

THE U.S. DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE

Child Nutrition Programs:
Community Eligibility Provision –
Increasing Options for Schools

Docket No. FNS-2022-0044

COMMENTS OF THE
CENTER FOR SCIENCE IN THE PUBLIC INTEREST

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The Center for Science in the Public Interest (CSPI) submits these comments in strong support of the U.S. Department of Agriculture’s (USDA) “Child Nutrition Programs: Community Eligibility Provision — Increasing Options for Schools” proposed rule (88 FR 17406), which proposes to lower the identified student percentage (ISP) from 40 to 25 percent, which effectively would increase the number of schools eligible to participate in the Community Eligibility Provision (CEP).

CSPI has worked since 1971 to improve the public’s health through better nutrition and safer food. We are an independent, non-profit consumer education and advocacy organization. For decades, CSPI has been involved in school food advocacy. We convene the National Alliance for Nutrition and Activity, the nation’s largest nutrition advocacy coalition, which successfully advocated for updating the science-based nutrition standards following the passage of the 2010 Healthy, Hunger-Free Kids Act (HHFKA). CSPI greatly appreciates the USDA’s commitment to improving access to healthy school meals through this rulemaking.

A Lower Threshold Expands CEPs Nutritional Benefits

CEP is an instrumental tool to ensure that healthy school meals are accessible to students. School meals are the healthiest sources of food outside of the home for school-age children¹. A systematic review examining free meals for all policies (including CEP) found that free meals for all are positively associated with school meal participation, and in most cases, are positively associated with diet quality, food security, and academic performance.² The USDA’s Community Eligibility Provision Characteristic Study found that participation in school lunch and breakfast increased by 6.8 percent and 12 percent, respectively, under CEP.³ Further, by negating the need to stand in line to pay for meals, school participation in CEP allows students more time to eat their nutritious school meals.

A Lower Threshold Advances Equity

CEP reduces the stigma of school meal participation, provides equal access to meals, and removes draconian measures schools may take to obtain payment from students who cannot pay. A 2021 report found that when all students have access to free meals, perceptions of bullying and fighting decrease, and students who previously were income-eligible for free- or reduced-priced meals felt safer.⁴

CEP provides assurance that students will receive free meals at school, even if their family income fluctuates in and out of current eligibility requirements for free meals. CEP also ensures that students who might be on the edges of eligibility, or students who are experiencing

¹ Liu J, Micha R, Li Y, Mozaffarian D. Trends in Food Sources and Diet Quality Among US Children and Adults, 2003-2018. *JAMA Netw Open*. 2021;4(4):e215262. Epub 20210401. doi: 10.1001/jamanetworkopen.2021.5262.

² Cohen, J, et al. Universal School Meals and Associations with Student Participation, Attendance, Academic Performance, Diet Quality, Food Security, and Body Mass Index: A Systematic Review. *Nutrients* 2021; 13(3):911.

³ Murdoch, J., Nisar, H., Wallace-Williams, D., Vachon, M., Enver, A., Logan, C. W., . . . Villarreal, M. (2022). *Community Eligibility Provision Characteristics Study*. U.S. Department of Agriculture, Food and Nutrition Service. <https://www.fns.usda.gov/research-analysis>. Accessed May 2, 2023.

⁴ Gutierrez, E. The Effect of Universal Free Meals on Student Perceptions of School Climate: Evidence from New York City. June 2021. EdWorkingPaper: 21-430.

homelessness or have run away, have recently immigrated, have caregivers who may struggle with administrative paperwork, or are in foster care do not fall through the cracks.

Access to nutritious school meals is particularly important for communities facing food insufficiency due to longstanding structural barriers. Recent Economic Research Service data show that nearly 23 percent of non-Hispanic Black households, 19.5 percent of Hispanic households, 13.1 percent of Other non-Hispanic households, and 10.1 percent of Asian non-Hispanic households reported that over the past week, their children sometimes or often did not have enough food compared with 8.1 percent of non-Hispanic White households with children.⁵

A Lower Threshold Expands CEPs Operational and Administrative Benefits

Throughout the COVID-19 pandemic, schools across the country reported a myriad of benefits from offering free meals to all students: improvements in student behavior and academic achievement, reduction in student hunger, and easing administration, operations and reducing school meal debt.⁶ According to the Community Eligibility Provision Characteristic Study, more than half of participating local education agencies (LEAs) reported no challenges implementing it, and nearly all reported that they were likely to participate during the next school year (SY 2017–2018).⁷ CEP can also take pressure off school food authorities (SFAs) to increase revenue by serving foods that may be lower in nutritional quality and/or competitive foods. Conversely, the return to a tiered-eligibility system has been challenging for students, families, and schools, with many districts reporting an increase in school meal debt. A recent survey of 847 school nutrition directors found that 97.9 percent of programs that do not provide free meals to all students (n=697) have unpaid meal debt, compared to 33 percent of SFAs that do offer free meals for all (through CEP, local or state provisions, or a combination of both) (n=149).⁸

The USDA's 2019 School Nutrition and Meal Cost Study shows that districts spend more to produce a school meal than they are reimbursed.⁹ The Community Eligibility Provision Characteristic Study found modest increases in NSLP and SBP revenues from Federal reimbursements – four percent and one percent, respectively.¹⁰ Any administrative savings generated by CEP will allow SFAs to better weather rising food prices and improve the nutritional quality of meals served.

While expanded CEP eligibility is imperative for maximizing the benefit of school meal programs to students, LEAs must ensure CEP is a financially viable option for school food services. Despite an abundance of technical assistance, implementing CEP at schools with lower

⁵ U.S. Department of Agriculture Economic Research Service. Child food insufficiency continues to vary widely across racial and ethnic groups. Accessed April 18, 2023.

⁶ 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>. Accessed May 2, 2023.

⁷ Murdoch, 2022.

⁸ School Nutrition Association. 2023 School Nutrition Trends Report. <https://schoolnutrition.org/wp-content/uploads/2023/01/2023-School-Nutrition-Trends-Report.pdf>. Accessed April 27, 2023.

⁹ U.S. Department of Agriculture. (2021). *The Cost of producing School Meals Has Increased*. United States Department of Agriculture. https://fns-prod.azureedge.us/sites/default/files/resource-files/SNMCS_infographic4_CostofProducingSchoolMeals.pdf.

¹⁰ Murdoch, 2022

ISP levels may not be financially feasible with the current 1.6 multiplier. CSPI is supportive of legislative efforts to increase the multiplier to 2.5, so that more schools will have the opportunity to benefit from CEP.

A Lower Threshold Will Support State Action

Over the last year, states have enacted legislation ensuring all students have access to healthy school meals. Currently five states, California, Maine, Colorado, Minnesota, and New Mexico have passed policies supporting free meals for all students, while campaigns in over 20 other states are working to pass legislation. The proposed rule may impart cost savings to those states. State funding can encourage schools with lower ISPs to adopt CEP. To further support states that have taken this important step, CSPI urges the USDA to approve waivers from states to operate CEP statewide and explore creating statewide CEP demonstration projects to evaluate this approach.

Additional Considerations:

CSPI urges the USDA to give states the option to implement the 25 percent threshold even if the new rule is finalized after the June 30th election deadline. This will allow states and schools to benefit from the change in the upcoming 2023–2024 school year.

Conclusion:

CSPI commends the USDA for its continued work to increase participation in CEP, ensuring that all students have access to nutritious school meals. We encourage the USDA to explore every opportunity to make CEP financially viable for all eligible schools. Thank you for your consideration.

Sincerely,

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