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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2769

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State of Washington

58th Legislature

2004 Regular Session

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)

READ FIRST TIME 02/10/04.

1 AN ACT Relating to reducing hunger; amending RCW 74.08A.010; adding  
2 a new section to chapter 28A.235 RCW; adding a new section to chapter  
3 74.04 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that hunger and  
6 food insecurity are serious problems in the state. Since the United  
7 States department of agriculture began to collect data on hunger and  
8 food insecurity in 1995, Washington has been ranked each year within  
9 the top five states with the highest levels of hunger. A significant  
10 number of these households classified as hungry are families with  
11 children.

12 The legislature recognizes the correlation between adequate  
13 nutrition and a child's development and school performance. This  
14 problem can be greatly diminished through improved access to federal  
15 nutrition programs.

16 The legislature also recognizes that improved access to federal  
17 nutrition and assistance programs, such as the federal food stamp  
18 program, can be a critical factor in enabling recipients to gain the  
19 ability to support themselves and their families. This is an important

1 step towards self-sufficiency and decreased long-term reliance on  
2 governmental assistance and will serve to strengthen families in this  
3 state.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235  
5 RCW to read as follows:

6 (1) For the purposes of this section:

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

11 (b) "School lunch program" means a meal program meeting the  
12 requirements defined by the superintendent of public instruction under  
13 subsection (4) of this section.

14 (c) "Summer food service program" means a meal or snack program  
15 meeting the requirements defined by the superintendent of public  
16 instruction under subsection (5) of this section.

17 (2) School districts shall implement a school lunch program in each  
18 public school in the district in which educational services are  
19 provided to children in any of the grades kindergarten through four and  
20 in which twenty-five percent or more of the enrolled students qualify  
21 for a free or reduced-price lunch. In developing and implementing its  
22 school lunch program, each school district may consult with an advisory  
23 committee including school staff, community members, and others  
24 appointed by the board of directors of the district.

25 (3) Applications to determine free or reduced-price lunch  
26 eligibility shall be distributed and collected for all households of  
27 children in schools containing any of the grades kindergarten through  
28 four and in which there are no United States department of agriculture  
29 child nutrition programs. The applications that are collected must be  
30 reviewed to determine eligibility for free or reduced-price lunches.  
31 Nothing in this section shall be construed to require completion or  
32 submission of the application by a parent or guardian.

33 (4) Using the most current available school data on free and  
34 reduced-price lunch eligibility, the superintendent of public  
35 instruction shall adopt a schedule for implementation of school lunch  
36 programs at each school required to offer such a program under  
37 subsection (2) of this section as follows:

1 (a) Schools not offering a school lunch program and in which  
2 twenty-five percent or more of the enrolled students are eligible for  
3 free or reduced-price lunch shall implement a school lunch program not  
4 later than the second day of school in the 2005-06 school year and in  
5 each school year thereafter.

6 (b) Schools not offering a school lunch program and in which less  
7 than twenty-five percent of the enrolled students are eligible for free  
8 or reduced-price lunch shall implement a school lunch program not later  
9 than the second day of school in the 2006-07 school year and in each  
10 school year thereafter.

11 (c) The superintendent shall establish minimum standards defining  
12 the lunch meals to be served, and such standards must be sufficient to  
13 qualify the meals for any available federal reimbursement.

14 (d) Nothing in this section shall be interpreted to prevent a  
15 school from implementing a school lunch program earlier than the school  
16 is required to do so.

17 (5) Each school district shall implement a summer food service  
18 program in each public school in the district in which a summer program  
19 of academic, enrichment, or remedial services is provided and in which  
20 fifty percent or more of the children enrolled in the school qualify  
21 for free or reduced-price lunch. However, the superintendent of public  
22 instruction shall develop rules establishing criteria to permit an  
23 exemption for a school that can demonstrate availability of an adequate  
24 alternative summer feeding program. Sites providing meals should be  
25 open to all children in the area, unless a compelling case can be made  
26 to limit access to the program. The superintendent of public  
27 instruction shall adopt a definition of compelling case and a schedule  
28 for implementation as follows:

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

31 (b) Beginning the summer following the school year during which a  
32 school implements a school lunch program under subsection (4) of this  
33 section.

