
SENATE BILL 5964

State of Washington

68th Legislature

2024 Regular Session

By Senators Nobles and Frame

Prefiled 01/04/24.

1 AN ACT Relating to increasing student access to free meals served
2 at public schools; amending RCW 28A.150.260, 28A.235.135,
3 28A.235.160, 28A.235.250, 28A.235.270, 28A.235.285, and 28A.405.415;
4 creating new sections; repealing RCW 28A.235.260; and providing an
5 effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that providing all
8 public school students with access to meals served without charge
9 each school day will support academic success and promote student
10 well-being. The legislature, in support of students, families, and
11 productive learning environments, and in recognition of financial
12 challenges that can create barriers to academic achievement, declares
13 that no student should ever experience hunger or food insecurity
14 within a public school.

15 The legislature, therefore, intends to provide all requesting
16 students with access to school meals that are served without charge.

17 **Sec. 2.** RCW 28A.150.260 and 2023 c 379 s 6 are each amended to
18 read as follows:

19 The purpose of this section is to provide for the allocation of
20 state funding that the legislature deems necessary to support school

1 districts in offering the minimum instructional program of basic
2 education under RCW 28A.150.220. The allocation shall be determined
3 as follows:

4 (1) The governor shall and the superintendent of public
5 instruction may recommend to the legislature a formula for the
6 distribution of a basic education instructional allocation for each
7 common school district.

8 (2)(a) The distribution formula under this section shall be for
9 allocation purposes only. Except as may be required under subsections
10 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
11 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
12 nothing in this section requires school districts to use basic
13 education instructional funds to implement a particular instructional
14 approach or service. Nothing in this section requires school
15 districts to maintain a particular classroom teacher-to-student ratio
16 or other staff-to-student ratio or to use allocated funds to pay for
17 particular types or classifications of staff. Nothing in this section
18 entitles an individual teacher to a particular teacher planning
19 period.

20 (b) To promote transparency in state funding allocations, the
21 superintendent of public instruction must report state per-pupil
22 allocations for each school district for the general apportionment,
23 special education, learning assistance, transitional bilingual,
24 highly capable, and career and technical education programs. The
25 superintendent must report this information in a user-friendly format
26 on the main page of the office's website. School districts must
27 include a link to the superintendent's per-pupil allocations report
28 on the main page of the school district's website. In addition, the
29 budget documents published by the legislature for the enacted omnibus
30 operating appropriations act must report statewide average per-pupil
31 allocations for general apportionment and the categorical programs
32 listed in this subsection.

33 (3)(a) To the extent the technical details of the formula have
34 been adopted by the legislature and except when specifically provided
35 as a school district allocation, the distribution formula for the
36 basic education instructional allocation shall be based on minimum
37 staffing and nonstaff costs the legislature deems necessary to
38 support instruction and operations in prototypical schools serving
39 high, middle, and elementary school students as provided in this
40 section. The use of prototypical schools for the distribution formula

1 does not constitute legislative intent that schools should be
2 operated or structured in a similar fashion as the prototypes.
3 Prototypical schools illustrate the level of resources needed to
4 operate a school of a particular size with particular types and grade
5 levels of students using commonly understood terms and inputs, such
6 as class size, hours of instruction, and various categories of school
7 staff. It is the intent that the funding allocations to school
8 districts be adjusted from the school prototypes based on the actual
9 number of annual average full-time equivalent students in each grade
10 level at each school in the district and not based on the grade-level
11 configuration of the school to the extent that data is available. The
12 allocations shall be further adjusted from the school prototypes with
13 minimum allocations for small schools and to reflect other factors
14 identified in the omnibus appropriations act.

15 (b) For the purposes of this section, prototypical schools are
16 defined as follows:

17 (i) A prototypical high school has 600 average annual full-time
18 equivalent students in grades nine through 12;

19 (ii) A prototypical middle school has 432 average annual full-
20 time equivalent students in grades seven and eight; and

21 (iii) A prototypical elementary school has 400 average annual
22 full-time equivalent students in grades kindergarten through six.

