

# HOUSE BILL REPORT

## E2SHB 2769

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**As Passed House:**

February 13, 2004

**Title:** An act relating to reducing hunger.

**Brief Description:** Reducing hunger.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Benson, Kagi, Nixon, Miloscia, Tom, Darneille, Dickerson, Linville, Hunter, G. Simpson, Kirby, Moeller, Schual-Berke, Chase, Upthegrove, Morrell, Wood and Hudgins).

**Brief History:**

**Committee Activity:**

Children & Family Services: 1/29/04, 2/2/04 [DPS];  
Appropriations: 2/9/04, 2/10/04 [DP2S(w/o sub CFS)].

**Floor Activity:**

Passed House: 2/13/04, 93-4.

**Brief Summary of Engrossed Second Substitute Bill**

- Requires all school districts to implement a school lunch program in each public school within its district during a two year phase-in period if at least 25 percent of the students in the school qualify for free or reduced-price lunch.
- Requires all schools offering a summer program to offer a summer food service program that is open to all children in the area if at least 50 percent of the children enrolled in the school qualify for free or reduced-price lunch unless the school can demonstrate the availability of an adequate alternative summer feeding program.
- Exempts a school district from the requirement to provide a meal program if the district shows good cause why it cannot comply.
- Requires the Department of Social and Health Services (DSHS) to implement simplified reporting by October 31, 2004.
- Requires the DSHS to provide transitional food stamp assistance for five months to eligible persons who cease to receive Temporary Assistance for Needy Families.

- Adds a null and void clause.

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## HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Kagi, Chair; Darneille, Vice Chair; Dickerson, Miloscia and Pettigrew.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey and Shabro.

**Staff:** Sonja Hallum (786-7092).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by 15 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Cody, Conway, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McIntire, Miloscia, Ruderman and Schual-Berke.

**Minority Report:** Do not pass. Signed by 12 members: Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cox, McDonald, Sump and Talcott.

**Staff:** Denise Graham (786-7137).

### **Background:**

Federal nutrition programs offer food assistance to low-income people. The federal nutrition programs are entitlement programs which allow federal funds to flow to the states to implement the programs. Food Stamps and child nutrition programs, such as school lunch, school breakfast and summer feeding programs, are a few of the federal nutrition programs.

### **Child Nutrition:**

All school meals served under the federal School Breakfast Program and National School Lunch Program receive some level of federal support. Schools that choose to participate in the program receive cash subsidies from the U.S. Department of Agriculture (USDA) for each meal they serve. In return, they must serve meals that meet federal requirements and must offer free or reduced-price meals to eligible children. Federal

reimbursements are the highest for free or reduced-price school meals served to low-income students.

In Washington, school lunch programs are not currently required for any school. School breakfast programs are currently mandated for "severe-need" schools. A school qualifies as "severe-need" if 40 percent or more of the lunches served over two prior years were free or reduced-price and the total breakfast costs exceed the non-severe-need USDA reimbursement rate.

Summer feeding programs offer food assistance to children during the summer months when the School Breakfast Program and National School Lunch Program are not operating. The National Summer Food Service Program provides federal funding for feeding programs to be included with summer activity programs. Washington does not currently require any summer programs to contain a feeding program.

### **Food Stamp Program:**

The Food Stamp Program is a federal program enabling low-income families to purchase eligible food at authorized retail food stores primarily through the use of electronic benefit cards. The USDA administers the program at the federal level and the state agencies administer the program at the state and local levels, including determination of eligibility and allotments, and distribution of benefits. In Washington, the Food Stamp Program is called the Basic Food Program.

Eligibility for the Food Stamp Program is based on financial and non-financial factors. The application process includes completing and filing an application form, being interviewed, and verifying facts crucial to determining eligibility. Once a household is determined eligible, the household must report changes in circumstances to the DSHS within 10 days of the change. Examples of changes in circumstances that must be reported include the following: sources of income, unearned income greater than \$50.00, household members, marital status, work hours, salary, child support, and medical or shelter costs.

A household may be eligible for the Food Stamp Program regardless of eligibility for other assistance including Temporary Assistance for Needy Families (TANF). The 2002 federal Food Stamp Reauthorization law allows a state the option of providing five months of transitional food stamps to families that leave TANF without requiring the family to reapply or submit any additional paperwork or other information. States may not provide transitional food stamps to families that cease to receive TANF cash assistance because of a sanction or to households that are disqualified from the Food Stamp Program.

### **Summary of Engrossed Second Substitute Bill:**

A null and void clause is added which states that the act is null and void unless funded in the budget by June 30, 2004.

**Child Nutrition:**

1. School Lunch:

The bill requires schools to implement a school lunch program in all public schools in which educational services are provided to children in any of the grades kindergarten through four that have at least one child who qualifies for a free or reduced-price lunch. The bill sets out the following implementation schedule that phases-in the requirement over a period of two years:

- a. Schools not offering a school lunch program and in which more than 25 percent of the enrolled students are eligible for free or reduced-price lunch must implement a school lunch program not later than the second day of school in the 2005-06 school year;
- b. Schools not offering either a school lunch program and in which less than 25 percent of the enrolled students are eligible for free or reduced-price lunch must implement a school lunch program not later than the second day of school in the 2006-07 school year.

