

# *OSPI CNS School Meal Programs*

## *Frequently Asked Questions*

### **School Meal Program Operation and House Bill 1238**

The Washington State Legislature passed [House Bill \(HB\) 1238 \(2023\)](#): Providing Free School Meals for All during the 2023 legislative session. House Bill 1238 requires Local Education Agencies (LEAs) to provide meals at no cost to students enrolled at elementary schools where 40% or more of enrolled children are eligible for free or reduced-price meals. This requirement begins School Year (SY) 2023–24 and is based off the preceding year’s October Building Data.

### **HB 1238 Operational Steps**

1. Notify households about the availability of breakfast and lunch at no cost through funds provided by HB 1238.
2. Ensure an accurate meal counting system is in place that counts meals by eligibility category (free, reduced-price, and paid) and prevents second meals from being claimed for reimbursement.
3. Distribute free and reduced-price meal applications and share resources provided on the [HB 1238 – Meals for Washington Students webpage](#).
4. Serve breakfast and lunch at no cost to all students at qualifying school(s).

### **Frequently Asked Questions**

#### **1. How is eligibility for HB 1238 determined?**

HB 1238 requires LEAs to provide meals at no cost to students enrolled at elementary schools where 40% or more of enrolled children are eligible for free or reduced-price meals. This requirement begins SY 2023–24 and is based off eligibility and enrollment information reported annually through [October Building Data](#). OSPI will publish the list of qualifying schools and send notification to impacted schools to LEAs annually.

HB 1238 has a phase-in approach with the requirement expanding to elementary schools with 30% or more enrolled children eligible for free or reduced-price meals in SY 2024–25.

Resource: [HB 1238—Meals for Washington Students Reference Sheet](#)

#### **2. What is the definition of an ‘elementary school’ for HB 1238 purposes?**

“Elementary schools” are defined as schools that serve students in kindergarten, first grade, second grade, third grade, and/or fourth grade. Regardless of other grade levels served in the school, any school that serves students in any of the above grades qualifies as an “elementary school.”



**3. If a qualifying elementary school serves grades outside of kindergarten through fourth grade, will all students in the school receive meals at no cost?**

Once a school qualifies under HB 1238, all students, regardless of grade level, must be offered meals at no cost to the student. For example, in a qualifying school that serves students in grades K-8, all students, at all grade levels, would need to have access to meals at no cost to the student.

**4. Is eligibility for HB 1238 determined on a multi-year cycle?**

No. Eligibility to offer meals at no cost under HB 1238 is determined annually based off the preceding year's October Building Data. For example, eligibility for SY 2023–24 is determined using October Building Data from October 2022.

Resource: [October Building Data Reference Sheet](#)

**5. Can schools qualify using eligibility and enrollment information from a month outside of October?**

No. Eligibility to offer meals at no cost under HB 1238 must be determined using the preceding year's October Building Data.

**6. If an elementary school qualifies under both HB 1238 and the Community Eligibility Provision (CEP), can they choose which funding model to operate under?**

No. HB 1238 does *not* supersede [House Bill 1878 \(2021\)](#) which requires the operation of CEP at schools with an Identified Student Percentage (ISP) of 40% or greater. Schools eligible for CEP must continue to apply for the program as required by legislation and may not end their CEP cycle early.

Resources: [CEP Reference Sheet](#)  
[CEP in Washington Reference Sheet](#)

**7. What type of household notification is required when offering meals at no cost under HB 1238?**

LEAs impacted by HB 1238 must continue to meet all USDA School Meal Program requirements, including sending free and reduced-price application materials and a letter to households informing them of the availability of free and reduced-price meals after July 1 annually.

It's essential that LEAs continue to diligently promote and collect free and reduced-price meal applications to maximize federal reimbursement, other state educational funding, and HB 1238 eligibility.

Resource: [Letter to Households in HB 1238 Schools](#)  
[It's More Than a Meal Application Toolkit](#)

### **8. Are free and reduced-price meal applications required to be collected at qualifying schools?**

Free and reduced-price meal applications must continue to be distributed and collected to meet USDA program requirements and to maintain other state educational funding. Only schools operating CEP, or Provision 2, may use the Family Income Survey. Free and reduced-price application information and materials have been updated to reflect schools operating under HB 1238.

Resource: [HB 1238 – Meals for Washington Students webpage](#)

### **9. How often does Direct Certification need to be run?**

HB 1238 does not change the requirement to conduct Direct Certification. Direct Certification is required to be conducted on a monthly basis per the [Hunger-Free Students Bill of Rights Act](#), passed in the 2018 legislative session.

Resources: [Direct Certification Reference Sheet](#)  
[Direct Certification-Medicaid Reference Sheet](#)

### **10. Are households required to be notified of their free and reduced-price meal eligibility?**

Local Education Agencies must notify households of their eligibility status.

- Households with children who are approved for free or reduced-price meal benefits may be notified either verbally or in writing.
- Households with children who are denied benefits must be provided with written notification of the denial through mail or email.

