
ENGROSSED HOUSE BILL 1342

State of Washington

67th Legislature

2021 Regular Session

By Representatives Berg, Gregerson, Berry, Wicks, Chopp, Valdez, Morgan, Sells, Fitzgibbon, Orwall, Santos, Ryu, Peterson, Rude, Maycumber, Shewmake, Stokesbary, Ormsby, Lovick, Stonier, Bergquist, Bateman, Lekanoff, Callan, Frame, Riccelli, Pollet, and Harris-Talley

Read first time 01/21/21. Referred to Committee on Appropriations.

1 AN ACT Relating to eliminating lunch copays for students who
2 qualify for reduced-price lunches; amending RCW 28A.235.160; and
3 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 the
6 challenges and difficulties of food insecurity affect Washington
7 households throughout the state. The legislature recognizes also that
8 many families rely on the food and nutritional benefits of reduced-
9 price school lunches, and that hungry students face additional
10 barriers to academic success.

11 The legislature further recognizes that the state's 2019-2021
12 omnibus operating appropriations act includes funding for eliminating
13 lunch copays for qualifying kindergarten through third grade
14 students, and that extending this copay elimination to students in
15 prekindergarten and the fourth through 12th grades is an appropriate
16 and cost-effective way to promote the health and academic success of
17 students who qualify for reduced-price lunches.

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

20 (1) For the purposes of this section:

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

5 (b) "Lunch copay" means the amount a student who qualifies for a
6 reduced-price lunch is charged for a reduced-price lunch.

7 (c) "School lunch program" means a meal program meeting the
8 requirements defined by the superintendent of public instruction
9 under subsection (2) (b) of this section.

10 (~~(e)~~) (d) "School breakfast program" means a program meeting
11 federal requirements defined in 42 U.S.C. Sec. 1773.

12 (~~(d)~~) (e) "Severe-need school" means a school that qualifies
13 for a severe-need school reimbursement rate from federal funds for
14 school breakfasts served to children from low-income families.

15 (~~(e)~~) (f) "Summer food service program" means a meal or snack
16 program meeting the requirements defined by the superintendent of
17 public instruction under subsection (4) of this section.

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

27 (a) Applications to determine free or reduced-price lunch
28 eligibility shall be distributed and collected for all households of
29 children in schools containing any of the grades kindergarten through
30 four and in which there are no United States department of
31 agriculture child nutrition programs. The applications that are
32 collected must be reviewed to determine eligibility for free or
33 reduced-price lunches. Nothing in this section shall be construed to
34 require completion or submission of the application by a parent or
35 guardian.

36 (b) Using the most current available school data on free and
37 reduced-price lunch eligibility, the superintendent of public
38 instruction shall adopt a schedule for implementation of school lunch
39 programs at each school required to offer such a program under
40 subsection (2) of this section as follows:

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

6 (ii) The superintendent shall establish minimum standards
7 defining the lunch meals to be served, and such standards must be
8 sufficient to qualify the meals for any available federal
9 reimbursement.

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

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

26 (4) Each school district shall implement a summer food service
27 program in each public school in the district in which a summer
28 program of academic, enrichment, or remedial services is provided and
29 in which (~~(fifty)~~) 50 percent or more of the children enrolled in the
30 school qualify for free or reduced-price lunch. However, the
31 superintendent of public instruction shall develop rules establishing
32 criteria to permit an exemption for a school that can demonstrate
33 availability of an adequate alternative summer feeding program. Sites
34 providing meals should be open to all children in the area, unless a
35 compelling case can be made to limit access to the program. The
36 superintendent of public instruction shall adopt a definition of
37 compelling case and a schedule for implementation as follows:

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

1 (b) Beginning the summer following the school year during which a
2 school implements a school lunch program under subsection (2)(b) of
3 this section.

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

7 (a) Preparing the meals on-site;

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

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

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

18 (7) Beginning in the 2021-22 school year, school districts with
19 school lunch programs must eliminate lunch copays for students in
20 prekindergarten through 12th grade who qualify for reduced-price
21 lunches, and the superintendent of public instruction must allocate
22 funding for this purpose.

23 (8) The requirements in this section shall lapse if the federal
24 reimbursement for any school breakfasts, lunches, or summer food
25 service programs is eliminated.

26 ((+8)) (9) School districts may be exempted from the
27 requirements of this section by showing good cause why they cannot
28 comply with the office of the superintendent of public instruction to
29 the extent that such exemption is not in conflict with federal or
30 state law. The process and criteria by which school districts are
31 exempted shall be developed by the office of the superintendent of
32 public instruction in consultation with representatives of school
33 directors, school food service, community-based organizations and the
34 Washington state PTA.

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