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Submitted via <http://www.regulations.gov>

Re: Docket No. FNS-2022-0044; Child Nutrition Programs: Community Eligibility Provision—Increasing Options for Schools

UnidosUS (formerly the National Council of La Raza) respectfully submits these comments on the U.S. Department of Agriculture (USDA) Food and Nutrition Service’s (FNS) proposed rule, “Child Nutrition Programs: Community Eligibility Provision—Increasing Options for Schools,” which expands access to the Community Eligibility Provision (CEP) by lowering the minimum identified student percentage (ISP) participation threshold from 40% to 25%.

UnidosUS is the nation’s largest Hispanic* civil rights and advocacy organization. Through its unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States and Puerto Rico, UnidosUS simultaneously challenges the social, economic, and political barriers to the success and well-being of Latinos at the national and local levels. For more than 50 years, UnidosUS has united communities and different groups seeking common ground through collaboration and that share a desire to make our country stronger.

Our work includes advancing policies and programs that expand access to healthy foods, including child nutrition programs such as the National School Lunch Program (NSLP) and the School Breakfast Program (SBP).¹

Equitable access to healthy school meals is critical to addressing health disparities among communities of color who continue to experience disproportionately high rates of food insecurity and diet-related diseases.

* The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race. Our materials may also refer to this population as “Latinx” to represent the diversity of gender identities and expressions that are present in the community.

Both CEP and a policy of providing no-cost school meals to students have numerous documented benefits, including increased attendance, improved meal participation, reduced stigma, decreased barriers for students and families, lower food insecurity, improved student outcomes, and decreased administrative burden.² The proposed rule seeks to expand the benefits of CEP to additional schools, to ensure that more children have access to the nutritious foods they need to learn and grow. CEP allows the nation's highest-poverty schools and districts to eliminate household paperwork and offer all students breakfast and lunch at no additional cost.

Healthy and affordable or free school meals are a key federal nutrition assistance program that decreases food insecurity and health disparities among children of color, who are disproportionately vulnerable to food insecurity and its health effects, as well as chronic diet-related diseases. Improving access to healthy school meals is therefore essential for Latino children in families experiencing food insecurity. Recent Census Bureau data from April 2023 show that Latino (22%) and Black (19%) households with children sometimes or often did not have enough food to eat in the last week at more than double the rate of White households with children (9%).³ Food insecurity among children is associated with adverse effects on physical and mental health, cognitive function, and academic performance.⁴

CEP was designed to address barriers to participation in school meal programs and improve access to healthy school meals in high-poverty schools and school districts. Implementation of CEP after its initial introduction has been shown to increase participation in school meals, and expanding its reach to more high-poverty schools and districts will yield greater improvements in participation.⁵ Yet, the current pool of CEP-eligible schools may not represent all high-poverty schools in the United States given that the current ISP of 40% is not the perfect proxy for poverty.

The ISP is the qualifying metric used to determine a school or school district's eligibility to participate in CEP. A student is "identified" based on their household's participation in certain federal programs, as well as on whether they are experiencing homelessness, a migrant, a runaway, or a foster child. If a school or school district has an ISP of at least 40%, they are eligible to participate in CEP.

Because many eligible Latino families do not participate in programs for which they are eligible due to outreach and language access barriers, fears and confusion around public charge, and stigma associated with enrolling in federal assistance programs, they are uncounted for in the ISP measure. USDA data estimates that more than four million Latinos are eligible, yet unenrolled in the Supplemental Nutrition Assistance Program (SNAP).⁶ In addition, some Latino households may be financially eligible for SNAP but ineligible due to other eligibility criteria, such as citizenship-related restrictions. As a result, schools in areas with significant mixed-status immigrant families and noncitizen populations may be less likely to be eligible for CEP under the 40% ISP requirement, although their populations should qualify.

As explained below, we urge the USDA to expand access to CEP by lowering the ISP participation threshold from 40% to 25%. This policy would advance access to healthy school meals for low-income communities, especially communities of color. Expanded access to free school meals is critical to reducing persistent food insecurity among children, particularly those in low-income schools and school districts.⁷

Latino families and children experience barriers to equitable participation in the National School Lunch Program and School Breakfast Program.

As many as one in seven kids who are eligible for free school meals without having to apply fail to get certification.⁸ While many Latino children participate in free and reduced-price meal programs, several barriers prevent eligible households from participating in, and maximizing the benefits of, school meals. For example, some families remain unaware of these programs or may face obstacles to enrollment, including difficulty filling out forms or limited English proficiency.

