

# HOUSE BILL REPORT

## HB 2610

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### As Reported by House Committee On:

Education  
Appropriations

**Title:** An act relating to a hunger-free students' bill of rights.

**Brief Description:** Creating the hunger-free students' bill of rights act.

**Sponsors:** Representatives Peterson, Bergquist, Pollet, Gregerson, Appleton, Valdez, Ryu, Jinkins, Macri, Tarleton, Hudgins, McBride, Doglio, Stonier, Fey, Goodman, Santos, Frame and Stanford.

### Brief History:

#### Committee Activity:

Education: 1/15/18, 1/25/18 [DP];

Appropriations: 2/3/18, 2/6/18 [DPS].

#### Brief Summary of Substitute Bill

- Prohibits schools and districts from taking action directed at a student to collect unpaid school meal fees or from publicly identifying or stigmatizing a student who cannot pay for a school meal.
- Prohibits the denial or delay of a nutritionally adequate meal because of disciplinary action taken against a student.
- Requires school districts to notify parents or guardians of the negative balance of a student's school meal account no later than 10 days after the account has reached a negative balance.
- Requires the Office of the Superintendent of Public Instruction to collect, analyze, and promote to school districts and community-based organizations best practices in local meal charge policies.
- Requires schools and districts to improve systems to identify homeless students, students in foster care, runaway students, and migrant students to ensure that each student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

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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 a part of the legislation nor does it constitute a statement of legislative intent.*

- Requires schools and districts, at least monthly, to directly certify students for free school meals if the students qualify because of enrollment in assistance programs.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 12 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Muri, Assistant Ranking Minority Member; Bergquist, Johnson, Kilduff, Lovick, Ortiz-Self, Senn, Slatter and Valdez.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Harris, Ranking Minority Member; Caldier, Hargrove, McCaslin, Steele and Volz.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Stokesbary.

**Staff:** Katie Choate (786-7296) and Ethan Moreno (786-7386).

### **Background:**

In the 2016-17 school year, 473,309 Washington students, or 43 percent, were enrolled in the free or reduced price meals program (FRPM). In the 2015-16 school year, the most recent available data, 39,671 Washington students or 3.7 percent were identified as homeless.

#### Federal School Nutrition Programs.

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) are child nutrition programs funded by the United States Department of Agriculture (USDA). In Washington, the Office of the Superintendent of Public Instruction (OSPI) administers the program. The NSLP and the SBP are designed to promote the health and well-being of children by providing nutritionally balanced, low-cost or no-cost meals to children each school day. The NSLP and the SBP provides reimbursement for meals served that meet federal requirements. Public or nonprofit private schools and public or nonprofit private residential child care institutions may participate in the NSLP and the SBP.

#### Federal Reimbursement Rates.

Washington falls under the category of states that have fewer than 60 percent of students who qualify for FRPM. Reimbursement rates vary based on the type of meal served; the number of students who qualify for FRPM; and other factors.

#### The McKinney-Vento Act.

In 2015 the federal McKinney-Vento Homeless Education Assistance Act (Act) was reauthorized requiring the delivery of services to remove barriers to the enrollment and retention of homeless children and youth in schools. Every school district or local education agency (LEA) is required to implement the Act. In implementing the Act, the LEAs must appoint a local homeless liaison who is responsible for ensuring that homeless children and youth are identified, enrolled immediately in school, and linked to services. A local homeless

liaison must be an employee of the school district they are serving and may be a school social worker, school counselor, educator, federal programs administrator, or school support staff.

The law also requires the LEAs to identify homeless children and youth and enable homeless children and youth to participate in federal, state, and local nutrition programs for which they are eligible.

The Act defines "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence. Examples of eligible individuals include:

- children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals; and
- children and youths who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for a human.

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### **Summary of Bill:**

Schools are required to provide a meal that qualifies for federal reimbursement as an FRPM to each student requesting a meal, unless requested otherwise by a parent or guardian. Students requesting a meal may receive one regardless of the student's ability to pay for the meal or for meals previously served to the student. Schools are required to take specified actions, including contacting the parent or guardian, if a student has not paid for five or more previous meals.

Schools participating in the NSLP or the SBP must annually distribute and collect applications for households of children in kindergarten through twelfth grade to determine student eligibility for FRPMs, and, if necessary, provide language assistance with application materials. Schools are required in accordance with federally-granted authority to complete and submit an eligibility application for a student if, based on information available to the school, the student is likely eligible for FRPMs.

