



The Center for Law and Social Policy

School Meals Policy Division
Food and Nutrition Service
P.O. Box 9233
Reston, Virginia 20195

Re: Proposed Rule — Child Nutrition Programs: Community Eligibility Provision — Increasing Options for Schools, Docket No. [FNS-2022-0044-0001](#)

Submitted via the Federal eRulemaking Portal at <https://www.regulations.gov/>.

Dear School Meals Policy Division:

I am writing on behalf of the Center for Law and Social Policy (CLASP) to show strong support for USDA's proposed rule to lower the minimum identified student percentage participation threshold from 40 percent to 25 percent.

Expanding access to the Community Eligibility Provision (CEP), which allows high-need schools to offer free school breakfast and lunch to all their students, gives young children the foundation they need to excel not only in their academics but also in life.

The Center for Law and Social Policy (CLASP) is a national, nonpartisan, nonprofit organization whose mission is to advocate for policies that advance economic and racial justice. Founded more than 50 years ago, CLASP works to develop and implement federal, state, and local policies (in legislation, regulation, and on-the-ground service delivery) that reduce poverty, improve the lives of people with low incomes, tear down barriers arising from systemic racism, and create pathways to economic security. In the last several years, CLASP has strengthened our commitment to racial equity internally and externally, in all aspects of our operations, advocacy, and partnerships. CLASP develops and promotes new ideas, mobilizes others, and provides guidance to government leaders and advocates to help them implement strategies that deliver meaningful results to people across America.

USDA Proposed Updates

When CEP was established, it started off with a 40 percent Identified Student Percentage (ISP). This percentage certifies a portion of students who participate in federal benefit programs such as SNAP, TANF, FDPIR, or Medicaid, for free school meals.

The proposed rule to lower the Community Eligibility Provision to 25 percent ISP, is expected to create the opportunity for an additional 9 million students to have access to free school meals. Despite this advancement in the fight against child hunger, CEP will be most effective when access to funding is made available to ensure CEP is a financially viable option for schools that have traditionally lacked financial support and struggle to adopt CEP at lower ISP levels with more low-income students who are not participating in programs like SNAP.

Over the last year, states have begun to enact legislation to provide free school meals to all students regardless of income. Three states, California, Colorado, and Maine have adopted the legislation as permanent.¹ Among 581 school food-service leaders in California who responded to a survey, 45.7 percent or nearly half reported reductions in student stigma as a result of providing free school meals to all students.² Additionally, state officials estimated that with universal school meal waivers in place, districts across Maine were able to provide 3 million more meals than in the past year.³

Meanwhile other states like Massachusetts, Nevada, and Vermont have passed universal free school meals only for this 2022-2023 school year. With the Community Eligibility Provision (CEP), a non-pricing meal service option for schools and school districts in low-income areas, schools and districts would be able to serve breakfast and lunch at no cost to all enrolled students, without collecting household applications.

Historical Background:

For decades, poverty has been one of the greatest causes, among environmental factors and various physical and mental health conditions, for increased rates of child malnutrition and hunger. It wasn't until the 1920s, when the Great Depression began, that school lunch programs emerged as a solution and soon after operated in all States. However, school lunch programs did not remain a permanent mandate as food supplies declined and labor became scarce during the Second World War.

In the years to follow addressing child hunger through the creation of federal nutrition programs has staggered; every step forward has seen two steps back. Though the Child Nutrition Act of 1996 added additional subsidies for low-income children as well as school milk and school breakfast programs.⁴ However, things drastically changed when the Reagan Administration slashed federal school lunch by \$1.5 billion and shrunk lunch portions, reducing the number of children experiencing poverty eligible for a free or reduced lunch.⁵

Universal Meals During the Pandemic

At the start of the COVID-19 pandemic, federal nutrition waivers gave districts more flexibility and authorized free breakfast and lunch meals to all students. As a result, schools across the country saw a reduction in hunger and improvements in attendance, academic achievement, and classroom behavior. Many of the benefits received also helped to alleviate the financial burden placed on families, many of whom have been found to be over the income limit for qualifying for free or reduced-price meals.⁶ Despite the proven benefits of providing meals to all students at no cost, the return to a tiered-eligibility system will present barriers such as cost and stigma, ultimately preventing students from accessing nutritious meals. Families and schools will also be subjected to encounter school meal debt.⁷

In many cases, the lunch that students receive at school is their one and only meal of the day. As a result of only having access to that one meal, students may follow other avenues like engaging in after school programs in order to get a hot meal. Students who were required to stay at home during the pandemic missed out on access to school lunches entirely. School meals are essential to meeting the needs of students, not only during the school term but during the summer too. For millions of children, summer is the hungriest time of the year. The solution is implementing free summer lunch programs to any youth who needs a healthy summer meal.

Consequences of Food Insecurity

Hunger affects everyone, but unfortunately, Black and Brown communities experience food insecurity at higher rates than their white counterparts. Black and Latino children are more likely to face hunger than white children because of systemic racial injustice. In 2020, 21.7 percent of Black households experienced food security, as did 17.2 percent of Hispanic households compared to 7.1 percent of white households.⁸

Based on data produced from 2021-2022, nearly one in four adults who are parents or guardians of children under 19 who are living with them reported that their households were food insecure.⁹ Over half (56 percent) of food-insecure households participated in one or more of the three largest federal nutrition programs: SNAP, WIC, and the national school lunch program. For families in need, federal nutrition assistance programs are effective and critical lifelines.¹⁰

Millions of kids start the school day on an empty stomach.¹¹ When kids experience food insecurity and don't get the nutrients they need, it affects their academic performance and carries a direct association with behavioral problems like anxiety and hyperactivity, risk of chronic illnesses like asthma and anemia, and emotional distress. A deeper dive into these effects shows:¹²