The burden of completing onerous paperwork and income reporting requirements should not fall on the vulnerable low-income families who are eligible for free and reduced-price meals—particularly since the same families generally face steep administrative burdens and often have already completed cumbersome applications for other federal programs.

Moreover, such paperwork and income requirements can systematically exclude many families and children who could benefit from access to free or reduced-price meals. Current income requirements state that a single-parent household with two children making \$43,000 annually earns too much to qualify for reduced-price school meals.⁹ However, with the recent significant rises in food prices and an end to SNAP emergency allotments, supporting a family of three with this income level would be difficult in many parts of the country.¹⁰ An August 2022 poll by NPR, the Robert Wood Johnson Foundation, and the Harvard T.H. Chan School of Public Health showed that Latino (48%) and Black (58%) families are experiencing serious financial problems at rates significantly higher than White families (38%).¹¹ The same poll found that Latino (30%), Black (32%), and Native American (39%) adults face serious problems with affording food at rates much higher than White adults (21%).¹² In areas with significant populations of Latinos, such as Miami, the cost of living—including housing, food, and transportation prices—has become unaffordable for many people and families.¹³ Furthermore, cumbersome and complex paperwork requirements are likely to deter families who may have difficulties completing the lengthy application or who may be wary of receiving social supports—as many Latino families are—due to the history of such programs being weaponized against immigrant and mixed-status families.

Indeed, misinformation and fears stemming from prior anti-immigration policies deter eligible Latino families from applying for food assistance. A survey indicated that nearly half (46%) of immigrant families who needed assistance during the pandemic did not apply for it due to concerns related to immigration status.¹⁴ While noncitizens are eligible for free and reduced-price school meals, a fear of negative consequences from sharing their personal information may deter them from applying.

Stigma serves as another barrier to participation in school meal programs. Students who receive free and reduced-price meals may be stigmatized or shamed due to concerns of being labeled by their low-income status. Evidence shows that stigma may contribute to an increased risk of bullying and lower participation in school meal programs.¹⁵ Yet, survey data highlighting the perspectives of school food authorities reported that benefits of pandemic-era expanded access to free school meals included increased student meal participation (79.2%) and reduced stigma (39.7%).¹⁶

CEP has already proven to play a role in alleviating the well-documented stigma associated with school meals. A July 2022 study showed that CEP implementation reduced the incidence of school suspensions, with effects especially pronounced among Hispanic and low-income students.¹⁷

Research from the Food Research and Action Center indicated that during the 2021–2022 school year, as children returned to schools and schools offered free meals to all students, participation in meal programs increased dramatically. They found that 10.1 million more children received school lunch and 1.6 million more children received a school breakfast compared to the previous school year.¹⁸ These data suggest that making school meals available to all students at no cost is critical to increasing participation in the NSLP and SBP.

Latino children comprise a significant proportion of the school-aged population and would benefit greatly from more equitable access to free school meals.

School meals serve an important role in addressing health disparities. Obesity and diabetes are some of the Hispanic community's most serious—and preventable—health conditions. CDC data show that compared to non-Hispanic Whites, Latinos are more than twice as likely to suffer from type 2 diabetes; the disease afflicts 17% of Latinos, compared to just 8% of non-Hispanic Whites.¹⁹ Moreover, National Survey of Children's Health data show that more than 40% of Latino children are overweight or obese, compared to 27% of non-Hispanic White children.²⁰ Since 2011, obesity rates have been significantly higher for Latino children than for children of any other racial or ethnic group.²¹ A 2020 study by researchers at the Harvard T.H. Chan School of Public Health found that for children in poverty, the “risk of obesity declined substantially each year” after the USDA strengthened school meal nutrition standards in 2010.²²

Improving access to healthy school meals is critically important for the success and well-being of low-income Latino families and children. School meals are one of the most nutritious sources of foods for school-age children, which is significant as some children receive up to half of their daily calories at school.²³

Of the 49.4 million students enrolled in public elementary and secondary schools in 2023, about 13.8 million are Hispanic, with this number growing each year.²⁴ According to data from the Department of Education, Latinos are expected to make up nearly 30% of the school population by the end of the decade.²⁵ Given the growing number of Latino students, providing low-income students with enhanced access to healthy school meals will yield broad gains in health and educational outcomes.

Coupled with the USDA's recently proposed updates to school meal nutrition standards, students will likely experience noticeable gains in nutritional outcomes. Previous revisions to school nutrition standards have led to improvements in the nutritional quality of school meals, and studies have found that school meals are often of significantly higher nutritional quality than meals brought from home.²⁶ Increased participation in school meals may lead to considerable improvements in child dietary outcomes.