Schools and districts are prohibited from publicly identifying or stigmatizing, or taking any action that would likely publicly identify or stigmatize, a student who cannot pay for a school meal or for meals previously served to the student. Schools and districts are also prohibited from requiring parents or guardians to pay fees or costs from collection agencies hired to collect amounts owed for previously served meals.

School districts must designate local liaisons for homeless children and youths to coordinate with the applicable school nutrition program to ensure that each homeless student has proper access to free school meals.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Students who need access to food need to be in an environment that is safe and non-stigmatizing. Stakeholders want to protect students and provide them an opportunity to learn at their best ability. This bill requires schools to offer food assistance. Food is part of the foundation for basic needs, and is needed for students to properly perform in school. No student should be at an academic disadvantage based on their race, culture, or socioeconomic status. This bill provides security for students.

Best practices for lunch time regulations recommend a clear lunch length because time is a barrier. The current language is too vague and students cannot eat a full meal and take care of personal hygiene during their lunch break. Students should have enough time to actually eat their lunch. Twenty minutes is recommended and in a study done by the University of Washington Public Health, the average lunch time in the state was 13 minutes.

Stakeholders would also like access and availability for foster kids in the same way that homeless children are identified in this bill. It is not the responsibility of children to take the responsibility of their parents. Foster children need access to healthy meals.

(Opposed) None.

(Other) Stakeholders worry about the financial burden to school districts for administrative time under the bill and for meals that aren't paid for, and outreach requirements to families. This bill also does not include public preschools. The USDA just mandated meal charge policies requiring local policies to be adopted, and the bill may be in conflict with these newly adopted rules.

**Persons Testifying:** (In support) Representative Peterson, prime sponsor; Joe Hofman, State Board of Education; Amy Ulrich, Washington State Parent Teacher Association; and Claire Lane, Anti-Hunger and Nutrition Coalition.

(Other) Donna Parsons, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** None.

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**HOUSE COMMITTEE ON APPROPRIATIONS**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist, Cody, Fitzgibbon, Graves, Hansen, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Stanford, Sullivan and Tharinger.

**Minority Report:** Do not pass. Signed by 14 members: Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant

Ranking Minority Member; Buys, Caldier, Condotta, Haler, Harris, Manweller, Schmick, Taylor, Vick, Volz and Wilcox.

**Staff:** Jordan Clarke (786-7123).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:**

The Appropriations Committee (Committee) recommended the removal of a provision requiring schools to provide meals to each requesting student, regardless of the student's ability to pay for the meal or of any amount owed for previous meals. The Committee added requirements that school districts improve systems to identify students in foster care, runaway students, and migrant students to ensure that each student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied. The Committee also added requirements that schools and districts, at least monthly, directly certify students for free school meals if the students qualify because of enrollment in assistance programs. The Committee added a requirement for the Office of the Superintendent of Public Instruction (OSPI) to collect, analyze, and promote to school districts and community-based organizations best practices in local meal charge policies that are required by a specified memorandum of the United States Department of Agriculture.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) One in five Washington children do not know where their next meal will come from. This bill would ensure that no hungry child misses a school meal. It addresses the issue of shaming children for uncollected payments for school meals, which has risen to national attention. This shaming could be in the form of a handstamp that marks the child's debt for all students to see, or when a meal that everyone else is eating is taken away from a student and replaced with a sandwich. Schools and school districts deserve to be paid for the meals they provide to students, but this bill takes the responsibility of the meal debt and puts it on the shoulders of the adults responsible. Communications about debt will go directly to the parent and not the child, and parents and school administration will then work together to ensure that eligible students enroll in the free and reduced price meal program.

(Opposed) There is a fiscal impact issue with the way the bill is currently written. It is impossible for schools to know the impact of this legislation if it passes because students who do not currently eat school meals due to finances, and do not have charges, may start eating. In addition, parents who struggle to pay, but still pay, for school meals may decide not to pay. The meal still needs to be funded, and one of the consequences might be that districts may need to dismantle other meal programs in order to cover the costs of this unfunded mandate. An estimated impact to implement the bill for one mid-sized school

district with 10,000 students is \$176,000 per year in loss of revenue. If the bill does not move forward, legislators could work with stakeholders to find a solution that is fiscally sound.

(Other) The OSPI agrees with both testimonies. There are some significant financial concerns for districts as the bill is currently written, but the OSPI does support the underlying policy and proposal.

**Persons Testifying:** (In support) Christina Wong, Northwest Harvest.

(Opposed) Mitch Denning, Alliance of Educational Associations.

(Other) Dave Mastin, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** None.