

OSPI School Meal Programs Reference Sheet

House Bill 1238—Meals for Washington Students

The Washington State Legislature [House Bill \(HB\) 1238 \(2023\)](#): Providing Free School Meals for All passed during the 2023 legislative session. This legislation builds on [House Bill 1342 \(2021\)](#), which eliminated the reduced-price copay for all grade levels. This requirement begins School Year (SY) 2023–24 and is based off [October Building Data](#) (OBD) from the preceding school year. The legislation amended [RCW 28A.235](#).

HB 1238 **does not** supersede [House Bill 1878 \(2021\)](#) which requires the operation of the Community Eligibility Provision (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.

Requirements

✓ HB 1238-Specific Requirements

- Breakfast and lunch must be made available at no cost to all students in elementary schools where 30% or more of enrolled children are eligible for free or reduced-price meals.
 - Elementary Schools: Schools that served students in kindergarten, first grade, second grade, third grade, and/or fourth grade.
- All students enrolled in a qualifying school, regardless of grade level, must be offered breakfast and lunch at no cost.
- The Free and Reduced-Price percentage is calculated using eligibility and enrollment information from October 31 each year, as reported for October Building Data.

✓ National School Lunch Program and School Breakfast Program Requirements

Local Education Agencies (LEAs) providing meals free of charge under HB 1238, must continue to follow all NSLP and SBP requirements, including the following:

- Free and reduced-price meal applications must be distributed and collected to meet USDA program requirements, to support other state educational funding, and to maintain HB 1238 eligibility.
- Direct Certification must be conducted on a monthly basis as required by the [Hunger-Free Students Bill of Rights Act](#).
- Verification of free and reduced-price meal applications must be conducted annually by November 15.



- Meals must be counted and claimed at the point-of-service by eligibility status (free, reduced-price, and paid).

Temporary Stability Factors

HB 1238 included temporary stability factors for SY 2023–24 through SY 2025–26 to ensure LEAs and schools do not lose important state funding by providing meals at no cost.

✓ Learning Assistance Program (LAP)

- 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.

✓ National Board-Certified Teacher Bonuses

- Schools qualifying as 'High Poverty Schools' in school year 2023–24 will maintain their status for school year 2024–25 and 2025–26 National Board-Certified Teacher bonuses when providing meals at no cost under HB 1238.

State Meal Reimbursement Supplement

Along with the passage of HB 1238, the legislature passed funding to supplement federal reimbursement so that all meals served in a HB 1238 eligible school are reimbursed at the federal free rate.

Reference

- [House Bill \(HB\) 1238 \(2023\)](#): Providing Free School Meals for All
- [House Bill 1342 \(2021\)](#): Eliminating Lunch Copays for Students who Qualify for Reduced-Price Lunches
- [House Bill 1878 \(2021\)](#): Increasing Public School Participation in the Community Eligibility Provision of the United States Department of Agriculture

Acronym Reference

- CEP – Community Eligibility Provision
- CNS – Child Nutrition Services
- FRPL – Free and Reduced-Price Meal Eligibility Status or Low Income
- LAP – Learning Assistance Program
- NSLP – National School Lunch Program
- OBD – October Building Data
- OSPI – Office of Superintendent of Public Instruction
- RCW – Revised Code of Washington
- USDA – United States Department of Agriculture

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