23 (4)(a)(i) The minimum allocation for each level of prototypical
24 school shall be based on the number of full-time equivalent classroom
25 teachers needed to provide instruction over the minimum required
26 annual instructional hours under RCW 28A.150.220 and provide at least
27 one teacher planning period per school day, and based on the
28 following general education average class size of full-time
29 equivalent students per teacher:

	General education average class size
30 Grades K-3.	17.00
31 Grade 4.	27.00
32 Grades 5-6.	27.00
33 Grades 7-8.	28.53
34 Grades 9-12.	28.74

35 (ii) The minimum class size allocation for each prototypical high
36 school shall also provide for enhanced funding for class size
37 reduction for two laboratory science classes within grades nine
38
39

1 through 12 per full-time equivalent high school student multiplied by
2 a laboratory science course factor of 0.0833, based on the number of
3 full-time equivalent classroom teachers needed to provide instruction
4 over the minimum required annual instructional hours in RCW
5 28A.150.220, and providing at least one teacher planning period per
6 school day:

7		Laboratory science	
8		average class size	
9	Grades 9-12.		19.98

10 (b) (i) Beginning September 1, 2019, funding for average K-3 class
11 sizes in this subsection (4) may be provided only to the extent of,
12 and proportionate to, the school district's demonstrated actual class
13 size in grades K-3, up to the funded class sizes.

14 (ii) The office of the superintendent of public instruction shall
15 develop rules to implement this subsection (4) (b).

16 (c) (i) The minimum allocation for each prototypical middle and
17 high school shall also provide for full-time equivalent classroom
18 teachers based on the following number of full-time equivalent
19 students per teacher in career and technical education:

20		Career and technical	
21		education average	
22		class size	
23	Approved career and technical education offered at		
24	the middle school and high school level.		23.00
25	Skill center programs meeting the standards established		
26	by the office of the superintendent of public		
27	instruction.		19.00

28 (ii) Funding allocated under this subsection (4) (c) is subject to
29 RCW 28A.150.265.

30 (d) In addition, the omnibus appropriations act shall at a
31 minimum specify:

32 (i) A high-poverty average class size in schools where more than
33 50 percent of the students are eligible for free and reduced-price
34 meals; and

35 (ii) A specialty average class size for advanced placement and
36 international baccalaureate courses.

1 (5) (a) The minimum allocation for each level of prototypical
 2 school shall include allocations for the following types of staff in
 3 addition to classroom teachers:

	Elementary School	Middle School	High School
6 Principals, assistant principals, and other certificated building-level 7 administrators.....	1.253	1.353	1.880
8 Teacher-librarians, a function that includes information literacy, technology, 9 and media to support school library media programs.....	0.663	0.519	0.523
10 Teaching assistance, including any aspect of educational instructional services 11 provided by classified employees.....	0.936	0.700	0.652
12 Office support and other noninstructional aides.....	2.012	2.325	3.269
13 Custodians.....	1.657	1.942	2.965
14 Nurses.....	0.585	0.888	0.824
15 Social workers.....	0.311	0.088	0.127
16 Psychologists.....	0.104	0.024	0.049
17 Counselors.....	0.993	1.716	3.039
18 Classified staff providing student and staff safety.....	0.079	0.092	0.141
19 Parent involvement coordinators.....	0.0825	0.00	0.00

20 (b) (i) The superintendent may only allocate funding, up to the
 21 combined minimum allocations, for nurses, social workers,
 22 psychologists, counselors, classified staff providing student and
 23 staff safety, and parent involvement coordinators under (a) of this
 24 subsection to the extent of and proportionate to a school district's
 25 demonstrated actual ratios of: Full-time equivalent physical, social,
 26 and emotional support staff to full-time equivalent students.

27 (ii) The superintendent must adopt rules to implement this
 28 subsection (5)(b) and the rules must require school districts to
 29 prioritize funding allocated as required by (b)(i) of this subsection
 30 for physical, social, and emotional support staff who hold a valid
 31 educational staff associate certificate appropriate for the staff's
 32 role.

33 (iii) For the purposes of this subsection (5)(b), "physical,
 34 social, and emotional support staff" include nurses, social workers,
 35 psychologists, counselors, classified staff providing student and
 36 staff safety, parent involvement coordinators, and other school

1 district employees and contractors who provide physical, social, and
2 emotional support to students as defined by the superintendent.

