
HOUSE BILL 2298

State of Washington

66th Legislature

2020 Regular Session

By Representatives Leavitt, Eslick, Shewmake, Kilduff, Bergquist, Wylie, Doglio, Gregerson, Riccelli, and Appleton

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1 AN ACT Relating to providing families of public school students
2 with information about free and reduced-price meals; amending RCW
3 28A.235.160; and 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 student
6 success is linked with nutrition. Students who lack access to stable
7 sources of nutritious foods in the proper quantity are more likely to
8 have lower grades, higher rates of absenteeism, and an inability to
9 focus. As stated in a health and academic achievement report by the
10 centers for disease control and prevention, healthy students are
11 better learners, and all students deserve the opportunity to be
12 healthy and successful.

13 The legislature also recognizes that recent actions to increase
14 student access to breakfasts and lunches have lessened the likelihood
15 that students will go hungry, but that food insecurity issues are
16 persistent and often extend beyond the school day and calendar.

17 The legislature, therefore, intends to take additional action to
18 reduce student exposure to hunger and food insecurity, and to
19 correspondingly promote student success, by directing school
20 districts, through a designated coordinator, to provide information
21 to students' families about free or reduced-price meals that may be

1 available during the summer and academic breaks occurring in the
2 school year.

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

5 (1) For the purposes of this section:

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

10 (b) "School lunch program" means a meal program meeting the
11 requirements defined by the superintendent of public instruction
12 under subsection (2) ~~((b))~~ (d) of this section.

13 (c) "School breakfast program" means a program meeting federal
14 requirements defined in 42 U.S.C. Sec. 1773.

15 (d) "Severe-need school" means a school that qualifies for a
16 severe-need school reimbursement rate from federal funds for school
17 breakfasts served to children from low-income families.

18 (e) "Summer food service program" means a meal or snack program
19 meeting the requirements defined by the superintendent of public
20 instruction under subsection (4) of this section.

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

30 ~~((a))~~ (b) Each school district with a school lunch program must
31 designate a coordinator, who may be an existing employee of the
32 district, to provide families of students with information about free
33 or reduced-price meals that may be available to students through
34 summer food service programs and programs that provide meals during
35 academic breaks occurring in the school year.

36 (c) Applications to determine free or reduced-price lunch
37 eligibility shall be distributed and collected for all households of
38 children in schools containing any of the grades kindergarten through
39 four and in which there are no United States department of

1 agriculture child nutrition programs. The applications that are
2 collected must be reviewed to determine eligibility for free or
3 reduced-price lunches. Nothing in this section shall be construed to
4 require completion or submission of the application by a parent or
5 guardian.

6 ~~((b))~~ (d) Using the most current available school data on free
7 and reduced-price lunch eligibility, the superintendent of public
8 instruction shall adopt a schedule for implementation of school lunch
9 programs at each school required to offer such a program under
10 subsection (2) of this section as follows:

11 (i) Schools not offering a school lunch program and in which
12 twenty-five percent or more of the enrolled students are eligible for
13 free or reduced-price lunch shall implement a school lunch program
14 not later than the second day of school in the 2005-06 school year
15 and in each school year thereafter.

16 (ii) The superintendent shall establish minimum standards
17 defining the lunch meals to be served, and such standards must be
18 sufficient to qualify the meals for any available federal
19 reimbursement.

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

23 (3) To ~~((the))~~ the extent funds are appropriated for this
24 purpose, each school district shall implement a school breakfast
25 program in each school where more than forty percent of students
26 eligible to participate in the school lunch program qualify for free
27 or reduced-price meal reimbursement by the school year 2005-06. For
28 the second year before the implementation of the district's school
29 breakfast program, and for each subsequent school year, each school
30 district shall submit data enabling the superintendent of public
31 instruction to determine which schools within the district will
32 qualify for this requirement. Schools where lunch programs start
33 after the 2003-04 school year, where forty percent of students
34 qualify for free or reduced-price meals, must begin school breakfast
35 programs the second year following the start of a lunch program.

36 (4) Each school district shall implement a summer food service
37 program in each public school in the district in which a summer
38 program of academic, enrichment, or remedial services is provided and
39 in which fifty percent or more of the children enrolled in the school
40 qualify for free or reduced-price lunch. However, the superintendent

1 of public instruction shall develop rules establishing criteria to
2 permit an exemption for a school that can demonstrate availability of
3 an adequate alternative summer feeding program. Sites providing meals
4 should be open to all children in the area, unless a compelling case
5 can be made to limit access to the program. The superintendent of
6 public instruction shall adopt a definition of compelling case and a
7 schedule for implementation as follows:

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

10 (b) Beginning the summer following the school year during which a
11 school implements a school lunch program under subsection (2)(~~(b)~~)
12 (d) of this section.

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

16 (a) Preparing the meals on-site;

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

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

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

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

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