Lowering the minimum ISP would allow more schools and districts with significant low-income Latino populations to participate in CEP. April 2023 survey data indicate that 59% of Latino households with children receive free or reduced-price meals at school, which is more than twice the rate of White households with children (28%).²⁷ This suggests that expanding CEP will help to ensure that low-income communities of color would benefit from access to healthy school meals without encountering barriers related to access and stigma.

CEP ensures that students experiencing barriers to participating in free- and reduced-price meals do not fall through the cracks, including students who are on the edges of eligibility, are experiencing homelessness, have recently immigrated, are in foster care, or have caregivers who may struggle with completing paperwork to qualify for the program. Implementation of CEP also assures that students in low-income schools and districts will receive free school meals, even if their family income fluctuates in and out of current eligibility requirements for free meals.

Lowering the minimum ISP threshold to 25% expands CEP's administrative and operational benefits.

Over the course of the COVID-19 pandemic, schools experienced several benefits as they expanded access to free school meals. In addition to improving outcomes for students, they reported decreased administrative burden, improvements in operations, and a reduction in school meal debt.²⁸ According to the USDA's Community Eligibility Provision Characteristic Study published in 2022, more than half of participating local education agencies (LEAs)

reported no difficulties implementing CEP, and nearly all said they were likely to participate during the following academic year.²⁹ In addition, LEAs electing to participate in CEP (43%) reported that it was easier for the food service accounts to break even than non-participating LEAs (12%).³⁰

Federal reimbursements under CEP are not determined by the number of meals consumed by students who qualify for free- and reduced-price meals. Instead, a preset percentage of total meals are claimed (and reimbursed) at the Federal free meal reimbursement rate, with the remainder being claimed at the paid meal rate. A 2014 USDA report found that CEP had a positive impact on all measures of Federal reimbursements, including increasing daily Federal NSLP and SBP reimbursements per enrolled student by approximately 12%.³¹ In addition, the 2022 USDA CEP report found that CEP increased the Federal reimbursement level received by LEAs for both school lunches and breakfasts due to a higher percentage of meals claimed at the Federal free rate.³² Relative to similar LEAs that did not adopt CEP, federal reimbursements per NSLP lunch and SBP breakfast were 9 cents and 2 cents higher, respectively, in the first year of CEP implementation.³³

According to USDA's 2019 School Nutrition and Meal Cost Study, the "largest source of LEA revenues in SY 2014–15 was Federal reimbursements, accounting for 57 percent of total reported LEA revenues, with an additional 6 percent accounted for from USDA Foods."³⁴ To bolster the adoption rate of CEP, we recommend additional investments to increase the multiplier that determines the amount of federal reimbursement a school receives from 1.6 to 2.5 for all schools.

Expansion of CEP pays for itself by reducing administrative burden and increasing program efficiency.

In addition to relieving hunger in high poverty areas, CEP reduces administrative burden and increases program efficiency by using readily available data to offer free school meals to all students. Its implementation eliminates the need for schools to collect, review, and verify household income applications for free- and reduced-price meals by sharing eligibility data between specific Federal assistance programs. Community eligibility schools use significant administrative savings to offset any additional costs (over and above federal reimbursements) of serving free meals to all. A majority (79%) of participating LEAs cited the increase in revenues from Federal reimbursements as the primary factor in making it easier to break even.³⁵ A 2021 study by researchers at the George Washington University Milken Institute School of Public Health found that CEP-participating schools spent \$0.67 less per lunch and \$0.58 less per breakfast when accounting for food, administrative, and labor costs.³⁶

As USDA lowers the ISP threshold to 25%, it is critical to ensure that CEP is a financially viable option for schools and school food services. USDA's Community Eligibility Provision Characteristic Study reports that while 76% of school districts had implemented CEP in the

2016—2017 school year, eligible non-participating districts often cited district-wide ISPs and the financial challenges of using the current 1.6 multiplier for reimbursement as concerns preventing their participation in CEP.³⁷ Moreover, they indicated that CEP would “be more appealing if the factor used to determine meal reimbursement levels were increased.”³⁸

Conclusion: Expansion of the Community Eligibility Provision and improved access to healthy school meals is critical to improving the health and well-being of Latino families and children.

We appreciate the USDA’s proposal to expand access to the CEP, enhancing Latino students’ participation in school meals and advancing healthy equity. For these reasons, we urge the USDA to lower the minimum ISP participation threshold from 40% to 25%.

USDA should continue to partner with State agencies and anti-hunger partners to promote best practices and provide schools and school districts with resources and technical assistance as they implement CEP. We also recommend that the USDA continue working closely with advocacy organizations and stakeholders to facilitate culturally relevant outreach and enrollment in nutrition programs.