3 (6) (a) The minimum staffing allocation for each school district
4 to provide district-wide support services shall be allocated per one
5 thousand annual average full-time equivalent students in grades K-12
6 as follows:

	Staff per 1,000 K-12 students
7 Technology.	0.628
8 Facilities, maintenance, and grounds.	1.813
9 Warehouse, laborers, and mechanics.	0.332

10
11
12 (b) The minimum allocation of staff units for each school
13 district to support certificated and classified staffing of central
14 administration shall be 5.30 percent of the staff units generated
15 under subsections (4)(a) and (5) of this section and (a) of this
16 subsection.

17 (7) The distribution formula shall include staffing allocations
18 to school districts for career and technical education and skill
19 center administrative and other school-level certificated staff, as
20 specified in the omnibus appropriations act.

21 (8) (a) Except as provided in (b) of this subsection, the minimum
22 allocation for each school district shall include allocations per
23 annual average full-time equivalent student for the following
24 materials, supplies, and operating costs as provided in the 2017-18
25 school year, after which the allocations shall be adjusted annually
26 for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
27 Technology.	\$130.76
28 Utilities and insurance.	\$355.30
29 Curriculum and textbooks.	\$140.39
30 Other supplies	\$278.05
31 Library materials.	\$20.00
32 Instructional professional development for certificated and 33 classified staff.	\$21.71
34 Facilities maintenance.	\$176.01
35 Security and central office administration.	\$121.94

1 (b) In addition to the amounts provided in (a) of this
2 subsection, beginning in the 2014-15 school year, the omnibus
3 appropriations act shall provide the following minimum allocation for
4 each annual average full-time equivalent student in grades nine
5 through 12 for the following materials, supplies, and operating
6 costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
7	
8	
9	
10	Technology. \$36.35
11	Curriculum and textbooks. \$39.02
12	Other supplies \$77.28
13	Library materials. \$5.56
14	Instructional professional development for certificated and
15	classified staff. \$6.04

16 (9) In addition to the amounts provided in subsection (8) of this
17 section and subject to RCW 28A.150.265, the omnibus appropriations
18 act shall provide an amount based on full-time equivalent student
19 enrollment in each of the following:

- 20 (a) Exploratory career and technical education courses for
21 students in grades seven through 12;
- 22 (b) Preparatory career and technical education courses for
23 students in grades nine through 12 offered in a high school; and
- 24 (c) Preparatory career and technical education courses for
25 students in grades 11 and 12 offered through a skill center.

26 (10) In addition to the allocations otherwise provided under this
27 section, amounts shall be provided to support the following programs
28 and services:

29 (a)(i) To provide supplemental instruction and services for
30 students who are not meeting academic standards through the learning
31 assistance program under RCW 28A.165.005 through 28A.165.065,
32 allocations shall be based on the greater of either: The district
33 percentage of students in kindergarten through grade 12 who were
34 eligible for free or reduced-price meals for the school year
35 immediately preceding the district's participation, in whole or part,
36 in the United States department of agriculture's community
37 eligibility provision, or the district percentage of students in
38 grades K-12 who were eligible for free or reduced-price meals in the
39 prior school year. The minimum allocation for the program shall,

1 except as provided in (a)(iii) of this subsection, provide for each
2 level of prototypical school resources to provide, on a statewide
3 average, 2.3975 hours per week in extra instruction with a class size
4 of 15 learning assistance program students per teacher.

5 (ii) In addition to funding allocated under (a)(i) of this
6 subsection, to provide supplemental instruction and services for
7 students who are not meeting academic standards in qualifying
8 schools. A qualifying school, except as provided in (a)(iv) of this
9 subsection, means a school in which the three-year rolling average of
10 the prior year total annual average enrollment that qualifies for
11 free or reduced-price meals equals or exceeds 50 percent or more of
12 its total annual average enrollment. A school continues to meet the
13 definition of a qualifying school if the school: Participates in the
14 United States department of agriculture's community eligibility
15 provision; and met the definition of a qualifying school in the year
16 immediately preceding their participation. The minimum allocation for
17 this additional high poverty-based allocation must provide for each
18 level of prototypical school resources to provide, on a statewide
19 average, 1.1 hours per week in extra instruction with a class size of
20 15 learning assistance program students per teacher, under RCW
21 28A.165.055, school districts must distribute the high poverty-based
22 allocation to the schools that generated the funding allocation.

