
SUBSTITUTE HOUSE BILL 2964

State of Washington

64th Legislature

2016 Regular Session

By House Appropriations (originally sponsored by Representatives Gregerson, Santos, Peterson, Rossetti, Kuderer, Stanford, Hudgins, Ormsby, Frame, and Bergquist)

READ FIRST TIME 02/09/16.

1 AN ACT Relating to eliminating lunch copays for students who
2 qualify for reduced-price lunches; amending RCW 28A.235.160; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the
6 challenges and difficulties of food insecurity affect Washington
7 households throughout the state. The legislature recognizes also that
8 many families rely on the food and nutritional benefits of reduced-
9 price school lunches, and that hungry students face additional
10 barriers to academic success.

11 The legislature further recognizes that the state's 2016-2017
12 biennial operating budget includes funding for eliminating lunch
13 copays for qualifying kindergarten through third grade students, and
14 that extending this copay elimination to students in the fourth
15 through twelfth grades is an appropriate and cost-effective way to
16 promote the health and academic success of students who qualify for
17 reduced-price lunches.

18 **Sec. 2.** RCW 28A.235.160 and 2005 c 287 s 1 are each amended to
19 read as follows:

20 (1) For the purposes of this section:

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

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

7 (c) "School lunch program" means a meal program meeting the
8 requirements defined by the superintendent of public instruction
9 under subsection (2)(b) of this section.

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

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

15 ~~((e))~~ (f) "Summer food service program" means a meal or snack
16 program meeting the requirements defined by the superintendent of
17 public instruction under subsection (4) of this section.

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

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

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

1 (i) 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
4 not later than the second day of school in the 2005-06 school year
5 and in each school year thereafter.

6 (ii) The superintendent shall establish minimum standards
7 defining the lunch meals to be served, and such standards must be
8 sufficient to qualify the meals for any available federal
9 reimbursement.

10 (iii) Nothing in this section shall be interpreted to prevent a
11 school from implementing a school lunch program earlier than the
12 school is required to do so.

13 (3) To the extent funds are appropriated for this purpose, each
14 school district shall implement a school breakfast program in each
15 school where more than forty percent of students eligible to
16 participate in the school lunch program qualify for free or reduced-
17 price meal reimbursement by the school year 2005-06. For the second
18 year before the implementation of the district's school breakfast
19 program, and for each subsequent school year, each school district
20 shall submit data enabling the superintendent of public instruction
21 to determine which schools within the district will qualify for this
22 requirement. Schools where lunch programs start after the 2003-04
23 school year, where forty percent of students qualify for free or
24 reduced-price meals, must begin school breakfast programs the second
25 year following the start of a lunch program.

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

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

1 (b) Beginning the summer following the school year during which a
2 school implements a school lunch program under subsection (2)(b) of
3 this section.

4 (5) Schools not offering a breakfast or lunch program may meet
5 the meal service requirements of subsections (2)(b) and (4) of this
6 section through any of the following:

7 (a) Preparing the meals on-site;

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

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

12 (6) Requirements that school districts have a school lunch,
13 breakfast, or summer nutrition program under this section shall not
14 create or imply any state funding obligation for these costs. The
15 legislature does not intend to include these programs within the
16 state's obligation for basic education funding under Article IX of
17 the state Constitution.

18 (7) To the extent funds are appropriated for this purpose,
19 beginning in the 2016-17 school year, school districts with school
20 lunch programs must begin to eliminate lunch copays for students in
21 prekindergarten through twelfth grade who qualify for reduced-price
22 lunches. This phase out must begin with schools with the highest
23 poverty levels, defined as those schools with the highest percentages
24 of students qualifying for free and reduced-price lunch support in
25 the prior school year, until lunch copays are completely eliminated
26 in the 2020-21 school year.

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

30 ((+8)) (9) School districts may be exempted from the
31 requirements of this section by showing good cause why they cannot
32 comply with the office of the superintendent of public instruction to
33 the extent that such exemption is not in conflict with federal or
34 state law. The process and criteria by which school districts are
35 exempted shall be developed by the office of the superintendent of
36 public instruction in consultation with representatives of school
37 directors, school food service, community-based organizations and the
38 Washington state PTA.

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