Should you have any questions or need further information, please contact Umailla Fatima at ufatima@unidosus.org.

Notes

¹ <https://www.cdc.gov/healthyschools/nutrition/schoolmeals.htm>.

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8000006/>; and <https://pubmed.ncbi.nlm.nih.gov/32584590/>.

³ https://www2.census.gov/programs-surveys/demo/tables/hhp/2023/wk56/food2_week56.xlsx.

⁴ <https://publications.aap.org/pediatrics/article-abstract/108/1/44/66819/Food-Insufficiency-and-American-School-Aged>; <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2015.0645>; <https://academic.oup.com/jn/article/135/12/2831/4669915>; and <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2012.300971>.

⁵ <https://eric.ed.gov/?q=source%3A%22US+Department+of+Agriculture%22&id=ED557961>.

⁶ https://unidosus.org/wp-content/uploads/2021/07/ib29_comprandoricoyano_53018.pdf.

⁷ <https://www.sciencedirect.com/science/article/pii/S027795361530280X>; <https://academic.oup.com/jn/article-abstract/141/3/470/4743596>; and <https://onlinelibrary.wiley.com/doi/abs/10.1111/joca.12163>.

⁸ <http://www.fns.usda.gov/ora/MENU/Published/CNP/FILES/DirectCert2011.pdf>.

⁹ <https://www.fns.usda.gov/cn/fr-021622>.

¹⁰ <https://www.nytimes.com/2023/04/28/business/food-inflation-prices.html>; and <https://www.cbpp.org/research/food-assistance/temporary-pandemic-snap-benefits-will-end-in-remaining-35-states-in-march>.

¹¹ <https://www.hsph.harvard.edu/news/press-releases/poll-high-u-s-inflation-rates-are-having-a-more-serious-impact-on-black-americans-than-white-americans/>.

¹² https://www.hsph.harvard.edu/news/wp-content/uploads/sites/21/2022/08/NPR-RWJF-Harvard-August-Poll_Final2.pdf.

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- ¹³ <https://www.nbcnews.com/news/latino/latinos-blacks-are-affected-rise-inflation-rcna41503>.
- ¹⁴ https://www.nokidhungry.org/sites/default/files/2021-12/NKH_Public%20Charge_Micro-Report_English_0.pdf.
- ¹⁵ <https://www.healthaffairs.org/doi/10.1377/forefront.20220504.114330/>.
- ¹⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9500887/>.
- ¹⁷ <https://www.census.gov/library/working-papers/2022/adrm/CES-WP-22-23.html>.
- ¹⁸ <https://frac.org/research/resource-library/school-meals-2023>.
- ¹⁹ <https://www.cdc.gov/diabetes/library/features/hispanic-diabetes.html>.
- ²⁰ <https://www.childhealthdata.org/browse/survey/results?q=8455&r=1&g=914>.
- ²¹ <https://www.cdc.gov/nchs/data/hestat/obesity-child-17-18/overweight-obesity-child-H.pdf>.
- ²² <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2020.00133>.
- ²³ <https://pubmed.ncbi.nlm.nih.gov/33844000/>.
- ²⁴ <https://nces.ed.gov/programs/coe/indicator/cge/racial-ethnic-enrollment#:~:text=Of%20the%2049.4%20million%20students,Native%2C%20and%20180%2C000%20were%20Pacific>.
- ²⁵ https://nces.ed.gov/programs/digest/d21/tables/dt21_203.50.asp?current=yes.
- ²⁶ <https://www.fns.usda.gov/school-nutrition-and-meal-cost-study>.
- ²⁷ https://www2.census.gov/programs-surveys/demo/tables/hhp/2023/wk56/food5a_week56.xlsx.
- ²⁸ <https://frac.org/wp-content/uploads/large-school-district-report-2022.pdf>.
- ²⁹ <https://www.fns.usda.gov/sites/default/files/resource-files/CEPSY2016-2017.pdf>.
- ³⁰ Ibid.
- ³¹ <https://www.fns.usda.gov/sites/default/files/CEPEvaluation.pdf>.
- ³² <https://www.fns.usda.gov/sites/default/files/resource-files/CEPSY2016-2017-Summary.pdf>.
- ³³ Ibid.
- ³⁴ <https://www.fns.usda.gov/school-nutrition-and-meal-cost-study>.
- ³⁵ Ibid.
- ³⁶ <https://www.mdpi.com/2072-6643/13/2/670/htm>.
- ³⁷ <https://www.fns.usda.gov/sites/default/files/resource-files/CEPSY2016-2017.pdf>.
- ³⁸ Ibid.