34 (6) Schools not offering a breakfast or lunch program may meet the  
35 meal service requirements of subsections (4) and (5) of this section  
36 through any of the following:

37 (a) Preparing the meals on-site;

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

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

5 (7) Requirements that school districts have a school lunch program  
6 under this section shall not create or imply any state funding  
7 obligation for these costs. The legislature does not intend to include  
8 these programs within the state's obligation for basic education  
9 funding under Article IX of the state Constitution.

10 (8) The requirements in this section shall lapse if the federal  
11 reimbursement for any school breakfasts, lunches, or summer food  
12 service programs is eliminated.

13 (9) School districts may be exempted from the requirements of this  
14 section by showing good cause why they cannot comply with the office of  
15 the superintendent of public instruction to the extent that such  
16 exemption is not in conflict with federal or state law.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04 RCW  
18 to read as follows:

19 (1) To the maximum extent allowable by federal law, the department  
20 shall implement simplified reporting for the food stamp program by  
21 October 31, 2004.

22 (2) For the purposes of this section, "simplified reporting" means  
23 the only changes in circumstance that a recipient of a benefit program  
24 must report between eligibility reviews are a change of address or an  
25 increase of income that would result in ineligibility for the benefit  
26 program. Every six months the assistance unit must either complete a  
27 semiannual report or participate in an eligibility review.

28 **Sec. 4.** RCW 74.08A.010 and 1997 c 58 s 103 are each amended to  
29 read as follows:

30 (1) A family that includes an adult who has received temporary  
31 assistance for needy families for sixty months after July 27, 1997,  
32 shall be ineligible for further temporary assistance for needy families  
33 assistance.

34 (2) For the purposes of applying the rules of this section, the  
35 department shall count any month in which an adult family member  
36 received a temporary assistance for needy families cash assistance

1 grant unless the assistance was provided when the family member was a  
2 minor child and not the head of the household or married to the head of  
3 the household.

4 (3) The department shall refer recipients who require specialized  
5 assistance to appropriate department programs, crime victims' programs  
6 through the department of community, trade, and economic development,  
7 or the crime victims' compensation program of the department of labor  
8 and industries.

9 (4) The department may exempt a recipient and the recipient's  
10 family from the application of subsection (1) of this section by reason  
11 of hardship or if the recipient meets the family violence options of  
12 section 402(A)(7) of Title IVA of the federal social security act as  
13 amended by P.L. 104-193. The number of recipients and their families  
14 exempted from subsection (1) of this section for a fiscal year shall  
15 not exceed twenty percent of the average monthly number of recipients  
16 and their families to which assistance is provided under the temporary  
17 assistance for needy families program.

18 (5) The department shall not exempt a recipient and his or her  
19 family from the application of subsection (1) of this section until  
20 after the recipient has received fifty-two months of assistance under  
21 this chapter.

22 (6) To the maximum extent allowable by federal law, beginning on  
23 October 31, 2005, the department shall provide transitional food stamp  
24 assistance for a period of five months to a household that ceases to  
25 receive temporary assistance for needy families assistance. If  
26 necessary, the department shall extend the household's food stamp  
27 certification until the end of the transition period.

28 NEW SECTION. Sec. 5. If any part of this act is found to be in  
29 conflict with federal requirements that are a prescribed condition to  
30 the allocation of federal funds to the state, the conflicting part of  
31 this act is inoperative solely to the extent of the conflict and with  
32 respect to the agencies directly affected, and this finding does not  
33 affect the operation of the remainder of this act in its application to  
34 the agencies concerned. Rules adopted under this act must meet federal  
35 requirements that are a necessary condition to the receipt of federal  
36 funds by the state.

1        NEW SECTION.   **Sec. 6.**   If specific funding for purposes of this  
2   act, referencing this act by bill or chapter number, is not provided by  
3   June 30, 2004, in the omnibus appropriations act, this act is null and  
4   void.

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