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## Education Committee

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### HB 1878

**Brief Description:** Increasing public school participation in the community eligibility provision of the United States department of agriculture.

**Sponsors:** Representatives Riccelli, Berg, Bergquist, Berry, Leavitt, Maycumber, Santos, Stonier, Wicks, Peterson, Shewmake, Taylor, Gregerson, Ormsby, Lekanoff, Fitzgibbon, Orwall, Harris, Ramel, Thai and Valdez.

#### Brief Summary of Bill

- Expands the Community Eligibility Provision (CEP) mandatory participation requirements to all public schools with an identified student percentage (ISP) of 40 percent, or lower if permitted by federal law, rather than only schools with students in or below grade eight and an ISP of at least 62.5 percent.
- Requires school districts, to the extent practicable, to group schools for the purpose of maximizing the number of schools eligible to participate in the CEP.
- Includes a null and void clause if funding for the bill is not provided in the state budget.

**Hearing Date:** 1/20/22

**Staff:** Ethan Moreno (786-7386).

#### **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

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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. Public or nonprofit private schools and public or nonprofit private residential childcare institutions may participate in the NSLP and the SBP.

#### Free and Reduced-Price Meals.

To qualify for free school meals, a student's family income, as evidenced through household applications provided by families to schools, must be at or below 130 percent of the federal poverty level. Students whose families have an income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals. Students whose families earn more than 185 percent of the poverty level pay full price, but the meals are federally subsidized to some extent. Data from October 2020 indicated that 476,161 Washington students (45.8 percent) were enrolled in the free or reduced-price meals (FRPMs) program.

#### Community Eligibility Provision.

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. The percentage of eligible students identified without using household applications is the Identified Student Percentage (or ISP).

In the 2021-22 school year, 490 Washington schools, with a combined enrollment of 204,131, met the ISP requirements and participated 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 2018 legislation also required the OSPI to annually provide reports to the Legislature each December 1 on the number of schools participating in the CEP.

Legislation adopted in 2020 mandated participation in the CEP for schools with certain characteristics. As provided in the legislation, 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 mandatory CEP participation requirements.

**Summary of Bill:**

Provisions mandating participation in the CEP are modified. Each public school that has an ISP of at least 40 percent, or a lower percentage if authorized by federal law, 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. Public 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 mandatory CEP participation requirements.

School districts, to the extent practicable, must group public schools for purposes of maximizing the number of public schools eligible to participate in the CEP. Individual schools participating in a group may have less than 40 percent identified students, provided the average ISP for the group is at least 40 percent.

Provisions mandating participation in the CEP for qualifying schools are expressly extended to charter schools and state-tribal education compact schools.

All provisions are null and void if specific funding for the bill is not provided by June 30, 2022, in the omnibus operating appropriations act.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2022.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.