

SENATE BILL REPORT

SHB 2712

As of February 21, 2018

Title: An act relating to eliminating lunch copays for students who qualify for reduced-price lunches.

Brief Description: Eliminating lunch copays for students who qualify for reduced-price lunches.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Gregerson, Appleton, Bergquist, Stokesbary, Pollet, Dent, Senn, Caldier, Irwin, Stambaugh, Lovick, Sells, Pettigrew, Hudgins, Wylie, Tarleton, Macri, Sullivan, McBride, Stanford, Doglio, Dolan, Kloba, Valdez, Chapman, Slatter, Orwall, Riccelli, Jinkins, Pellicciotti, Ormsby, Kilduff, Sawyer, McDonald, Peterson, Tharinger, Frame, Goodman, Santos and Kagi).

Brief History: Passed House: 2/12/18, 59-39.

Committee Activity: Early Learning & K-12 Education: 2/19/18.

Brief Summary of Bill

- Eliminates lunch copays, to the extent funds are appropriated, for students in prekindergarten through third grade who qualify for reduced-price lunches.
- Directs the Office of the Superintendent of Public Instruction (OSPI) to develop and implement a plan to increase the number of schools participating in the community eligibility provision starting in the 2018-19 school year.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Free and Reduced-Price Meals. School breakfast and lunch programs are subsidized by the U.S. Department of Agriculture (USDA), the state, and student co-pays based on family income. In order for students to qualify for free meals, their family's income must be at or below 130 percent of the federal poverty level. Students whose families have income between 130 percent and 185 percent of the federal poverty level are eligible for

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reduced price meals. For the period of July 1, 2017, to June 30, 2018, 130 percent of the poverty level is \$31,980 for a family of four and 185 percent is \$44,510. OSPI reports that 471,138 or 43.4 percent of public school students were eligible for free and reduced-price meals in Washington in October 2016.

In the operating budget, the Legislature has appropriated state funds to help feed low-income students, which includes eliminating reduced-price co-pays. USDA requires a standard co-pay for reduced-price meals—\$0.30 for breakfast and \$0.40 for lunch. Normally, school districts would collect this fee from households that participate in the child nutrition programs. However, in Washington, the state pays the reduced-price co-pay for breakfasts served to all eligible students. The state also pays the lunch co-pay for students in kindergarten through third grade. For fiscal year 2017, the Legislature provided \$7.11 million for child nutrition programs of which \$2.1 million was spent on the elimination of reduced-price co-pays for breakfast and lunch.

Community Eligibility Provision (CEP). Under the Healthy, Hunger-Free Kids Act of 2010, the National School Lunch Program includes a universal meal program called CEP. CEP allows schools with high numbers of low-income children to serve free breakfast and lunch to all students without collecting school meal applications. CEP is available to public, private, and tribal schools.

A school, group of schools, or district is eligible for CEP if at least 40 percent of its students are identified as eligible for free meals through means other than household applications. For example, students are directly certified through basic food, Temporary Assistance for Needy Families, and foster children. Other eligible students include migrant or homeless students and students participating in Head Start and the Early Childhood Education and Assistance Program (ECEAP). In the 2017-18 school year, 232 school sites are participating in CEP.

Summary of Bill: Elimination of Lunch Copays. To the extent funds are appropriated for this purpose, beginning in the 2018-19 school year, school districts with school lunch programs must eliminate lunch copays for students in prekindergarten through third grade who qualify for reduced-price lunches. Lunch copay means the amount a student who qualifies for a reduced-price lunch is charged for a reduced-price lunch.

Participation in CEP. OSPI must develop and implement a plan to increase the number of schools participating in CEP for the 2018-19 school year and subsequent years.

OSPI must work jointly with community-based organizations and national experts focused on hunger and nutrition, at least two school representatives, and the state agency responsible for Medicaid direct certification.

The plan must describe how OSPI will:

- identify and recruit eligible schools to implement CEP, with the goal of increasing the participation rate of eligible schools to at least the national average;
- provide comprehensive outreach and technical assistance to school districts and schools;
- support breakfast after the bell programs to adopt CEP;

- work with school districts to group schools in order to maximize the number of schools implementing CEP; and
- determine the maximum percentage of students eligible for free meals where participation in CEP provides the most support for a school, school district, or group of schools.

OSPI must convene the organizations working jointly on the plan, on a monthly basis, to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts, until June 30, 2019.

Beginning in 2018, OSPI must report annually the number of schools that have implemented CEP to the Legislature by September 1 of each year. The report must identify:

- any barriers to implementation;
- recommend policy and legislative solutions to overcome those barriers;
- reasons potentially eligible schools and school districts decide not to adopt CEP; and
- approaches in other states to adopting CEP.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 14, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: For a hungry child, a school meal can offer more than nutrition. It can offer temporary respite from the constant anxiety of getting enough to eat, and it improves student learning. Requiring families to pay copays for school meals may lead the family to have to make a choice between paying for school meals and paying for utilities. This bill would eliminate copays for students in prekindergarten in addition to students in kindergarten through third grade, which is already funded in the budget. This bill will also help figure out why schools are not taking advantage of CEP.

Persons Testifying: PRO: Representative Mia Gregerson, Prime Sponsor; Claire Lane, Anti-Hunger & Nutrition Coalition; Nikki Hurley, Northwest Harvest; Donna Parsons, OSPI; Mitch Denning, Alliance of Educational Associations.

Persons Signed In To Testify But Not Testifying: No one.