

Testimony of
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Before

The House Subcommittee on Civil Rights and Human Services

Of the Education and Labor Committee

June 10, 2021

Thank you for the opportunity to provide testimony on the federal child nutrition programs. As millions of children and families recover from the health, educational, and economic impact of the pandemic, there has never been a more important time to make significant investments in the child nutrition programs. The upcoming child nutrition reauthorization process and economic recovery legislation present the opportunity for the Committee to make much-needed improvements to the child nutrition programs to reduce childhood hunger, decrease childhood overweight and obesity, improve child nutrition and wellness, enhance child development and school readiness, and support academic achievement.

We need to expand program access and participation, ensure nutrition quality, and simplify program administration and operation. As the Committee that oversees the child nutrition programs and education, you have an historic opportunity to make significant investments and improvements to the child nutrition programs in a way that would allow them to better combat hunger and improve health, while supporting academic achievement and educational outcomes. My testimony will focus on investments in the school, summer, and afterschool nutrition programs, the child and adult care food program, and the Special Supplemental Nutrition Program for Women,

Infants, and Children (WIC). The School Breakfast Program and National School Lunch Program provide funding to school districts to serve nutritious breakfasts, lunches, and afterschool snacks. They help reduce hunger, improve nutrition, and support academic achievement. When schools closed last spring millions of families lost access to free and reduced-price school meals and food insecurity skyrocketed, disproportionately impacting Black and Latinx families.

Even as I acknowledge the important role that school breakfast and lunch plays for children across the country, the programs miss too many children whose families are struggling as currently structured. Nearly 30 million children were certified for free or reduced-price school meals prior to the pandemic;¹ yet, just under 22 million — 1 in 4 — participated in school lunch on an average day in the 2019–2020 school year before schools closed, and just over 13 million — less than half — participated in school breakfast².

The most important step that the Committee and Congress can take to support health and education is to allow all schools to offer school meals to all children at no charge. This increases participation so that more children can experience the benefits that are linked to school meals: improved academic achievement, test scores, physical health, mental health, attendance, and behavior. It supports participation among children whose families are struggling, but do not meet the current eligibility threshold for free school meals — less than \$29,000 annually for a family of three. It eliminates unpaid school meal debt and reduces administrative work for schools so that schools can focus on providing the most healthy and appealing school meals possible. Schools have been able to provide meals to all children at no charge from spring 2020 through school year 2021–2022, and this should be maintained beyond the pandemic.

Short of implementing the vision of healthy school meals for all, the Committee can continue to make incremental steps in that direction by bolstering the Community Eligibility Provision. The success of community eligibility in reducing red tape and administrative costs, improving economies of scale, increasing participation in school meals (which is linked to improved academic achievement and health) and eliminating school meals debt has highlighted the value of offering meals at no charge to all students. Through community eligibility, more than 1 in 3 schools that operate school meals have been able to offer breakfast and lunch at no charge to all students.² The Committee can increase the number of schools that are able to implement community eligibility by increasing the multiplier from 1.6 to 2.5 percent and lowering the ISP

¹ State-reported USDA program data for the National School Lunch Program, October 2019. ² Food Research & Action Center. *School Breakfast Scorecard School Year 2019-2020*. Available at: https://frac.org/wp-content/uploads/FRAC_BreakfastScorecard_2021.pdf. Accessed on June 7, 2021.

² Food Research & Action Center. (2020). *Community Eligibility: The Key to Hunger-Free Schools, School Year 2019-2020*. Available at: <https://frac.org/wp-content/uploads/CEP-Report-2020.pdf>. Accessed on June 7, 2021.

threshold from 40 percent to 25 percent (which would translate into about 50 percent of the students being eligible for free or reduced-price school meals).

The Committee could further build upon the success of community eligibility by piloting it statewide. States could develop and pilot different statewide approaches to implementing community eligibility which would enable children in those states to benefit from fully participating in school meals, and schools to benefit from the maximum amounts of administrative and financial savings. An evaluation of this approach would provide important data to guide future investments in school meals. I have seen the success that community eligibility has been all over Maryland; from sparsely populated Somerset County on the Eastern Shore, to high poverty Baltimore City, to Howard County, which, though one of the wealthiest counties in the nation, as acknowledged the existence of poverty in their community.

