



February 9, 2015

Senator Kate Sullivan, Chair
Health and Human Services Committee
Room 1107, State Capitol
Lincoln NE 68509

Chairwomen Sullivan and Members of the Education Committee:

My name is Mary Ann Harvey and I am a staff attorney in the Economic Justice Program at Nebraska Appleseed. Nebraska Appleseed is a nonprofit, legal advocacy organization that fights for justice and opportunity for all Nebraskans. I am here today to testify in support of LB 524.

LB 524 addresses the Community Eligibility Provision (CEP), which is a part of the Healthy, Hunger Free Kids Act of 2010 that allows schools in high poverty areas to serve free breakfasts and lunches to all students. CEP is an exciting opportunity for some schools and districts in Nebraska, because it can help ensure that students in high poverty areas do not go hungry, reduces stigma related to school feeding programs, eases administrative burdens for schools, and potentially save costs.

After its initial passage, Community Eligibility was piloted in a handful of states over the course of three years before it became available to all states for the school year 2014-2015. Initial figures from the first states to implement the provision have shown consistent increases in school meal participation. Lunch participation in Illinois, Kentucky, and Michigan increased by 13%, breakfast participation saw an even greater increase of 25%.ⁱ Our neighbors in Council Bluffs and Des Moines decided to take up Community Eligibility in a widespread way this school year. Des Moines has estimated a cost savings of \$75,000.

To be eligible for CEP, at least 40% of the student population of the district, group, or school must be “identified students”.ⁱⁱ Identified students are those who are directly certified for free meals outside of the individual household applications. This certification is based upon their family’s participation in Supplemental Nutrition Assistance Program (SNAP), Aid to Dependent Children (ADC), Food Distribution Program on Indian Reservations (FDPIR), or Head Start; or they are students who are considered homeless, runaway, or migrant youth.

CEP allows schools to forego the household applications that are traditionally required for free and reduced price meals. Instead, schools may use data that has been determined to be an accurate proxy of the free and reduced rate students.ⁱⁱⁱ Moving to a model where schools do not collect applications regarding free and reduced meals has important considerations, since schools use the information on those meal applications for a variety of things, including determining Title I and state aid distribution.^{iv}.

LB 524 is important because it helps clarify how Nebraska schools can take up CEP and still obtain the information needed to retain their funding streams. Currently Nebraska's state aid to schools depends on a measure of students who eat free meals, along with other factors. LB 524 would allow schools participating in CEP to use a different measure ("identified student percentage") in place of that information.^v

Moreover, the bill also allows schools to collect data at the individual student level by use of an alternative method. The data collected in that alternate income survey would also be an accurate reflection of the poverty level at the school and so could be allowed as a measure of free meal students.

In short, LB 524 would allow more schools in Nebraska to take up CEP and ensure more children in our state are fed and ready to learn at school. In Nebraska, 94 schools are eligible to participate in community eligibility and around 30 of them would be reimbursed from the federal government at 100%. For these schools, Community Eligibility is an exciting opportunity to ensure that students are fed efficiently and that schools are reimbursed for those served meals. Santee and Omaha are leading the way and have already taken up the option in some of their schools this school year.

For these reasons, we urge the committee to advance LB 524.

Sincerely,
NEBRASKA APPLESEED

Mary Ann Harvey, J.D.
Staff Attorney, Economic Justice

ⁱ "A Powerful Tool in the Fight Against Child Hunger, Center on Budget and Policy Priorities, <http://www.cbpp.org/files/10-1-13fa-short.pdf>, 3-4.

ⁱⁱ Once approved for the provision, participating schools will receive funds that amount to 1.6 times the percent of identified students at the rate for "free" meals, while reimbursement for the remainder of the student population will be at the "paid" rate. This reimbursement rate occurs in 4-year application cycles, along with a 1-year grace period for districts or schools that fall below the 40% eligibility requirement. See "Making Universal Meals a Reality through the Community Eligibility Option Webinar," School Nutrition Association and Food Research and Action Center, http://www.schoolnutrition.org/uploadedFiles/School_Nutrition/104_CareerEducation/ContinuingEducation/Webinar_Wednesdays/CommunityEligibilityOptionQA.pdf, 3.

ⁱⁱⁱ The methodology utilized under CEP is as follows: Schools take the percentage of students who are identified and multiply it by 1.6 to get an estimate of how many students would be eating free or reduced

price meals. That estimate is a substitute in for the meal applications. For example, if a school has 60% of students that are identified students, their reimbursement rate would be 96% ($60\% \times 1.6 = 96\%$). The reimbursement is at the free rate and is paid by the federal government. The remaining 4% would be at the paid rate, meaning a school would have to make up any difference. If a school has an identified student percentage of at least 62.5%, it would be reimbursed 100% for all meals served.

^{iv} Because this significantly changes how schools gather demographic information, the U.S. Department of Agriculture (USDA) and U.S. Department of Education (USDE), in an effort to ensure that schools can take up this option, have issued guidance on how to handle the lack of applications. *See* Community Eligibility Provision: Department of Education Title I Guidance, U.S. Department of Education, <http://www.fns.usda.gov/sites/default/files/SP19-2014os.pdf> and "Community Eligibility Provision: Guidance and Q&As," U.S. Department of Agriculture, <http://www.fns.usda.gov/sites/default/files/cn/SP21-2014v2os.pdf>.

^v Because more students qualify for free meals than are identified students, it would be important for this bill to allow schools to use their identified student percentage along with the multiplier (1.6) so that there is an accurate reflection of poverty data.