

# LB 285 School Community Eligibility Provision Maximization Bill

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*The Community Eligibility Provision is a powerful but underutilized resource to fight hunger in Nebraska schools. This federal provision allows high poverty schools to serve breakfast and lunch to students at no cost regardless of income. This legislation would require highly-eligible schools and districts in Nebraska to participate in CEP, adding approximately 43 schools/meal sites to the program and providing nearly 12,500 students access to no cost meals at school.*

## **Basics of the Community Eligibility Provision**

The Community Eligibility Provision (CEP) allows high poverty schools, groups of schools, or districts to serve free breakfasts and lunches to all students, regardless of family income.

Program eligibility and reimbursement is based on the number of students directly certified for free meals (also called identified student percentage or ISP). Directly certified students include those who are in two categories:

- Children who are directly certified for free school meals through data matching because their households receive SNAP, TANF, FDPIR, or Medicaid benefits;
- Children who are certified for free meals without an application because they are homeless, migrant, enrolled in Head Start, or in foster care.

Eligibility for schools, groups of schools, or districts starts at 40% ISP.

## **Meal Reimbursement**

Schools are reimbursed based on the proportion of low-income children in the school, group of schools, or district.

A school's reimbursement can be calculated by multiplying their ISP by the federally set CEP multiplier, which is 1.6. The result is the percent of meals that would be reimbursed at the free rate (\$4.33 per lunch and \$2.67 per breakfast in school year 22-23). Remaining meals would be reimbursed at the paid rate (\$0.77 per lunch and \$0.50 per breakfast).

For example, if a school's ISP is 50%, their free claiming percentage would be 80% ( $50 \times 1.6 = 80$ ). Their paid meal claiming percentage would be 20%.

## **The Benefits of CEP**

- For many students, school meals are the only meals they can count on.
- No cost meals eliminate the stigma that is created when only poor students eat school meals, increase meal participation, reduce tardies and absences, and help kids focus.
- Unpaid meal debt is eliminated, enabling students to focus on learning. This removes the need for alternative meals like cheese/peanut butter sandwiches and the refusal of meals to students in debt. Administration is also freed up to focus on teaching and learning instead of spending hours contacting parents/caregivers collecting debt.

### Slow Uptake in Nebraska

CEP was made available to Nebraska in 2014 but districts have been slow to adopt the program. The Food Research and Action Center ranks Nebraska’s CEP adoption among eligible schools at 50<sup>th</sup> in the nation.

In 2021, Omaha Public Schools adopted CEP district-wide adding around 50,000 additional students to the state’s overall number participating in the program. Lincoln Public Schools moved 8 schools onto the program in 2022 adding an additional 3,000 students. Before that, only about 12,000 students were in participating schools.

*Community Eligibility Provision Gap in Nebraska, School Year 22-23<sup>1</sup>*

	Currently Participating <sup>2</sup>	Currently Eligible (at 40% or more ISP)	CEP Gap
Districts	26	140	114 districts
Schools/Sites	146	459	313 schools/sites
Students	~64,000	~156,000	~92,000 students

### Required participation in CEP at 50% ISP

The average ISP for the existing CEP schools in Nebraska is 54.34% (86% free reimbursement rate). 47 schools or sites currently participate with ISPs lower than 50%.

Legislation to require CEP participation among schools with at least 50% ISP (or 80% free claiming percentage) would maintain healthy budgets in school nutrition programs and bring much needed relief to students and families struggling to pay for meals.

Requiring participation at 50% ISP would add 43 additional schools/sites and almost 12,500 additional students. It would also maintain participation among current schools and districts as they cycle off their 4-year CEP cycle.

The bill also includes the option for districts to opt out of the requirement if they can demonstrate extreme financial burden.

<sup>1</sup> Data throughout this fact sheet are based on proxy data released annually by the Nebraska Department of Education found at <https://www.education.ne.gov/ns/forms-resources/national-school-lunch-program/community-eligibility-provision-cep/>.

<sup>2</sup> Currently participating districts (26): Bancroft-Rosalie School, Banner County School, Bridgeport Public School, Crete Public Schools, Elba Public School, Gordon-Rushville Public Schools, Grand Island Public School, Harvard Public School, Holy Name School, Lincoln Public Schools, Minatare Public Schools, Nelson Mandela Elementary School, North Platte Public School, Omaha Public Schools, Ralston Public Schools, Sacred Heart School - Omaha, Santee Community School, Scottsbluff Public Schools, Southern Public Schools, St. Andrew’s School, St. Augustine Indian Mission School, Thedford Rural High School, Umo ‘ho’ Nation Public School, Walthill Public School, Westside Community Schools, Winnebago Public School