



To: Senate Committee on Education  
From: Matt Newell-Ching, Public Affairs Director  
RE: SB 1520  
Date: February 4, 2020

Chair Wagner and Members of the Committee,

Among the many game-changing aspects of the Student Success Act is that its "Hunger-Free Schools" provisions will establish Oregon the leader among states in providing access to healthy meals at school. Oregon will be the first state to provide funding to increase the number of schools serving meals to all students at no charge (Community Eligibility Provision, or CEP), and increase income eligibility for students so more families are eligible for school meals. The combined effect will be great for kids: healthier classrooms means students learn better, and increased access to meals means kids will experience less stigma.

**We support the technical changes in SB 1520 as-introduced.** The changes give important clarity for the purposes of delivering school meals, and supports summer learning programs.

**There is an additional aspect of the SSA Hunger-Free Schools provisions for which we seek technical clarity that pertains to schools that would operate "expanded income eligibility"** (Section 30 (3), HB 3427). As of this writing, we are uncertain whether achieving this clarity requires an additional amendment or if it can be solved in the rulemaking process on these provisions, which is happening concurrently. We are testifying today in the hope we can achieve this clarity swiftly before proceeding.

As mentioned above, it was the clear intent of the legislature when it passed the Student Success Act that schools operating the National School Lunch Program would fall into one of two categories: (1) schools that serve meals to all students at no charge through the Community Eligibility Provision (CEP), or (2) schools that approve school meal assistance applications at a higher income level (300% FPL; current is 185%).

The current language in the draft rules, however, puts the onus on schools to *opt in* to this provision, as opposed to automatically applying to all non-CEP schools. This could harm otherwise eligible students in the event a school - through no fault of the student - omitted to choose this provision. This could be problematic in many ways. Over 1 in 3 students in Oregon lives in a household that experiences food insecurity but is above the current (185% FPL) income guidelines. It would also create communications challenges as this provision rolls out statewide if most - but not all non-CEP schools - have different income guidelines.

The language in the budget report for HB 5047, which funds the SSA, clarifies the intent that all schools would either elect CEP or be an Expanded Income Eligibility group (highlighting for emphasis):

**Nutrition program.** An initiative is included to increase the number of students receiving free and reduced breakfasts and lunches starting in the second year of the biennium. The Community Eligibility Provision (CEP) program is expanded to bring all CEP eligible schools up to the 90 percent claiming percentage; **and for non-CEP schools, students in households between 186 and 300 percent of the federal poverty level will become eligible for the free and reduced lunch program.**

We are thus seeking clarity as to whether the issue of ensuring automatic expanded income eligibility for non-CEP schools can be solved in the rulemaking process without a statute change, or whether this requires a technical fix in the form of an amendment to SB 1520. We would like to state for the record that it is our belief that both the underlying statute and the clear record of legislative intent do not necessitate a statute change, but we believe the current iteration of the SSA Nutrition proposed rules does not match this intent.