- When children do not have enough access to healthy foods, it hurts their development and leads to health problems. Financially struggling parents will have competing demands and must choose if the household income goes toward medical care for their child or feeding their family. No parent should have to choose between feeding their family or paying for medical expenses. The correlation between food insecurity and poor health raises the nation's health care expenditures.
- Family factors such as access to food, socioeconomic status, and parents' level of education have an enormous influence on students' school success. When a student has low academic performance, it can lower their test scores, raise their chances of repeating a grade, and make it less likely that they will graduate from high school. Students' academic performance is a predictor of future earnings and success.
- Child hunger can lead to behavioral issues and the need for intervention support. To make matters worse, 14 million students are learning in schools without a nurse, counselor, child psychiatrist, or social worker, but with police or resource officers. Many schools lack trained personnel with holistic, restorative practices to defuse behavioral disruptions. This means that misbehavior driven by hunger can result in punitive responses, from suspension to police involvement.
- Parents' stress due to lack of resources and inability to provide basic needs can influence children's mental health conditions. For example, childhood depression will likely progress into adulthood if left unaddressed.

Having accessible and racially equitable programs available to students when they are outside of their homes is vital and should be at the core of our child nutrition programs. Removing barriers to hunger that are presented in eligibility requirements should be something we work to dismantle. In doing so, we can successfully and effectively ensure all children are well fed and healthy, so they can grow and learn. We should also learn from the history of policies and provisions that have failed. The ultimate goal should be terminating eligibility requirements so that all children can receive a free school lunch and not go hungry. I encourage USDA to explore every opportunity to make CEP financially viable for all eligible schools. Other supporters of this initiative such as The national campaign and No Kid Hungry, finds that

implementing Breakfast After the Bell (BAB) programs in schools with a combination of CEP is successful at creating opportunities for further participation. Also, through direct contact with social workers and homeless liaisons, schools can increase their ISP and boost revenue in their school nutrition budget.¹³ Changes such as these can have a positive long-term impact on students. I urge USDA to move as quickly as possible to finalize this rule and ensure that all students around the country access to free school meals.

Please contact Akeisha Latch at alatch@clasp.org with any questions related to this comment.

¹ Leah Butz, "States that Have Passed Universal Free School Meals (So Far)," *Hunter College: New York City Food Policy Center*, February 21, 2023, [States that Have Passed Universal Free School Meals \(So Far\) \(nycfoodpolicy.org\)](https://nycfoodpolicy.org)

² Katherine Lanca, "Universal school meals increased student participation, lessened stigma", *UC Division of Agriculture and Natural Resources: Food Blog*, March 14, 2023, HYPERLINK
"https://ucanr.edu/blogs/blogcore/postdetail.cfm?postnum=56451#:~:text=Among%20581%20school%20food%2Dservice,school%20meals%20to%20all%20students" <https://ucanr.edu/blogs/blogcore/postdetail.cfm?postnum=56451#:~:text=Among%20581%20school%20food%2Dservice,school%20meals%20to%20all%20students>.

³ Robbie Feinberg, "Educators say free meals have changed attitudes in Maine's school cafeterias," *Main Public*, August 26, 2022, <https://www.mainepublic.org/maine/2022-08-26/educators-say-free-meals-have-changed-attitudes-in-maines-school-cafeterias>

⁴ "House Report 105-633 Child Nutrition and WIC," *GovInfo*, July 20, 1998, <https://www.govinfo.gov/content/pkg/CRPT-105hrpt633/html/CRPT-105hrpt633.htm>

⁵ Claire Suddath, "School Lunches," *TIME*, October 7, 2009, <https://content.time.com/time/subscriber/article/0,33009,1929229,00.html>

⁶ Elizabeth Chuck, "School lunches too costly for a growing number of families.," *NBC News*, October 2, 2022, <https://www.nbcnews.com/news/us-news/school-lunch-costly-growing-number-families-will-white-house-pledge-hercna49596>

⁷ Bylander, A., FitzSimons, C., and O'Connor, G. (2022) *Large School District Report Operating School Nutrition Programs During the Pandemic*. Food Research and Action Center. <https://frac.org/wp-content/uploads/large-school-district-report-2022.pdf>

⁸ Areeba Haider and Loren Roque, "New Poverty and Food Insecurity Data Illustrate Persistent Racial Inequities," *Center for American Progress*, September 29, 2021, <https://www.americanprogress.org/article/new-poverty-food-insecurity-data-illustrate-persistent-racial-inequities/>

⁹ Waxman E, Salas J, Gupta P, Karman M, "Food Insecurity Trended Upward in Midst of High Inflation and Fewer Supports," *Robert Wood Johnson Foundation*, <https://www.rwjf.org/en/insights/our-research/2022/09/food-insecurity-trended-upward-in-midst-of-high-inflation-and-fewer-supports.html>

¹⁰ Alisha Coleman-Jensen, Matthew P. Rabbitt, Christian A. Gregory, and Anita Singh, "Household Food Security in the United States in 2021," *USDA Economic Research Service*, September 2022, <https://www.ers.usda.gov/webdocs/publications/104656/err-309.pdf>

¹¹ "School Meals," *World Food Programme*, <https://www.wfp.org/school-meals>

¹² CLASP WIC Comments, *CLASP*, <https://www.clasp.org/wp-content/uploads/2023/03/CLASP-WIC-Package-comments-2.21.23.pdf>

¹³ "Strategies for Finding Success with CEP," *No Kid Hungry*, <https://bestpractices.nokidhungry.org/programs/school-breakfast/community-eligibility-provision>