

# SENATE BILL REPORT

## ESHB 2660

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As Passed Senate - Amended, March 5, 2020

**Title:** An act relating to increasing the availability of school meals provided to public school students at no student cost.

**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).

**Brief History:** Passed House: 2/17/20, 97-1.

**Committee Activity:** Early Learning & K-12 Education: 2/26/20, 2/28/20 [DPA-WM].  
Ways & Means: 2/29/20, 3/02/20 [DPA (EDU), DNP, w/oRec].

**Floor Activity:**

Passed Senate - Amended: 3/05/20, 45-4.

### Brief Summary of Amended Bill

- Requires schools with students in or below eighth grade and have at least 62.5 percent of students who directly certify for free school meals to participate in the community eligibility provision (CEP), which provides free meals to all students in a school.
- Directs the Office of the Superintendent of Public Instruction to examine the impacts of participating in CEP and identify approaches to address them.
- Allows Learning Assistance Program funding and the National Board Certified Teacher Bonus to be based on the percentage of students qualifying for free and reduced-price meals in the school year immediately preceding participation in CEP.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

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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.*

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy, Hunt, McCoy, Mullet, Padden, Pedersen, Salomon and Wagoner.

**Staff:** Ailey Kato (786-7434)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Lias, Pedersen and Van De Wege.

**Minority Report:** Do not pass.

Signed by Senator Schoesler.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker, Muzzall, Wagoner, Warnick and Wilson, L..

**Staff:** Jeffrey Naas (786-7708)

**Background:** Free and Reduced-Price Meals. The National School Lunch Program and the School Breakfast Program are federally assisted meal programs. School meal programs are subsidized by the U.S. Department of Agriculture (USDA), the state, and student co-pays based on income.

Students whose families have income at or below 130 percent of the federal poverty level are eligible for free meals. Students whose families have income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals.

Federal law requires public and private schools choosing to participate in these programs to make free and reduced-price meals available to all eligible children. State law requires certain school districts to implement lunch and breakfast food service programs based on percentages of eligible children in certain grades. In the 2018-19 school year, 478,590 students, or 43 percent, received free or reduced-price meals.

Direct Certification. Federal law provides that certain students are deemed categorically eligible for free school meals, which includes students who are or have household members participating in the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Need Families (TANF) Program, or the Food Distribution Program on Indian Reservations. Students are also categorically eligible if they are homeless, migrant, in foster care, or enrolled in Head Start or other eligible prekindergarten program. Direct certification systems match student enrollment lists against assistance agencies whose participants are categorically eligible for free meals.

Community Eligibility Provision. The Healthy, Hunger-Free Kids Act of 2010 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 direct certification.

CEP Plan. In 2018, the Legislature directed OSPI to develop and implement a plan to increase the number of schools participating in CEP. OSPI must convene certain organizations to report on the status of the plan and coordinate outreach and technical assistance to schools and districts. In the 2019-20 school year, 89 districts participated in CEP and 319 schools.

Learning Assistance Program Funding. The Learning Assistance Program (LAP) is designed to provide supplemental instruction and services to assist students who are not meeting academic standards and to reduce disruptive behaviors in the classroom. Allocations for LAP is based on a school district's percentage of students who were eligible for free or reduced-price meals in the prior school year. Qualifying schools, with 50 percent or more of students who qualify for free or reduced-price meals, receive an additional high poverty-based allocation.

National Board Certified Teacher Bonus. Certificated instructional staff who have attained certification from the National Board for Professional Teaching Standards receive a bonus each year in which they maintain the certification. For the 2019-20 school year, the bonus is \$5,505, which is adjusted for inflation.

Certificated instructional staff who have attained the certification are eligible for an additional \$5,000 bonus if they teach in a school in which at least 70 percent of the students qualify for free and reduced-price lunch. This additional bonus is referred to as the challenging schools or high poverty schools bonus. OSPI rule, which is in line with a budget proviso, defines high poverty schools as schools where, for the prior year, the student headcount enrollment eligible for free or reduced-price lunch program was at least:

- 70 percent for elementary schools;
- 60 percent for middle schools; and
- 50 percent for high schools.