23 (iii) For the 2024-25 (~~and 2025-26~~) through 2027-28 school
24 years, allocations under (a)(i) of this subsection for school
25 districts providing meals at no charge to students under RCW
26 28A.235.135 that are not participating, in whole or in part, in the
27 United States department of agriculture's community eligibility
28 provision shall be based on the school district percentage of
29 students in grades K-12 who were eligible for free or reduced-price
30 meals in school years 2019-20 through 2022-23 or the prior school
31 year, whichever is greatest.

32 (iv) For the 2024-25 (~~and 2025-26~~) through 2027-28 school
33 years, a school providing meals at no charge to students under RCW
34 28A.235.135 that is not participating in the department of
35 agriculture's community eligibility provision continues to meet the
36 definition of a qualifying school under (a)(ii) of this subsection if
37 the school met the definition during one year of the 2019-20 through
38 2022-23 school years, or in the prior school year.

39 (b)(i) To provide supplemental instruction and services for
40 students whose primary language is other than English, allocations

1 shall be based on the head count number of students in each school
2 who are eligible for and enrolled in the transitional bilingual
3 instruction program under RCW 28A.180.010 through 28A.180.080. The
4 minimum allocation for each level of prototypical school shall
5 provide resources to provide, on a statewide average, 4.7780 hours
6 per week in extra instruction for students in grades kindergarten
7 through six and 6.7780 hours per week in extra instruction for
8 students in grades seven through 12, with 15 transitional bilingual
9 instruction program students per teacher. Notwithstanding other
10 provisions of this subsection (10), the actual per-student allocation
11 may be scaled to provide a larger allocation for students needing
12 more intensive intervention and a commensurate reduced allocation for
13 students needing less intensive intervention, as detailed in the
14 omnibus appropriations act.

15 (ii) To provide supplemental instruction and services for
16 students who have exited the transitional bilingual program,
17 allocations shall be based on the head count number of students in
18 each school who have exited the transitional bilingual program within
19 the previous two years based on their performance on the English
20 proficiency assessment and are eligible for and enrolled in the
21 transitional bilingual instruction program under RCW
22 28A.180.040(1)(g). The minimum allocation for each prototypical
23 school shall provide resources to provide, on a statewide average,
24 3.0 hours per week in extra instruction with 15 exited students per
25 teacher.

26 (c) To provide additional allocations to support programs for
27 highly capable students under RCW 28A.185.010 through 28A.185.030,
28 allocations shall be based on 5.0 percent of each school district's
29 full-time equivalent basic education enrollment. The minimum
30 allocation for the programs shall provide resources to provide, on a
31 statewide average, 2.1590 hours per week in extra instruction with
32 fifteen highly capable program students per teacher.

33 (11) The allocations under subsections (4)(a), (5), (6), and (8)
34 of this section shall be enhanced as provided under RCW 28A.150.390
35 on an excess cost basis to provide supplemental instructional
36 resources for students with disabilities.

37 (12)(a) For the purposes of allocations for prototypical high
38 schools and middle schools under subsections (4) and (10) of this
39 section that are based on the percent of students in the school who
40 are eligible for free and reduced-price meals, the actual percent of

1 such students in a school shall be adjusted by a factor identified in
2 the omnibus appropriations act to reflect underreporting of free and
3 reduced-price meal eligibility among middle and high school students.

4 (b) Allocations or enhancements provided under subsections (4),
5 (7), and (9) of this section for exploratory and preparatory career
6 and technical education courses shall be provided only for courses
7 approved by the office of the superintendent of public instruction
8 under chapter 28A.700 RCW.

9 (13)(a) This formula for distribution of basic education funds
10 shall be reviewed biennially by the superintendent and governor. The
11 recommended formula shall be subject to approval, amendment or
12 rejection by the legislature.

13 (b) In the event the legislature rejects the distribution formula
14 recommended by the governor, without adopting a new distribution
15 formula, the distribution formula for the previous school year shall
16 remain in effect.

