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Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**  
Chris Reykdal, Superintendent

June 1, 2024



Action Required

Due date: Varies



Informational

## BULLETIN NO. 036-24 CHILD NUTRITION SERVICES

TO: Educational Service District Superintendents  
School District Superintendents  
School District Business Managers  
School District Food Service Supervisors  
Administrators of Select Private Schools

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Meals for Washington Students — House Bill 1238

CONTACT: Child Nutrition Services Program Specialists

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## PURPOSE/BACKGROUND

The Washington State Legislature passed [House Bill \(HB\) 1238 \(2023\)](#): Providing Free School Meals for All during the 2023 legislative session amending the [Revised Code of Washington \(RCW\) 28A.235](#). This bulletin summarizes the requirements of RCW 28A.235.135, including

impacts to operation of the U.S. Department of Agriculture's (USDA) National School Lunch Program (NSLP) and School Breakfast Program (SBP).

## MEALS FOR WASHINGTON STUDENTS – HOUSE BILL 1238

RCW 28A.235.135 requires Local Education Agencies (LEAs) to provide meals at no cost to students enrolled at elementary schools where 30% or more of enrolled children are eligible for free or reduced-price meals, based on October 2023 [Area Eligibility Data](#). OSPI will notify LEAs with impacted schools. A list of required elementary schools for SY 2024–25 is posted on the [OSPI Meals for Washington Students webpage](#).

“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.” Once a school qualifies, all students must be offered meals free of charge. For example, in a qualifying school that serves students in grades K-8, all students, at all grade levels must have access to meals at no cost. RCW 28A.235.135 requirements also apply to charter schools and state-tribal education compact schools.

Schools providing meals at no cost under this requirement must claim meals by eligibility category (free, reduced-price, or paid). Meals served to students in the reduced-price or paid category will receive supplemental funding to provide reimbursement equal to the USDA free rate.

RCW 28A.235.135 does *not* supersede [RCW 28A.235.300](#) which requires the operation of CEP at schools with an Identified Student Percentage (ISP) of 40% or greater. Schools with an ISP of 40% or greater must continue to apply for CEP as required by legislation and may not end their CEP cycle early.

## NATIONAL SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM REQUIREMENTS

LEAs providing meals at no cost under RCW 28A.235.135, must continue to follow all NSLP and SBP requirements, including the following:

### Child Nutrition Eligibility & Education Benefit Applications

Beginning in school year 2024–25, LEAs must distribute and collect the Child Nutrition Eligibility & Education Benefit (CNEEB) Application. The CNEEB Application replaces the Meal Application and may qualify households for: meal benefits, Summer EBT benefits, reduced fees for other programs and activities, and help secure educational funding for the LEA.

Local Education Agencies must also distribute *Letters to Households* to families each school year after July 1. These materials inform families of the meal programs available to students.

### **Direct Certification**

Direct Certification is the process LEAs use to certify categorically eligible children for free or reduced-price meals without further application. Students may be directly certified for free or reduced-price meals based on participation in assistance programs, including but not limited to Basic Food and Temporary Assistance for Needy Families (TANF). LEAs are required to perform direct certification at least monthly per [RCW 28A.235.280](#).

### **Notification of Eligibility Determination**

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.

Information about CNEEB Application materials, including Letter to Household and Notice of Eligibility for schools operating under HB 1238 can be found on the [Meals for Washington Students webpage](#).

### **Paid Lunch Prices**

Schools operating under HB 1238 do not need to establish student lunch prices and should not include meal counts from these schools in the [Paid Lunch Equity Tool](#) calculation. Prices for adult meals must continue to be set in accordance with requirements outlined in the [Adult Meal Prices Reference Sheet](#).

## **IMPACTS TO OTHER PROGRAMS**

### **Learning Assistance Program (LAP): Temporary Stability Factor**

A temporary stability factor for school year 2023–24 through school year 2025–26 is in place 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.

### **National Board-Certified Teaching Bonus: Temporary Stability Factor**

A temporary stability factor is also in place to ensure schools qualifying as 'High Poverty Schools' in school year 2023–24 maintain their status for school year 2024–25 and 2025–26 National Board-Certified Teacher bonuses when providing meals at no cost.

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

## INFORMATION AND ASSISTANCE

For questions regarding this bulletin please contact your assigned program specialist or call the OSPI TTY number at 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

Tennille Jeffries-Simmons  
Chief of Staff

Leanne Eko  
Chief Nutrition Officer  
Child Nutrition Services

CR:ln

### **Assurance of Civil Rights Compliance**

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To file a program discrimination complaint, a Complainant should complete [Form AD-3027, USDA Program Discrimination Complaint Form](#), from any USDA office, by calling 866-632-9992 or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **Mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or
2. **Fax:** 833-256-1665 or 202-690-7442; or
3. **Email:** [program.intake@usda.gov](mailto:program.intake@usda.gov)

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