

HOUSE BILL REPORT

HB 2058

As Reported by House Committee On:
Education

Title: An act relating to increasing student access to free meals served at public schools.

Brief Description: Increasing student access to free meals served at public schools.

Sponsors: Representatives Riccelli, Rude, Leavitt, Ramel, Berry, Duerr, Slatter, Morgan, Simmons, Reed, Ormsby, Fey, Peterson, Callan, Macri, Gregerson, Chopp, Stonier, Goodman, Berg, Thai, Alvarado, Street, Lekanoff, Paul, Fosse, Doglio, Santos, Timmons, Reeves, Hackney, Tharinger, Shavers, Pollet and Kloba.

Brief History:

Committee Activity:

Education: 1/11/24, 1/18/24 [DP].

Brief Summary of Bill

- Requires all school districts, charter schools, and state-tribal education compact schools to provide breakfast and lunch without charge to any requesting students, beginning with the 2024–25 school year.
- Modifies funding provisions for the Learning Assistance Program and National Board Certification bonuses for the 2024–25 through 2027–28 school years for school districts and schools subject to the meal provision requirements.
- Makes all provisions null and void if funding is not provided in the operating budget.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 14 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Member; Bergquist, Couture, Harris, McClintock, Nance, Ortiz-Self, Pollet, Steele, Stonier and Timmons.

Staff: Ethan Moreno (786-7386).

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 to school districts for served meals that meet federal requirements.

Household applications submitted by families to schools are used to determine student eligibility for free or reduced-price meals (FRPMs). 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.

The Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act provides an alternative to household applications for FRPMs 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 25 percent of its students are identified as eligible for free meals through means other than household applications. The percentage of eligible students identified without using household applications is the identified student percentage (ISP).

Under state law, each public school that has an ISP of at least 40 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.

School Breakfast Programs.

Subject to funding requirements, school districts, unless required otherwise, must implement a school breakfast program in each school where more than 40 percent of students eligible to participate in the school's lunch program qualify for FRPMs. If a school with 40 percent or more of its students qualifying for FRPMs begins a lunch program, the school must begin a breakfast program in the second year after commencing its lunch program.

Learning Assistance Program.

The Learning Assistance Program (LAP) supports the provision of supplemental instruction and services for students who are not meeting academic standards. The LAP is part of the state's program of basic education and state funding allocations to school districts are based on the percentage of students who are eligible for FRPMs.

The state provides two types of funding allocations for the LAP: a general LAP allocation, and an additional high poverty–based allocation for qualifying schools. School districts and schools qualify for one or both allocations based on prior years' percentages of students who qualify for FRPMs.

National Board Certification Bonuses.

Teachers and other certificated instructional staff (CIS) who have attained certification from the National Board for Professional Teaching Standards (National Board) are eligible for a state-funded bonus for each year they maintain the certification. A qualifying CIS who holds a valid certificate from the National Board for the duration of the 2023–24 school year will receive a bonus of \$6,206.

An additional state-funded annual bonus of \$5,000 is paid to each qualifying CIS with a valid National Board certificate and an instructional assignment in a qualifying high poverty school. "High poverty schools" are designated in rule by the OSPI and must meet threshold requirements for the percentage of students who are eligible for FRPMs.

Recent School Meals Legislation.

Legislation enacted in 2023 (Engrossed Second Substitute House Bill 1238, enacted as Chapter 379, Laws of 2023) requires school districts, charter schools, and state-tribal education compact schools to provide breakfast and lunch each school day without charge to any student at a qualifying school who requests a breakfast, lunch, or both. A qualifying school is one that provides education services to students in kindergarten through grade 4, and meets student eligibility percentages for free or reduced-price meals. Under the 2023 legislation, the meal provision requirements are phased in over a two-year period: the 2023–24 school year, and the 2024–25 school year.

Additionally, funding provisions for the LAP and National Board bonuses were modified in 2023 to extend eligibility for school districts and schools subject to the meal provision requirements and for applicable certificated instructional staff. The extended eligibility provisions were for the 2024–25 and 2025–26 school years.

Summary of Bill:

Providing All Public School Students with Access to Meals Served Without Charge.

Beginning with the 2024–25 school year, school districts, a term that includes charter schools and state-tribal education compact schools, must provide breakfast and lunch each school day to any student at a school who requests a breakfast, lunch, or both. The school

districts must provide the meals at no charge to the requesting student and without consideration of the student's eligibility for a federally reimbursed free or reduced-price meal (FRPM). The provided meals must be nutritiously adequate and qualify for reimbursement under the National School Lunch Program or the federal School Breakfast Program, and students are not eligible for more than one meal in a meal service period.

The obligation to provide meals at no charge to requesting students, which lapses if federal reimbursements for school breakfasts or lunches are eliminated, does not apply to schools participating the Community Eligibility Program (CEP) that have not completed the duration of the CEP's four-year cycle, or to school districts that have been exempted from the meal provision requirements by the Superintendent of Public Instruction because of showing good cause for not being able to comply.

