

FINAL BILL REPORT

HB 1833

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Synopsis as Enacted

Brief Description: Establishing an electronic option for the submission of household income information required for participation in school meals and programs.

Sponsors: Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley.

House Committee on Education

Senate Committee on Early Learning & K-12 Education

Background:

Federal School Nutrition Programs, Free and Reduced-Price Meals.

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) are child nutrition programs funded by the United States Department of Agriculture. 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 are administered in Washington by the Office of the Superintendent of Public Instruction (OSPI), and both programs provide reimbursements for served meals that meet federal requirements.

Household applications submitted by families to schools are used to determine eligibility for free or reduced-price meals (FRPM). To qualify for free school meals, a student's family income must be at or below 130 percent of the federal poverty level (FPL). Students whose families have an income between 130 percent and 185 percent of the FPL are eligible for reduced-price meals. Students whose families earn more than 185 percent of the FPL pay full price, but the meals are federally subsidized to some extent.

As an alternative to using the household application process, qualifying schools may use the Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act. The CEP permits schools with high numbers of low-income students to serve meals to all students free of charge for a four-year cycle without collecting household applications. A

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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, for example: students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families; and foster, homeless, and migrant students. The percentage of eligible students identified without using household applications is the identified student percentage (ISP).

Provision 2, a program of the NSLP that is used much less extensively in Washington than the CEP, can also be used by schools as an alternative to the household application process. While somewhat similar to the CEP in that meals are provided to all students free of charge for a four-year cycle, Provision 2 does not require a minimum ISP, so eligibility for Provision 2 is determined by the actual number of FRPMs served in a base year rather than by having a minimum number of students who are identified as eligible for free meals through other means.

Impacts to Funding Determinations.

In addition to reimbursements for school meals, FRPM eligibility can impact state school funding formulas. For example, the percentages of students eligible for FRPM determine state allocations to schools for the Learning Assistance Program, a part of the state's statutory program of basic education that provides supplemental instruction and services for students who are not meeting academic standards. Additionally, enhancements to prototypical class sizes and staffing allocations can be made in the operating budget for schools with more than 50 percent of students eligible for FRPM.

Because schools participating in the CEP and Provision 2 do not collect family income information through household applications, they must use an alternative method to collect the needed annual data. To assist with this need, the OSPI developed a family income survey, in multiple languages, that can be used to collect household income data. Parents and guardians who receive the one-page form from their child's school or school district are asked to voluntarily complete and return it, but the forms are not used to determine an individual student's eligibility for receiving FRPMs.

Public Records Act.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information meets one of the exemptions in the PRA or otherwise provided in law. The stated policy of the PRA favors disclosure and requires narrow application of the listed exemptions.

Summary:

The OSPI is directed to initiate and oversee the development and implementation of a statewide electronic repository of household income information that is required for a student's enrollment in, or eligibility for, the NSLP, the SBP, or both programs. The stated

purpose of the directive is to:

- remove barriers that diminish access to FRPM by students enrolled in eligible schools;
- provide parents and legal guardians of students enrolled in eligible schools with a voluntary, secure, and convenient online portal for providing household information for school meal programs;
- provide student household income information to schools and school districts that provide meals at no charge to students without using school meal applications for determining eligibility for low-income programs for students and schools; and
- ensure an accessible, simplified process for enrolling students in, and administering, related nutrition programs.

Among other obligations, the Superintendent of Public Instruction is directed to ensure that the electronic repository meets specified requirements, including:

- complying with any applicable requirements necessary for schools and school districts to access repository data;
- complying with any applicable standards and requirements necessary to ensure that the repository data connects to the direct certification system and streamlines the process to maximize the number of eligible students directly certified for free school meals;
- having robust safeguards to ensure that the income information is secure and accessed only by individuals with express authorization to do so; and
- being accessible online and easily navigable by parents and legal guardians, and in multiple languages, for the purpose of voluntarily providing the pertinent household income data.

Household income information received by the OSPI, school employees, school district employees, or their designees, is not subject to disclosure under the PRA and may not be disseminated except as provided by law.

Beginning in 2022, the OSPI must report annually to the Legislature by December 1 on the electronic repository, including:

- the number of schools and school districts accessing the data for providing household information that is required for a school's participation in the NSLP, the SBP, or both; and
- recommendations for increasing the number of repository users and improving its technical functionality.

The report due December 1, 2022, rather than providing participant data and recommendations, must instead include a plan, timeline, and cost estimate for:

- implementing the development of the repository;
- securing any needed vendors for its development and, if necessary, operation; and
- making the repository accessible to schools, school districts, and the public through appropriate electronic interfaces.

Votes on Final Passage:

House	92	4
Senate	48	0

Effective: June 9, 2022