

Other States' Approaches to Universal Meals

Testimony To: Vermont Legislative Task Force on Universal School Meals (Act 67)

Respectfully Submitted by: Anne Bordonaro, Ph.D., Director, Division of Federal Education and Support Programs, Vermont Agency of Education

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Members of the Task Force:

Thank you for inviting me to speak to you. I will pick up where Rosie left off.

In addition to their use in qualifying students for free or reduced-price school meals, USDA Free and Reduced Price Meal (FRL) applications, and alternative household income forms in CEP and provision schools, are used to gather the basic income information needed to determine school and student-level eligibility for many types of **educational** benefits and programs. Furthermore, information gathered via these forms is used to perform required disaggregation of student performance data by poverty and to conduct associated public reporting and equity determinations. For example, such uses include:

School-level:

<i>School-level educational programs and activities</i>
<ul style="list-style-type: none">○ Title I Targeting and Ranking to determine Title I school eligibility○ Eligibility to operate Title I Schoolwide Program○ Under Part B of the IDEA, States are required to make subgrants to eligible LEAs (15 percent of the remaining funds based on poverty)○ Eligibility for loan forgiveness for teachers (national program)○ One-off state grant program eligibility○ Eligibility for 21st CCLC programs○ Eligibility for ERATE (uses end of Oct info.) (national program)○ Flexible Pathways:<ul style="list-style-type: none">▪ VT lottery maker space grant (state level)▪ Broadband initiatives that rely on measures of economic disadvantage (e. g. T-Mobile Program)○ AAFM Farm to School Grants○ Qualification to Community Schools grants created by Vermont State Legislator in 2021.

Student-level and accountability:

<i>Individual Student/Family Level Activities</i>
<ul style="list-style-type: none"> ○ <i>Waivers of SAT and other testing fees (national program)</i> ○ <i>Waiver of college application fees</i> ○ <i>Comcast discounts (state level)</i> ○ <i>Flexible Pathways:</i> <ul style="list-style-type: none"> ▪ <i>VSAC stipend eligibility for students for Dual Enrollment and Early College</i> ▪ <i>Governor’s Institutes of Vermont grant (the grantee offers reduced rate/scholarships to the program)</i>
<i>Federal Accountability Activities</i>
<ul style="list-style-type: none"> ○ <i>Determinations of disparities between non-LI and LI students on student assessment measures - equity determinations</i> ○ <i>Supplemental resources distributed based on Equity determinations</i> ○ <i>Perkins accountability metric disaggregation and related improvement plans (state level and local level)</i> ○ <i>21st CCLC annual reports to USDOE</i> ○ <i>Exclusionary practices data</i>
<i>Publicly Shared Data</i>
<ul style="list-style-type: none"> ○ <i>Vermont Education Dashboard – Student Characteristic Variable for SES Across Year</i> ○ <i>Annual Snapshot – Any SES variable that uses FRL</i> ○ <i>21st CCLC evaluations</i> ○ <i>NESSC Common Data Report</i> ○ <i>Dual Enrollment Legislative Report</i>

Understanding the many uses of the FRL data, the VT AOE has been working internally across divisions (including child nutrition, data and accountability, and educational programs) for 12 months now to consider alternative poverty metrics and the implications of each, in preparation for the possibility that Vermont might adopt universal meals, as happened in the past session.

As one of the charges of Act 67, we were asked to investigate how other states are implementing their universal meals laws. Thus far, CA and ME are the two states to have passed such legislation. I reached out to inquire how they are implementing their recently enacted universal meals laws.

CA Model:

Universal meals model:

CA is taking a layered approach to implementation of their universal meals law *School Meals for All Students*, which requires that two meals per day be provided free to all K-12 students. Their approach is to maximize drawdown of federal dollars (and minimize

state cost) by maximizing students' eligibility for federally reimbursable free and reduced-price meals. Per their state director, they are doing this by:

- a. Mandating that any school seeking state funding for their meals program participate in the National School Lunch (NSLP) and School Breakfast (NBP) Programs.
- b. Mandating that all schools' participating in these programs continue to collect the federally required FRL forms to identify students eligible for free or reduced-price meals based on household income (some of their students also will be deemed eligible through direct cert/categorical eligibility counts).
- c. Mandating that any school eligible to operate the NSLP/NBP under CEP rules (40% or greater low income based on direct certification/categorical eligibility data) apply to participate in this USDA option.
- d. Mandating that schools participating in CEP collect family income data using an alternative income form the SEA has developed for this purpose to provide the data needed for other educational purposes, including implementation of CA's newly enacted Local Control Funding Formula (LCFF) and Title programs.
- e. Their new meals law is effective in the 21-22 school year.