Resources: [Notice of Approval/Denial of Benefits Template–HB 1238](#)

### **11. Is Verification conducted with HB 1238?**

Yes. Because free and reduced-price meal applications are collected, LEAs must continue to complete verification by November 15 to meet USDA program requirements. Results of verification must be submitted to OSPI through the Verification Summary Report by February 1.

Resource: [Verification Reference Sheet](#)

## 12. What are the requirements for meal counting and claiming at qualifying schools?

- a. Schools providing meals at no cost under this requirement must maintain an accurate, by-name point-of-service meal counting system that:
  - i. Identifies a student's eligibility status (free, reduced-price, or paid), but not overtly, when they receive a reimbursable meal.
  - ii. Identifies the student has selected the items/components required for a reimbursable meal.
  - iii. Accurately consolidates meal counts prior to submitting monthly claims for reimbursement.

Schools may not claim reimbursement for additional meals served to students, or for meals that do not meet meal pattern requirements.

- b. The reduced-price copay will continue to be funded by the state through [House Bill 1342 \(2021\)](#), which eliminated the reduced-price copay for all grade levels. Under HB 1238 meals served to students in the paid category, will receive supplemental funding to provide reimbursement equal to the USDA free rate.

Resource: [Point-of-Service Meal Counting Reference Sheet](#)

## 13. Is a paid lunch price required to be established at qualifying schools?

Schools operating under HB 1238 do not need to establish student lunch prices as meals will be offered at no cost to all students. Qualifying schools should also be excluded from the calculations required in the Paid Lunch Equity Tool to establish the paid lunch price at standard counting and claiming schools. Prices for adult meals must continue to be set in accordance with requirements outlined in the [Adult Meal Prices Reference Sheet](#).

## 14. Can qualifying schools sell ala carte items or second meals?

Yes. If a student selects a non-reimbursable meal (example: the student refuses to select the components required for a reimbursable meal) or wishes to have a second meal, the school may charge the student for the components. The school may not claim non-reimbursable meals or second meals for reimbursement.

## 15. Is a 'Consent to Share Meal Eligibility' form required when serving meals at no cost?

Consent to Share forms are required to share eligibility information with programs not authorized by the National School Lunch Act (NSLA). Any student that has been Directly Certified or has a meal application that meets the income guidelines for free or reduced-price meals are eligible for fee removals through [HB 1660 \(2019\)](#).

Resource: [Implementing HB 1660: Consent to Share Information Reference Sheet](#)

**16. How should LEAs communicate to households that meals are available at no cost only at select elementary school(s)?**

Clear, consistent communication is very important in districts where some, but not all schools, offer meals at no cost to students (example: the elementary school offers meals at no cost, but the middle school does not). A combination of outreach strategies is typically best to ensure all households are aware of the availability of meals at no cost at qualifying schools. Successful communication strategies include:

- a. Placing HB 1238 notifications prominently on websites and in any 'back-to-school' packets
- b. Sending email notifications to households
- c. Holding information sessions for households
- d. Providing HB 1238 information at school board meetings and 'back-to-school' nights

Resource: [Notification to Households of Meal for Kids State Support Schools](#)

**17. If a student transfers from a HB 1238-eligible school to a non-eligible school during the school year, will they continue to receive meals at no cost?**

No. Although the state covers the difference between the free and paid reimbursement rates at HB 1238-eligible schools, USDA's guidance for eligibility must continue to be followed. HB 1238-eligible schools must claim meals according to eligibility status (free, reduced-price, and paid). The meals served to students transferring during the school year from a HB 1238-eligible school to a non-eligible school must continue to be claimed according to the student's approved eligibility status. LEAs have discretion to cover the cost of meals for students not eligible for free or reduced-price meals with non-federal dollars.

**18. How does HB 1238 operations impact Learning Assistance Program (LAP) funding?**

HB 1238 included temporary stability factors for SY 2023–24 through SY 2025–26 to ensure LEAs and schools do not lose important LAP funding by providing meals at no cost. LEAs may use Free and Reduced-Price Meal Eligibility Status or Low Income (FRPL) data from any of the four years preceding HB 1238 adoption for LAP purposes. Schools will also maintain LAP High-Poverty status when providing meals at no cost.

Nothing prevents a school or LEA from increasing their FRPL while providing meals at no cost. Diligent meal application collection and direct certification downloads are key to increasing these percentages.

## 19. How does HB 1238 operations impact National Board Certified Teacher bonuses?

HB 1238 also included a temporary stability factor to ensure schools qualifying as “High Poverty Schools” in SY 2023–24 maintain their status for SY 2024–25 and SY 2025–26 National Board Certified Teacher bonuses when providing meals at no cost under HB 1238.

### References

- [House Bill \(HB\) 1238 \(2023\): Meals for Washington Students](#)
- [USDA Eligibility Manual for School Meals](#)
- [7 CFR 210](#)
- [7 CFR 245](#)

### Acronym Reference

- CEP- Community Eligibility Provision
- CFR- Code of Federal Regulations
- CNS- Child Nutrition Services
- LAP- Learning Assistance Program
- LEA- Local Education Agency
- NSLA- National School Lunch Act
- NSLP- National School Lunch Program
- OSPI- Office of Superintendent of Public Instruction
- USDA- United States Department of Agriculture