17 (c) The enrollment of any district shall be the annual average
18 number of full-time equivalent students and part-time students as
19 provided in RCW 28A.150.350, enrolled on the first school day of each
20 month, including students who are in attendance pursuant to RCW
21 28A.335.160 and 28A.225.250 who do not reside within the servicing
22 school district. The definition of full-time equivalent student shall
23 be determined by rules of the superintendent of public instruction
24 and shall be included as part of the superintendent's biennial budget
25 request. The definition shall be based on the minimum instructional
26 hour offerings required under RCW 28A.150.220. Any revision of the
27 present definition shall not take effect until approved by the house
28 ways and means committee and the senate ways and means committee.

29 (d) The office of financial management shall make a monthly
30 review of the superintendent's reported full-time equivalent students
31 in the common schools in conjunction with RCW 43.62.050.

32 **Sec. 3.** RCW 28A.235.135 and 2023 c 379 s 2 are each amended to
33 read as follows:

34 (1)(a) (~~In accordance with (b) and (c) of this subsection~~)
35 Except as provided otherwise by this section and RCW 28A.235.160,
36 beginning with the ((2023-24)) 2024-25 school year, each school
37 district shall provide breakfast and lunch each school day to any
38 student who requests a breakfast, lunch, or both. The school district
39 must provide the meals at no charge to the student and without

1 consideration of the student's eligibility for a federally reimbursed
2 free or reduced-price meal. Meals provided under this section must be
3 nutritiously adequate and qualify for federal reimbursement under the
4 school lunch program or the school breakfast program, and students
5 are not eligible for more than one meal in a meal service period.

6 (b) The requirements in (a) of this subsection (~~apply to public~~
7 ~~schools in which:~~

8 ~~(i) Educational services are provided to students in any of the~~
9 ~~grades of kindergarten through four; and~~

10 ~~(ii) 30 percent or more of the enrolled students meet federal~~
11 ~~eligibility requirements for free or reduced-price lunches.~~

12 ~~(c) The obligation to provide breakfast and lunch to students~~
13 ~~under this subsection (1):~~

14 ~~(i) Begins in the 2023-24 school year for schools in which 40~~
15 ~~percent or more of the enrolled students meet federal eligibility~~
16 ~~requirements for free or reduced-price lunches;~~

17 ~~(ii) Begins in the 2024-25 school year for schools in which the~~
18 ~~percentage of enrolled students that meet federal eligibility~~
19 ~~requirements for free or reduced-price lunches is at least 30 percent~~
20 ~~and less than 40 percent; and~~

21 ~~(iii) Does)),~~ for purposes of having schools participating in the
22 United States department of agriculture's community eligibility
23 provision under RCW 28A.235.300 complete the duration of the
24 provision's four-year cycle, do not apply to schools participating in
25 the ((~~United States department of agriculture's~~)) community
26 eligibility provision ((~~under RCW 28A.235.300~~)) that have not
27 completed the duration of the provision's four-year cycle.

28 (2) The office of the superintendent of public instruction shall
29 reimburse school districts, subject to the requirements of subsection
30 (1) of this section, on a per meal reimbursement basis for meals that
31 are not already reimbursed at the United States department of
32 agriculture's free rate. The additional state reimbursement amount
33 must be the difference between the United States department of
34 agriculture's free rate and the United States department of
35 agriculture's paid rate.

36 (3) School districts, in accordance with RCW 28A.235.160, may be
37 exempted from the requirements of this section.

38 (4) To maximize federal funding, school districts must continue
39 collecting free and reduced-price meal eligibility applications where
40 applicable and run direct certification at least monthly in

1 accordance with RCW 28A.235.280. School districts shall also annually
2 monitor data for eligibility in the United States department of
3 agriculture community eligibility provision and apply where eligible
4 as required in RCW 28A.235.300.

5 (5) For the purposes of this section, the following definitions
6 apply:

7 (a) "Public school" has the same meaning as in RCW 28A.150.010.

8 (b) "School breakfast program" has the same meaning as in RCW
9 28A.235.160.

10 (c) "School lunch program" has the same meaning as in RCW
11 28A.235.160.

12 (6) This section governs school operation and management under
13 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
14 established under chapter 28A.710 RCW and state-tribal education
15 compact schools (~~established under~~) subject to chapter 28A.715 RCW
16 to the same extent as it applies to school districts.