The schools must distribute, collect, and review applications to determine eligibility for free and reduced-price lunches in all schools which do not offer a USDA child nutrition program.

The superintendent is authorized to establish minimum standards for the meal programs that are sufficient to qualify for federal reimbursement. If the federal reimbursement for any of the feeding programs lapses, the state requirement to have any of the school feeding programs will lapse.

2. Summer Program:

The bill requires all schools that offer summer academic, enrichment, or remedial services to offer a summer food service program that is open to all children in the area if at least 50 percent of the children enrolled in the school qualify for free or reduced-price lunch. However, a school may be exempted from this requirement if the school can demonstrate that an adequate alternate summer feeding program is available.

The sites must be open unless a compelling case can be made to limit access to the program.

The superintendent is required to adopt an implementation schedule for the summer food service program as follows:

- a) Beginning the summer of 2005 if the school currently offers a school breakfast or school lunch program at that time; or
- b) Beginning the summer following the school year during which a school implements either a school breakfast or school lunch program.

3. Methods of Meal Preparation:

Schools may meet the school lunch and summer feeding program requirements through any of the following methods:

- a) Preparing meals on-site at the individual schools;
- b) Receiving meals from other schools; or
- c) Contracting with a non-school entity that is a licensed food service establishment to provide the food.

**Food Stamp Program**

1. Simplified Reporting:

The bill mandates the Department of Social and Health Services (DSHS) to implement "simplified reporting" for the federal Food Stamp Program by October 31, 2004. "Simplified reporting" is defined to mean that the only report of changes in circumstance that a recipient of a benefit program must make between eligibility reviews is an address change or an increase of income that would result in ineligibility for the program. This requirement effectively means that a recipient of food stamps is only required to notify the DSHS if he or she has a change of income greater than 130 percent.

2. Transitional Benefits:

To the maximum extent allowable by federal law, beginning on October 31, 2005, the DSHS is required to continue to provide food stamp assistance for five months to a person who ceases to receive TANF assistance. The DSHS is authorized to extend the household's certification until the end of the transition period.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (Children & Family Services) (In support) In 2002, 10,000 households in Washington went hungry. Since the USDA began to keep hunger statistics,

Washington has been in the top five hungriest states. The federal government pays 100 percent of the food stamp benefit and 50 percent of the administrative costs. The people most affected by hunger are children, working adults, and elderly. Food banks have seen a change in the populations it serves. Less than 6 percent have public assistance as the primary source of income. Half of the people at food banks are children and elderly. When money is short, food is the first thing to be sacrificed in order to pay other bills or buy prescriptions. The rate of food insecurity is twice as high in households with children than in households without children. Studies have shown a direct correlation between hunger and problems with academic achievement. Ocosta School District serves 700 kids. Even in a school as small as this we can serve breakfast, lunch, and summer programs. We are in the black by reducing costs. At times, kids say there is nothing in the refrigerator and the school meal is the only meal they will have that day. Only 55-67 percent of eligible persons are enrolled in the Basic Food Program. Applying for Food Stamps is a difficult process and maintaining it can be a difficult process.

**Testimony For:** (Appropriations) This bill would complete the implementation of the federal free and reduced-price lunch program. Hungry students don't learn and hungry adults don't reach their highest potential. Many districts operate within the federal reimbursement for lunches, so there is not necessarily a cost to districts under this bill. Also, schools don't have to have their own kitchens. The OSPI has money for grants to school districts to cover start-up costs associated with school meal programs.

**Testimony Against:** (Children & Family Services) None.

**Testimony Against:** (Appropriations) None.

**Persons Testifying:** (Children & Family Services) (In support) Representative Pettigrew, prime sponsor; Rebekah Park, Washington Citizen Action; Linda Nageotte, Food Lifeline; Jack Laverty, The Auburn Food Bank; Shelley Rotondo, Northwest Harvest; Mark Jacobson, Ocosta School District; Ariane Shanley, Washington School Food Service Association; Judy Kaufmann, Washington Citizen Action; and Carrie Day, Welfare Rights Opportunity Coalition.

**Persons Testifying:** (Appropriations) (In support) Mark Jacobson, Ocosta School District; and Bob Cooper, Washington Citizens Action.

**Persons Signed In To Testify But Not Testifying:** (Children & Family Services) (In support) George Sneller, Office of Superintendent of Public Instruction; Greg Williamson, Office of Superintendent of Public Instruction; Linda Stone, Children's Alliance; Bob Cooper, Washington Citizen Action; Sam Pace, Executive Real Estate, Inc.; and Josephine, Howell, First Place.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) (In support) Kristen Rogers, National Association of Social Workers, Washington Association of Churches,

Food Lifeline, and Second Harvest Food Bank of the Inland Northwest; and Kevin Glackin-Coley, Children's Alliance.