

FINAL BILL REPORT

ESHB 2660

C 288 L 20
Synopsis as Enacted

Brief Description: Increasing the availability of school meals provided to public school students at no student cost.

Sponsors: House Committee on Education (originally sponsored by Representatives Riccelli, Harris, Santos, Shewmake, Leavitt, Steele, Stonier, Hudgins, Senn, Gregerson, Doglio, Peterson, Thai, Rude, Valdez, Chapman, Bergquist, Goodman, Callan, Tharinger, Maycumber, Pollet, Davis, Kretz and Macri).

House Committee on Education
House Committee on Appropriations
Senate Committee on Early Learning & K-12 Education
Senate Committee on Ways & Means

Background:

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. In Washington, the Office of the Superintendent of Public Instruction (OSPI) administers the programs. 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 provide reimbursement for meals served that meet federal requirements.

Free and Reduced-Price Meals.

To qualify for free school meals, a student's family income must be at or below 130 percent of the federal poverty level. To qualify for reduced-price meals, a student's family income must be between 130 percent and 185 percent of the federal poverty level. Students whose families earn more than 185 percent of the federal poverty level pay full price, but the meals are federally subsidized to some extent. In the 2018-19 school year, 478,590 Washington students, or 43 percent of the overall student population, were enrolled in the free or reduced-price meals (FRPMs) program.

Community Eligibility Provision.

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.

The Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act provides an alternative to household applications for FRPM by allowing schools with high numbers of low-income students to serve free meals to all students. A school, group of schools, or school district is eligible for the CEP if at least 40 percent of its students are identified as eligible for free meals through means other than household applications, examples of which include: students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families, and foster, homeless, and migrant students that are categorically eligible. The percentage of eligible students identified without using household applications is the Identified Student Percentage (or ISP).

In the 2019-20 school year, 319 schools from 89 districts in the state met the ISP requirements and are participating in the CEP.

Recent Legislative Actions.

Legislation adopted in 2018 directed the OSPI to develop and implement a plan to increase the number of schools participating in the CEP for the 2018-19 school year and subsequent years. The legislation required the OSPI to convene monthly stakeholder meetings until June 31, 2019, to report on the status of the plan and to coordinate outreach and technical assistance efforts to districts. The legislation, which included identification, outreach, and collaboration duties for the OSPI, also required the OSPI to annually provide reports to the Legislature each December 1 on the number of schools participating in the CEP. The annual reports must also identify:

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

The 2019-21 State Omnibus Operating Appropriations Act included \$119,000 for each of fiscal years 2020 and 2021 to support increasing the number of schools participating in the CEP and to support breakfast after the bell programs in schools that have adopted the CEP.

Learning Assistance Program.

The Learning Assistance Program (LAP) is part of the state's program of basic education and provides supplemental instruction and services to assist students who are not meeting academic standards, and to reduce disruptive classroom behaviors.

The state funding allocation for the LAP is based on the percentage of students enrolled in the school district who are eligible for FRPMs in the prior school year, but students do not have to be eligible for FRPMs to be served in the LAP.

National Board for Professional Teaching Standards—Bonuses.

Certificated instructional staff (CIS) who have attained certification from the National Board for Professional Teaching Standards (National Board Certification) receive a bonus each year in which they maintain the certification. The bonus amount is adjusted for inflation, and the annual bonus per CIS in the 2019-20 school year is \$5,505.

If the CIS is in an instructional assignment in a school in which at least 70 percent of the students qualify for the free and reduced-price lunch program, or as otherwise provided in the biennial operating budget, the CIS is eligible for an additional \$5,000 bonus per year.

Summary:

Mandatory Participation in the Community Eligibility Provision for Qualifying Schools.

Except as provided otherwise, each school with students in or below grade 8 that has an ISP of at least 62.5 percent, as determined annually by each April 1, must participate in the CEP in the subsequent school year and throughout the duration of the CEP's four-year cycle. Schools that provide meals to all students and at no cost to the students through an arrangement with a local entity are exempted from the CEP participation requirements.

For purposes of the CEP participation requirements, "identified student" is defined as a student who is directly certified for free school meals based on the student's participation in other means-tested assistance programs, and students who are categorically eligible for free school meals without an application and not subject to income verification.

Learning Assistance Program.

Provisions governing the state funding allocation for the LAP are modified to allow schools participating in the CEP to receive funding allocations based on the district's percentage of students who were eligible for FRPMs for the school year that preceded the school's participation in the CEP, or the district's percentage of students who were eligible for FRPMs in the prior school year, whichever is greater.

National Board for Professional Teaching Standards—Bonuses.

Provisions governing bonus eligibility for qualifying instructional staff are modified. A CIS with National Board Certification is eligible for the annual \$5,000 bonus for instructional assignments in qualifying schools if the CIS is an instructional assignment in a school that meets the definition of "high poverty school" as defined by the OSPI in the school year preceding the school's participation in the CEP.

Office of the Superintendent of Public Instruction.

Duties of the OSPI related to the CEP are modified. The requirement to convene monthly meetings with organizations working on a plan to increase the number of students participating in the CEP is reenacted and extended by two years until June 30, 2021. In completing these duties, the OSPI and the organizations working jointly on the plan must also, by December 1, 2020, examine the impacts to schools and districts that can result from participation in the CEP and identify approaches to addressing those impacts.

Votes on Final Passage:

| | | | |
|--------|----|---|-------------------|
| House | 97 | 1 | |
| Senate | 45 | 4 | (Senate amended) |
| House | 95 | 2 | (House concurred) |

Effective: June 11, 2020