17 (7) The requirements in this section shall lapse if the federal
18 reimbursement for (~~any~~) school breakfasts or lunches is eliminated.

19 **Sec. 4.** RCW 28A.235.160 and 2023 c 379 s 4 are each amended to
20 read as follows:

21 (1) For the purposes of this section:

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

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

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

30 (~~(d)~~) (c) "School lunch program" means a meal program meeting
31 the requirements defined in Title 42 U.S.C. Sec. 1751 et seq.

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

35 ~~(f)~~) (d) "Summer food service program" means a meal or snack
36 program meeting the requirements defined by the superintendent of
37 public instruction under subsection (~~(4)~~) (3) of this section.

38 (2) School districts shall implement a school lunch program (~~in
39 each public school in the district in which educational services are~~

1 ~~provided to children in any of the grades of kindergarten through~~
2 ~~four and in which 25 percent or more of the enrolled students qualify~~
3 ~~for a free or reduced-price lunch)) and school breakfast program in
4 each public school in the district in which educational services are
5 provided to students. In accordance with RCW 28A.235.135, school
6 districts shall provide meals at no charge to all requesting students
7 at public schools (~~that meet the criteria established in RCW~~
8 ~~28A.235.135(1) (b) and (c))~~). In developing and implementing its
9 school lunch program and school breakfast program, each school
10 district may consult with an advisory committee including school
11 staff, community members, and others appointed by the board of
12 directors of the district.~~

13 (3) (~~To the extent funds are appropriated for this purpose, each~~
14 ~~school district shall implement a school breakfast program in each~~
15 ~~school where more than 40 percent of students eligible to participate~~
16 ~~in the school lunch program qualify for free or reduced-price meal~~
17 ~~reimbursement. Beginning in the 2023-24 school year and in accordance~~
18 ~~with RCW 28A.235.135, school districts shall implement a breakfast~~
19 ~~program in each school providing meals at no charge to students. For~~
20 ~~the second year before the implementation of the district's school~~
21 ~~breakfast program, and for each subsequent school year, each school~~
22 ~~district shall submit data enabling the superintendent of public~~
23 ~~instruction to determine which schools within the district will~~
24 ~~qualify for this requirement. Schools where lunch programs start~~
25 ~~after the 2003-04 school year, where 30 percent of students qualify~~
26 ~~for free or reduced-price meals, must begin school breakfast programs~~
27 ~~the second year following the start of a lunch program.~~

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

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

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

5 ~~((5))~~ (4) Schools not offering a ~~((breakfast or lunch))~~ summer
6 food service program may meet the meal service requirements of
7 ~~((subsections (2) and (4)))~~ subsection (3) of this section through
8 any of the following:

9 (a) Preparing the meals on-site;

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

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

14 ~~((6) Requirements that school districts have a school lunch,~~
15 ~~breakfast, or summer nutrition program under this section shall not~~
16 ~~create or imply any state funding obligation for these costs.))~~ (5)
17 The legislature does not intend to include ~~((these))~~ school lunch,
18 breakfast, or summer food service programs, or the requirements of
19 RCW 28A.235.135, within the state's obligation for basic education
20 funding under Article IX of the state Constitution.

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

26 ~~(8))~~ (6) The requirements in this section shall lapse if the
27 federal reimbursement for ~~((any))~~ school breakfasts, lunches, or
28 summer food service programs is eliminated.

29 ~~((9))~~ (7) School districts may be exempted from the
30 requirements of this section and RCW 28A.235.135 by showing good
31 cause why they cannot comply with the office of the superintendent of
32 public instruction to the extent that such exemption is not in
33 conflict with federal or state law. The process and criteria by which
34 school districts may be exempted shall be developed by rule and
35 revised if necessary by the office of the superintendent of public
36 instruction in consultation with representatives of school directors,
37 school food service, community-based organizations, and a state
38 organization of parents and teachers.