Corresponding changes are also made to align statutory provisions with requirements to provide meals at no charge to requesting students. Examples include:

- removing provisions that limit the obligation to have school breakfast programs to schools with students that meet specified free and reduced-price meal eligibility thresholds and schools subject to meal provision requirements enacted in 2023;
- removing references to student payments for meals;
- changing various references to student eligibility for FRPMs to students meeting federal eligibility requirements for FRPMs;
- modifying provisions governing school and school district actions when a student cannot pay for a school meal or previously served meals; and
- deleting a reference to barriers that diminish access to FRPMs in provisions governing a statewide electronic repository of household income information for school meal purposes that parents and legal guardians of students may elect to use.

Learning Assistance Program and National Board Certification Bonuses.

Funding provisions for the Learning Assistance Program (LAP) are modified as follows for the 2024–25 through 2027–28 school years (instead of through the 2025–26 school year):

- General LAP allocations for school districts providing meals at no charge to all requesting students that do not participate in the CEP must be based on the school district percentage of students who were eligible for FRPMs in school years 2019–20 through 2022–23 or the prior school year, whichever is greatest.
- For the high poverty-based allocation, a school providing meals at no charge to all requesting students that is not participating in the CEP continues to be eligible for the high poverty-based allocation if the school qualified during one year of the 2019–20 through 2022–23 school years, or in the prior school year.

For the 2024–25 through 2027–28 school years (instead of through the 2025–26 school year), a qualifying certificated instructional staff is eligible for the high poverty schools annual bonus of \$5,000 if they are in an instructional assignment in a school providing meals at no charge to all requesting students that met the definition of high poverty school during the 2022–23 school year.

Appropriation: None.

Fiscal Note: Requested on January 4, 2024.

Effective Date: The bill contains multiple effective dates. Please see the bill. However, the bill is null and void unless funded in the operating budget.

Staff Summary of Public Testimony:

(In support) Food is health and feeding kids cannot wait. During the pandemic, school meal programs were expanded effectively. Without proper nutrition, kids might have a more difficult time in later life, but this is completely preventable. Nine other states have implemented universal meal programs. The state pays for textbooks and learning supplies and it should also pay for food.

Some school districts already offer free meals to all students. Free meals ensure equitable access to nutrition. Universal meals address hunger and promote other benefits, including social cohesion.

Classroom disruptions can end when a student is provided food. Stigma issues also exist with school meals, as some students would rather skip meals than be identified as eligible for a free or reduced-price meal. Students are better able to engage in learning if they are provided meals at school and the meals give students access to nutrition that may not be available at home.

Hunger is a real problem. Children cannot complete tasks, including learning, if they are hungry. For some children, most of the calories they eat each day come from school. Data indicates that providing free meals to all benefits the kids who need it the most. Providing free meals to all also reduces the administrative duties of schools.

It is challenging for parents to make ends meet, and free meals help students and parents. Some families experience unexpected costs and as a result, students may miss meals. All children should have access to free meals at school so that they can properly learn at school.

Policymakers have control over the provision of school meals, and schools serve as a guard against childhood hunger. This policy is a system fix and will properly advantage children.

The state has no control over federal income guidelines for school meals and eligibility requirements are not regionalized. When cost-of-living factors are considered, such as living in a high-cost area, some families who would benefit from free or reduced-price meals do not qualify for them. This bill will provide a tremendous benefit for families.

(Opposed) None.

(Other) This bill will insert government into sustenance issues, resulting in schools being caretakers and providers. This bill seriously undermines parental rights. A lack of trust is fueling an exodus of children from public schools. This bill will distract schools from their primary duty of providing instruction.

Persons Testifying: (In support) Representative Marcus Riccelli, prime sponsor; Aaron Czyzewski, Food Lifeline; Rebecca Mathews, Washington Education Association; Sandra Zavala Ortega, Washington State School Directors' Association; Tienaya Godes, Save the Children Action Network; Mikhail Cherniske, Office of the Superintendent of Public Instruction; and Lelach Rave, Washington Chapter of the American Academy of Pediatrics.

(Other) Liv Finne, Washington Policy Center.

Persons Signed In To Testify But Not Testifying: Melissa Spiker, Seattle Special Education Parent Teacher Student Association; Simone Boe, Washington Education Association; Danica Noble, Washington State Parent Teacher Association; Ben Small, Innovia LaunchNW; Claire Lane, Anti-Hunger and Nutrition Coalition; Mitch Denning, Ellen Ramus, and Megan de Vries, Washington School Nutrition Association; Kathy Mulkerin, Washington State School Directors' Association; Jessie Moreno-Graham; Natasha Fecteau Minger; Carolyn Logue, Washington School Counselors Association; Dune Ives, OSD4ALL; Wynne Venard; and Deliyha Cravens.