Funding source for state share of meals:

The state share of student meals, i.e., the share remaining after accounting for USDA meal reimbursements, will be covered with CA Proposition 98 funding, which requires minimum percentages of the CA state budget to be spent on K-14 education.

*How poverty will be calculated for **educational** programs and purposes:*

The plan is to continue to use FRL percentages and CEP Identified Student Percentages (ISPs).

For LCFF purposes, LEAs have an option to establish a different LCFF base year or use the NSLP CEP base year. Schools may perform the LCFF base year data collection during the same year that they establish a Provision 2/3 base year under the NSLP, in which case, NSLP applications can be used for LCFF purposes. CEP schools do not collect NSLP applications so those schools must use alternative household income data collection forms to determine pupil eligibility, even in base years.

ME model

Universal meals model:

Like CA, ME is following a layered approach based on maximizing federal meals reimbursement opportunities.

- a. They will be encouraging schools with ISPs of 40% or greater to apply to operate the NSLP under the CEP.
- a. Their law takes effect in 22-23 school year, so there is no lag in free meals after the USDA waivers expire this year.
- b. They have been doing outreach this year to parents on why they should complete FRL applications or alternative income forms, even though meals are and will continue to be free to students.

Funding source for state share of meals:

According to their state director of child nutrition programs, the law requires them to make every attempt to identify students eligible for the federal meal subsidy. The difference between the federal reimbursement and meal cost will be paid via a state general fund appropriation.

*How poverty will be calculated for **educational** programs and purposes:*

Moving forward, ME's goal is to use no applications or other means to identify students in the food service departments of schools and LEAs.

Currently their DOE has developed an economic status form that districts use for CEP and special provision schools and the 3 high schools not in the NSLP program. The state director of child nutrition programs also has drafted a simple waiver request to USDA to allow them to collect no FRL applications in the future and instead to use the CEP method for calculating student poverty in all schools.

Preliminary Observations:

Neither CA nor ME appears to have deeply involved child nutrition staff in development of their universal meals laws. Therefore, they now appear to be playing a bit of catch up and may not fully comprehend the extent of USDA regulations.

For example, CA told us they are requiring any school with 40% or greater poverty as measured by direct certification data to apply to participate in the CEP option. It is our understanding that under USDA rules, such participation is optional. Therefore, we need to confirm if they applied for and were granted a waiver to require such participation.

In another example, ME is aiming to eliminate all identification of students for meals purposes and they appear to have applied to the USDA for waiver of the rules to allow them to use the CEP method for calculating student poverty in all schools. However, we believe current USDA rules may not give it the authority to grant such a waiver. In addition, using CEP to calculate poverty would address **school-level** uses of the data assuming a multiplier of 1.6 was used as is done for meals reimbursements. (Such an approach, for example, could be used to determine school-level eligibility to operate a Title I program via targeting and ranking) However, this approach would not provide the **student-level** data needed for disaggregated student performance reporting, accountability determinations, or student eligibility for certain programs/benefits such as SAT waivers. Another type of application/form to collect household level income data would still appear to be required even if the waiver is granted.

Implementation of both CA and ME's models requires maximizing the quality and extent of data sharing among state agencies regarding students' participation in other economic assistance programs (e.g., SNAP, TANF, Medicaid) and categorical eligibility (e.g., foster care, homeless, migrant, Head Start) in order to draw down the maximum federal meals reimbursement and minimize state cost. This would be true in Vermont as well. Currently, we are working to update our data sharing agreements with AHS to be certain we are identifying every student eligible for federal meal reimbursement through direct certification, both to ensure that all eligible students receive free meals they are entitled to and to minimize the state share of the meals cost, now and in the future.