1 **Sec. 5.** RCW 28A.235.250 and 2018 c 271 s 1 are each amended to
2 read as follows:

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

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

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

22 **Sec. 6.** RCW 28A.235.270 and 2018 c 271 s 4 are each amended to
23 read as follows:

24 ~~((1))~~ No school or school district personnel or school
25 volunteer may:

26 ~~((a) Take any action that would publicly identify a student who~~
27 ~~cannot pay for a school meal or for meals previously served to the~~
28 ~~student, including but not limited to requiring the student to wear a~~
29 ~~wristband, hand stamp, or other identifying marker, or by serving the~~
30 ~~student an alternative meal;~~

31 ~~(b))~~ (1) Require a student who cannot pay for ~~((a school meal or~~
32 ~~for))~~ meals previously served to the student to perform chores or
33 other actions in exchange for a meal or for the reduction or
34 elimination of a school meal debt ~~((, unless all students perform~~
35 ~~similar chores or work;~~

36 ~~(c))~~ ;

37 (2) Require a student to dispose of an already served meal
38 because of ~~((the student's inability to pay for the meal or because~~
39 ~~of))~~ money owed for meals previously served to the student; or

1 ~~((d))~~ (3) Allow any disciplinary action that is taken against a
2 student to result in the denial or delay of a nutritionally adequate
3 meal to the student(~~;~~~~or~~

4 ~~(e) Require a parent or guardian to pay fees or costs in excess~~
5 ~~of the actual amounts owed for meals previously served to the~~
6 ~~student.~~

7 ~~(2) Communications from a school or school district about amounts~~
8 ~~owed for meals previously served to a student under the age of~~
9 ~~fifteen may only be directed to the student's parent or guardian.~~
10 ~~Nothing in this subsection prohibits a school or school district from~~
11 ~~sending a student home with a notification that is addressed to the~~
12 ~~student's parent or guardian.~~

13 ~~(3)(a) A school district shall notify a parent or guardian of the~~
14 ~~negative balance of a student's school meal account no later than ten~~
15 ~~days after the student's school meal account has reached a negative~~
16 ~~balance. Within thirty days of sending this notification, the school~~
17 ~~district shall exhaust all options to directly certify the student~~
18 ~~for free or reduced-price meals. Within these thirty days, while the~~
19 ~~school district is attempting to certify the student for free or~~
20 ~~reduced-price meals, the student may not be denied access to a school~~
21 ~~meal unless the school district determines that the student is~~
22 ~~ineligible for free or reduced-price meals.~~

23 ~~(b) If the school district is unable to directly certify the~~
24 ~~student for free or reduced-price meals, the school district shall~~
25 ~~provide the parent or guardian with a paper copy of or an electronic~~
26 ~~link to an application for free or reduced-price meals with the~~
27 ~~notification required by (a) of this subsection and encourage the~~
28 ~~parent or guardian to submit the application)).~~

29 **Sec. 7.** RCW 28A.235.285 and 2022 c 111 s 1 are each amended to
30 read as follows:

31 (1) The office of the superintendent of public instruction shall
32 initiate and oversee the development and implementation of a
33 statewide electronic repository of household income information that
34 is required for a student's enrollment in, or eligibility for, the
35 national school lunch program, the school breakfast program, or both
36 programs for the purpose of:

37 (a) ~~((Removing barriers that diminish access to free and reduced-~~
38 ~~price meals by students enrolled in eligible schools;~~

1 ~~(b))~~ Providing parents and legal guardians (~~of students~~
2 ~~enrolled in eligible schools~~) with a voluntary, secure, and
3 convenient online portal for providing household information that is
4 required for participation in the national school lunch program, the
5 school breakfast program, or both programs;

6 ~~((e))~~ (b) Providing student household income information to
7 schools and school districts (~~that provide meals at no charge to~~
8 ~~students without using school meal applications to determine~~) for
9 purposes of determining eligibility for low-income programs for
10 students and schools without the use of school meal applications; and

11 ~~((d))~~ (c) Ensuring an accessible, simplified process for
12 enrolling students in, and administering, related nutrition programs,
13 including the summer P-EBT program.

