the individual is in an  
7 instructional assignment in a school in which at least 70 percent of  
8 the students qualify for the free and reduced-price lunch program.

9 (b) An individual is eligible for bonuses authorized under this  
10 subsection (2) if he or she is in an instructional assignment in a  
11 school that meets the definition of high poverty school as defined in  
12 rule by the office of the superintendent of public instruction in the  
13 school year immediately preceding the school's participation in the  
14 United States department of agriculture's community eligibility  
15 provision.

16 (c) For the 2024-25 (~~and 2025-26~~) through 2029-30 school years,  
17 individuals are eligible for bonuses under this subsection if they  
18 are in an instructional assignment in a school providing meals at no  
19 charge to students under RCW 28A.235.135 that met the definition of  
20 high poverty school as defined in rule by the office of the  
21 superintendent of public instruction during the 2022-23 school year.

22 (3) The amount of the additional bonus under subsection (2) of  
23 this section for those meeting the qualifications of subsection (2)  
24 of this section is \$5,000.

25 (4) The bonuses provided under this section are in addition to  
26 compensation received under a district's salary schedule adopted in  
27 accordance with RCW 28A.405.200 and shall not be included in  
28 calculations of a district's average salary and associated salary  
29 limitations under RCW 28A.400.200.

30 (5) The bonuses provided under this section shall be paid in a  
31 lump sum amount.

32 NEW SECTION. **Sec. 10.** RCW 28A.235.260 (Free or reduced-price  
33 meals—Student assistance) and 2018 c 271 s 3 are each repealed.

34 NEW SECTION. **Sec. 11.** Section 10 of this act takes effect  
35 September 1, 2026.

36 NEW SECTION. **Sec. 12.** If specific funding for the purposes of  
37 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2025, in the omnibus appropriations act, this  
2 act is null and void.

--- **END** ---