



February 8, 2016

To: Members of the Education Committee

From: Julia Tse, Policy Associate

Re: Support for LB 1004 to change provisions relating to the Community Eligibility Provision and provide duties to the State Department of Education

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We all want to do everything we can to help kids succeed in the classroom. One of the most detrimental factors of educational success is hunger. Voices for Children supports LB 1004 because it would support Nebraska schools and districts in ensuring that hunger is not a barrier to learning for their students.

The Community Eligibility Provision (CEP) 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. **Providing universal school meals increases meal participation and improves overall health and nutrition for all students.** Inadequate health and nutrition has damaging short- and long-term effects for academic performance, and is especially important for children in low-income households. **Additionally, because the CEP eases the administrative burdens of meal service, data collection, and applications, ultimately allowing schools to refocus time towards keeping students happy and healthy for a full day of school.** Schools have recognized the benefit of adopting the CEP—school year 2015-16 was only the second year that the provision was made available to all states and already, **14,000 high-poverty schools serving 6.6 million students have adopted CEP.**

Nebraska has one of the lowest uptakes in the country: only 8 of 109 eligible schools, with a total of 2,084 students, adopted the provision in the most recent school year. In about half of the schools that have not taken up CEP, at least half of the total student population is identified as low-income or at risk of hunger, with some schools reporting as high as 76% of all students.¹ Although these schools, especially our highest poverty schools, would certainly benefit from adopting the provision, there has been some concern over how the CEP would affect funding for schools.

The U.S. Departments of Education and Agriculture have both issued guidelines for federal funding sources that have previously required free and reduced price (FRP) meal data, and our state aid to schools also utilizes the same data for poverty allowances under the Nebraska Tax Equity and Educational Opportunities Act (TEEOSA). Other states have allowed schools to use a proxy measure of capturing poverty in their schools. To address the issue of eligible schools facing financial consequences in adopting the CEP, **LB 1004 would allow schools to select the greater of two calculations: (1) the identified student percentage (ISP) under CEP multiplied by 1.1 or (2) the most recent FRP meal data available.**

¹ "Community Eligibility Database: Schools That Can Adopt Community Eligibility for 2015-2016," Center for Budget and Policy Priorities, 2015.

We believe that this is the best option to ensure that more schools are maximizing opportunities to feed students efficiently because it closely captures how many students currently need free and reduced meals in schools. The ISP reflects students who are “directly certified” for free school meals without an application based on data from another program, such as public assistance. LB 1004 creates a 1.1 multiplier as a proxy for the purposes of calculating state school funding. Last year, changes created by LB 524 and amended in LB 525 allowed ISP itself to be used as a proxy for students receiving free meals, even though data show that there are generally more students qualifying for FRP than the ISP may show. For some schools, this lower number created a potential loss in state funding for high poverty schools.

An important provision of this bill protects high poverty schools by allowing the use of their most recent FRP numbers should the calculated proxy be less than their previous FRP data. At the same time, if poverty levels drop significantly in a school with lower levels of poverty, they would not be able to continue using an older FRP number since the CEP is only available to schools with an ISP of 40% or greater.

Voices for Children believes that the option to hold schools harmless by “freezing” poverty levels through previous FRP calculations is essential. States were required to publish a list of eligible districts and schools in May of last year, and **based on calculations of available state data, a significant majority would suffer from a proxy calculated by ISP with a 1.1 multiplier.**² In recognition of the great variation that exists across our state, we believe that allowing schools to use the greater of two options would serve as an important protection for much-needed funding, especially in high-poverty schools.

We thank Senator Cook for her leadership on this issue and respectfully urge the committee to advance LB 1065. Thank you.

² Calculations based on numbers available from “Community Eligibility Provision (CEP) Annual Notification of Schools,” Nebraska Department of Education, http://www.education.ne.gov/ns/NSLP/CEP/2015%20PropNotificaitonReportCEP_School.pdf.