**Summary of Amended Bill:** Community Eligibility Provision. Each school with students in or below eighth grade that has an identified student percentage of at least 62.5 percent, as determined annually by April 1st, must participate in CEP in the subsequent school year and throughout the duration of the four-year cycle. "Identified student" means 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.

Schools that already provide meals to all students at no cost through local agreements are exempt from this requirement.

CEP Plan. By December 1, 2020, OSPI and certain organizations must examine the impacts to schools and districts that can result from participation in CEP and identify approaches to addressing those impacts.

Learning Assistance Program Funding. Allocations for LAP is based on the greater of either:

- the district's percentage of students who were eligible for free or reduced-price meals for the school year immediately preceding in the district's participation, in whole or part, in CEP; or
- the district's percentage of students who were eligible for free or reduced-price meals in the prior school year.

For the purposes of the additional high poverty-based allocation, a school continues to meet the definition of qualifying schools if the school participates in CEP and met the definition of a qualifying school in the year immediately preceding their participation.

National Board Certified Teacher Bonus. Certificated instructional staff are eligible for the “high poverty schools” bonus if the staff is in an instructional assignment in a school that meets the definition of high poverty school as defined in rule by OSPI in the school year immediately preceding the school's participation in CEP.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Substitute House Bill (Early Learning & K-12 Education):** *The committee recommended a different version of the bill than what was heard.* PRO: Hungry students struggle to learn and thrive. The federal CEP program is available and not being utilized to provide free meals to students in low-income schools. CEP reduces stigma because all students receive free meals; it eliminates meal debt and the consequences students face because of debt; and it increases the effectiveness of breakfast after the bell programs. Washington has a low rate of participation in CEP. This bill was narrowed to only require 15 school districts to participate in CEP, but this is a smart way to start. Some state funding depends on free and reduced-price meal metrics, but a household income survey can collect this information. This bill will help hold schools harmless when they transition to CEP.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Representative Marcus Riccelli, Prime Sponsor; Claire Lane, Anti-Hunger & Nutrition Coalition; Akarim Abdi, student; Fatema Metwally, student; Sara Seelmeyer, United Way of King County.

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):** PRO: Simone Boe, Washington Education Association; Donna Parsons, Washington School Nutrition Association; Leanne Eko, OSPI; Maria Huang, Washington Chapter of American Academy Pediatrics.

**Staff Summary of Public Testimony on Bill as Amended by Early Learning & K-12 Education (Ways & Means):** PRO: We have supported ESHB 2660 in House Education, House Appropriations and Senate Early Learning and K-12 during this session. Hungry students can not learn. Currently the Federal Community Eligibility Provision (CEP) program is available and not being utilized to provide free-meals in low income schools. This bill, as amended previously this session, would require 18 school districts to begin the CEP program and feed all students in grades eight and below for free. At the same time these school districts are held harmless as they transition into CEP. The bill also protects these districts' LAP and National Board Certified Teacher bonus funding as they move into this program. We urge you to move this bill in its present form out of your committee. It is a challenge to feed high poverty kids. More kids will be eligible to receive free meals.

Three out of four of our teachers report hungry students in their classrooms and students cannot learn when they are dealing with food insecurity. This bill would allow 7000 more students in our state to receive meals in their schools. There are roughly 50,000 children being raised by relatives in the state of Washington and those are children outside of the formal dependency system. Many of those relatives are on a fixed or low income, however they may be slightly above the income level to qualify for a free meal at school. This bill allows for more of those children to be eligible for the school meal programs and offset some of the concerns and issues that the caregivers are facing.

**Persons Testifying (Ways & Means):** PRO: Simone Boe, Washington Education Association; Laurie Lippold, Partners for Our Children; Mitch Denning, Alliance of Educational Associations

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.