
ENGROSSED SUBSTITUTE HOUSE BILL 2610

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington **65th Legislature** **2018 Regular Session**

By House Appropriations (originally sponsored by Representatives Peterson, Bergquist, Pollet, Gregerson, Appleton, Valdez, Ryu, Jinkins, Macri, Tarleton, Hudgins, McBride, Doglio, Stonier, Fey, Goodman, Santos, Frame, and Stanford)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to a hunger-free students' bill of rights; adding
2 new sections to chapter 28A.235 RCW; adding a new section to chapter
3 28A.300 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.235
6 RCW to read as follows:

7 (1)(a) Except as provided otherwise in subsection (2) of this
8 section, each school that participates in the national school lunch
9 program, the school breakfast program, or both, shall annually
10 distribute and collect an application for all households of children
11 in kindergarten through grade twelve to determine student eligibility
12 for free or reduced-price meals. If a parent or guardian of a student
13 needs assistance with application materials in a language other than
14 English, the school shall offer appropriate assistance to the parent
15 or guardian.

16 (b) If a student who, based on information available to the
17 school, is likely eligible for free or reduced-price meals but has
18 not submitted an application to determine eligibility, the school
19 shall, in accordance with the authority granted under 7 C.F.R. Sec.
20 245.6(d), complete and submit the application for the student.

1 (2) Subsection (1) of this section does not apply to a school
2 that provides free meals to all students in a year in which the
3 school does not collect applications to determine student eligibility
4 for free or reduced-price meals.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235
6 RCW to read as follows:

7 (1) Local liaisons for homeless children and youths designated by
8 districts in accordance with the federal McKinney-Vento homeless
9 assistance act 42 U.S.C. Sec. 11431 et seq. must improve systems to
10 identify homeless students and coordinate with the applicable school
11 nutrition program to ensure that each homeless student has proper
12 access to free school meals and that applicable accountability and
13 reporting requirements are satisfied.

14 (2) Schools and school districts shall improve systems to
15 identify students in foster care, runaway students, and migrant
16 students to ensure that each student has proper access to free school
17 meals and that applicable accountability and reporting requirements
18 are satisfied.

19 (3) At least monthly, schools and school districts shall directly
20 certify students for free school meals if the students qualify
21 because of enrollment in assistance programs, including but not
22 limited to the supplemental nutrition assistance program, the
23 temporary assistance for needy families, and medicaid.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.235
25 RCW to read as follows:

26 If a student has not paid for five or more previous meals, the
27 school shall:

28 (1) Determine whether the student is categorically eligible for
29 free meals;

30 (2) If no application has been submitted for the student to
31 determine his or her eligibility for free or reduced-price meals,
32 make no fewer than two attempts to contact the student's parent or
33 guardian to have him or her submit an application; and

34 (3) Have a principal, assistant principal, or school counselor
35 contact the parent or guardian for the purpose of: (a) Offering
36 assistance with completing an application to determine the student's
37 eligibility for free or reduced-price meals; (b) determining whether
38 there are any household issues that may prevent the student from

1 having sufficient funds for school meals; and (c) offering any
2 appropriate assistance.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.235
4 RCW to read as follows:

5 (1) No school or school district personnel or school volunteer
6 may:

7 (a) Take any action that would publicly identify a student who
8 cannot pay for a school meal or for meals previously served to the
9 student, including but not limited to requiring the student to wear a
10 wristband, hand stamp, or other identifying marker, or by serving the
11 student an alternative meal;

12 (b) Require a student who cannot pay for a school meal or for
13 meals previously served to the student to perform chores or other
14 actions in exchange for a meal or for the reduction or elimination of
15 a school meal debt, unless all students perform similar chores or
16 work;

17 (c) Require a student to dispose of an already served meal
18 because of the student's inability to pay for the meal or because of
19 money owed for meals previously served to the student;

20 (d) Allow any disciplinary action that is taken against a student
21 to result in the denial or delay of a nutritionally adequate meal to
22 the student; or

23 (e) Require a parent or guardian to pay fees or costs in excess
24 of the actual amounts owed for meals previously served to the
25 student.

26 (2) Communications from a school or school district about amounts
27 owed for meals previously served to a student under the age of
28 fifteen may only be directed to the student's parent or guardian.
29 Nothing in this subsection prohibits a school or school district from
30 sending a student home with a notification that is addressed to the
31 student's parent or guardian.

32 (3)(a) A school district shall notify a parent or guardian of the
33 negative balance of a student's school meal account no later than ten
34 days after the student's school meal account has reached a negative
35 balance. Within thirty days of sending this notification, the school
36 district shall exhaust all options to directly certify the student
37 for free or reduced-price meals. Within these thirty days, while the
38 school district is attempting to certify the student for free or
39 reduced-price meals, the student may not be denied access to a school

1 meal unless the school district determines that the student is
2 ineligible for free or reduced-price meals.

3 (b) If the school district is unable to directly certify the
4 student for free or reduced-price meals, the school district shall
5 provide the parent or guardian with a paper copy of or an electronic
6 link to an application for free or reduced-price meals with the
7 notification required by (a) of this subsection and encourage the
8 parent or guardian to submit the application.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300
10 RCW to read as follows:

11 The office of the superintendent of public instruction shall
12 collect, analyze, and promote to school districts and applicable
13 community-based organizations best practices in local meal charge
14 policies that are required by the United States department of
15 agriculture in memorandum SP 46-2016.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.235
17 RCW to read as follows:

18 (1) The office of the superintendent of public instruction shall
19 develop and implement a plan to increase the number of schools
20 participating in the United States department of agriculture
21 community eligibility provision for the 2018-19 school year and
22 subsequent years. The office shall work jointly with community-based
23 organizations and national experts focused on hunger and nutrition
24 and familiar with the community eligibility provision, at least two
25 school representatives who have successfully implemented community
26 eligibility, and the state agency responsible for medicaid direct
27 certification. The plan must describe how the office of the
28 superintendent of public instruction will:

29 (a) Identify and recruit eligible schools to implement the
30 community eligibility provision, with the goal of increasing the
31 participation rate of eligible schools to at least the national
32 average;

33 (b) Provide comprehensive outreach and technical assistance to
34 school districts and schools to implement the community eligibility
35 provision;

36 (c) Support breakfast after the bell programs authorized by the
37 legislature to adopt the community eligibility provision;

1 (d) Work with school districts to group schools in order to
2 maximize the number of schools implementing the community eligibility
3 provision; and

4 (e) Determine the maximum percentage of students eligible for
5 free meals where participation in the community eligibility provision
6 provides the most support for a school, school district, or group of
7 schools.

8 (2) Until June 30, 2019, the office of the superintendent of
9 public instruction shall convene the organizations working jointly on
10 the plan monthly to report on the status of the plan and coordinate
11 outreach and technical assistance efforts to schools and school
12 districts.

13 (3) Beginning in 2018, the office of the superintendent of public
14 instruction shall report annually the number of schools that have
15 implemented the community eligibility provision to the legislature by
16 September 1st of each year. The report shall identify:

17 (a) Any barriers to implementation;

18 (b) Recommendations on policy and legislative solutions to
19 overcome barriers to implementation;

20 (c) Reasons potentially eligible schools and school districts
21 decide not to adopt the community eligibility provision; and

22 (d) Approaches in other states to adopting the community
23 eligibility provision.

24 NEW SECTION. **Sec. 7.** This act may be known and cited as the
25 hunger-free students' bill of rights act.

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