14 (2) In addition to the requirements of this section and other
15 requirements deemed necessary by the superintendent of public
16 instruction, the superintendent of public instruction shall ensure
17 the electronic repository:

18 (a) Complies with any applicable federal requirements for
19 participation in the national school lunch program, the school
20 breakfast program, or both programs;

21 (b) Complies with any applicable requirements necessary for
22 schools and school districts to access repository data;

23 (c) Complies with any applicable standards and requirements
24 necessary to ensure that the repository data connects to the direct
25 certification system and streamlines the process in a manner that
26 maximizes the number of eligible students directly certified for free
27 school meals each month;

28 (d) Includes robust safeguards, both technically and
29 procedurally, to ensure that the income information provided by
30 parents and legal guardians is secure and accessed only by
31 individuals with express authorization to do so; and

32 (e) Is accessible online and easily navigable by parents and
33 legal guardians, and in multiple languages, for the purpose of
34 voluntarily providing the pertinent household income data.

35 (3) Household income information received by the office of the
36 superintendent of public instruction, school employees, school
37 district employees, or their designees in accordance with this
38 section is exempt from disclosure under chapter 42.56 RCW and may not
39 be disseminated except as provided by law.

1 (4) (a) Beginning in 2022, the office of the superintendent of
2 public instruction shall report annually to the legislature by
3 December 1st on the electronic repository, including: (i) The number
4 of schools and school districts accessing the data of the electronic
5 repository for providing household information that is required for a
6 school's participation in the national school lunch program, the
7 school breakfast program, or both programs; and (ii) recommendations
8 for increasing the number of repository users and improving the
9 technical functionality of the repository.

10 (b) In lieu of the report contents required in (a) of this
11 subsection, the report required by December 1, 2022, shall include a
12 plan, timeline, and cost estimate for: (i) Implementing the
13 development of the repository; (ii) securing any needed vendors for
14 its development and, if necessary, operation; and (iii) making the
15 repository accessible to schools, school districts, and the public
16 through appropriate electronic interfaces.

17 (5) For the purposes of this section, "school breakfast program"
18 and "school lunch program" have the same meaning as in RCW
19 28A.235.160.

20 **Sec. 8.** RCW 28A.405.415 and 2023 c 379 s 7 are each amended to
21 read as follows:

22 (1) Certificated instructional staff who have attained
23 certification from the national board for professional teaching
24 standards shall receive a bonus each year in which they maintain the
25 certification. The bonus shall be calculated as follows: The annual
26 bonus shall be \$5,000 in the 2007-08 school year. Thereafter, the
27 annual bonus shall increase by inflation, except that the bonus shall
28 not be increased during the 2013-14 and 2014-15 school years.

29 (2) (a) Certificated instructional staff who have attained
30 certification from the national board for professional teaching
31 standards shall be eligible for bonuses in addition to that provided
32 by subsection (1) of this section if the individual is in an
33 instructional assignment in a school in which at least 70 percent of
34 the students qualify for the free and reduced-price lunch program.

35 (b) An individual is eligible for bonuses authorized under this
36 subsection (2) if he or she is in an instructional assignment in a
37 school that meets the definition of high poverty school as defined in
38 rule by the office of the superintendent of public instruction in the
39 school year immediately preceding the school's participation in the

1 United States department of agriculture's community eligibility
2 provision.

3 (c) For the 2024-25 (~~and 2025-26~~) through 2027-28 school years,
4 individuals are eligible for bonuses under this subsection if they
5 are in an instructional assignment in a school providing meals at no
6 charge to students under RCW 28A.235.135 that met the definition of
7 high poverty school as defined in rule by the office of the
8 superintendent of public instruction during the 2022-23 school year.

9 (3) The amount of the additional bonus under subsection (2) of
10 this section for those meeting the qualifications of subsection (2)
11 of this section is \$5,000.

12 (4) The bonuses provided under this section are in addition to
13 compensation received under a district's salary schedule adopted in
14 accordance with RCW 28A.405.200 and shall not be included in
15 calculations of a district's average salary and associated salary
16 limitations under RCW 28A.400.200.

17 (5) The bonuses provided under this section shall be paid in a
18 lump sum amount.

19 NEW SECTION. **Sec. 9.** RCW 28A.235.260 (Free or reduced-price
20 meals—Student assistance) and 2018 c 271 s 3 are each repealed.

21 NEW SECTION. **Sec. 10.** Sections 2 and 9 of this act take effect
22 September 1, 2024.

23 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
24 this act, referencing this act by bill or chapter number, is not
25 provided by June 30, 2024, in the omnibus appropriations act, this
26 act is null and void.

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