Direct certification has played an important role in linking some of our most vulnerable children to free school meals. The Committee could make that connection stronger by increasing the number of low-income children who are directly certified to receive free school meals without an application. Some examples include expanding Medicaid direct certification to all states, including children receiving Supplemental Security Income benefits, including children living in households that are receiving guardianship or adoption assistance or low-income home energy assistance, as well as children who are placed in kinship or informal care (an important alternative for placing children in foster care) to qualify automatically for free school meals. This will ensure that the low-income children who need school meals most will be able to access them. It also will reduce administrative work for school districts and improve program integrity within the school nutrition programs by relying on verified eligibility for other programs and reducing the number of school meals applications that schools must collect and process. And I want to emphasize that by school meals, I am including breakfast, because school breakfast is critical for learning, for health and for classroom behavior.³

Another weakness of school meals is the fact that millions of struggling families only qualify for reduced-price school meals. Under the current structure of the school nutrition programs, children are certified to receive free school meals if their family household income is 130 percent of the federal poverty line. The 30-cent copay for breakfast and 40 cent copay for lunch limits many struggling families' access to school meals, creates stigma in participating in school meals, and contributes to school meal debt. By increasing the eligibility threshold for free school meals to 185 percent of the federal poverty line, more children who need free school meals will be able to participate, more families who are struggling to make ends meet will be able to count on a healthy breakfast and lunch for their children on school days, and schools will struggle with less school lunch debt.

³ <https://www.beatalewismd.com/blog/breakfast-for-a-better-schoolyear#:~:text=Ten%20studies%20compared%20test%20scores,task%20behavior%20in%20the%20classroom.>

Healthy school meals for all would fully address the unpaid school meal fees that three out of four school districts struggle with, and that is what we recommend. Short of this comprehensive solution, the Committee can at least protect children from being embarrassed, stigmatized or overtly identified and direct the U.S. Department of Agriculture (USDA) to set federal policy for school meals debt that protects students. This policy should ensure that children are not embarrassed or stigmatized when their family owes school lunch money; that school districts direct communications about school meals debt to parents or guardians, not children; and that the school districts take steps to certify students eligible for free or reduced-price school meals if their families start to accrue school meals debt. While we have worked to address school meal debt at the state level, but improvements at the federal level could make a world of difference to kids facing hunger, stigma, and administrative hurdles that no kid should face.

Another way to support struggling families and school districts without solving the problem of school meal debt is to allow school districts to retroactively claim and receive reimbursements for school meals served to low-income students who are certified for free or reduced-price school meals later in the school year, starting with the first day of the school year.

We also need to do more to support school nutrition finances. The U.S. Department of Agriculture's School Nutrition and Meal Cost Study issued in April, 2019 found that cost to produce school breakfast and lunch was above the free reimbursement rate.⁴ One way to provide additional resources is to provide commodities for the School Breakfast Program. The 2019 Fiscal Year Agriculture Appropriations law provided \$20 million to support breakfast commodities. The reauthorization should build on that investment to support the healthfulness and financial viability of the School Breakfast Program even further.

And we must make sure that the food served at school is healthy and nutritious by protecting the nutrition standards for school meals and other food sold in school. Healthy school meals are especially important for low-income children who are vulnerable to obesity and poor nutrition because of risk factors associated with poverty, including stretched family resources, limited access to healthy and affordable foods, fewer opportunities for physical activity, high levels of stress, greater exposure to obesity-related marketing, and limited access to health care. Given all of these challenges, healthy school meals, limiting unhealthy "competitive foods" in schools, and ensuring a healthy school mealtime environment play an important role in improving the health of low-income children. Research shows that the 2012 nutrition standards

⁴ U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, School Nutrition and Meal Cost Study, Final Report Volume 3: School Meal Costs and Revenues by Christopher Logan, Vinh Tran, Maria Boyle, Ayesha Enver, Matthew Zeidenberg, and Michele Mendelson. Project Officer: John Endahl. Alexandria, VA: April 2019.

(prior to the most recent rollbacks by USDA) have had a positive impact on the school

nutrition environment, as well as student food selection and consumption, especially for fruits and vegetables.⁵

When children are not in school, the Summer and Afterschool Nutrition Programs are available to help to ensure that children are not hungry during the long summer vacation, after school, or on weekends or school holidays. In normal times, the healthy meals and snacks that these programs provide help to draw children into educational and enrichment activities that keep children safe and learning while their parents are working. Summer and afterschool meals combined with programming will play a critical role in overcoming the educational impact of the pandemic. In normal times, too many children miss out on both programs. Only 2.8 million children received a summer lunch on an average day in July 2019 — that's only 1 in 7 of the low-income children participating in school lunch during the school year.⁶ Afterschool suppers served only 1.4 million children on an average day in October 2019.⁸

One of the primary reasons why afterschool and summer meals have such a limited reach is that too many communities are not eligible to operate the programs. A summer or afterschool meal site qualifies for federal funding if 50 percent or more of children in the area, as defined by school or census data, qualify for free or reduced-price school meals. This threshold keeps many communities with significant numbers of low-income children, but not a high enough concentration of poverty, from participating. This is particularly true in rural areas. In addition, the 50 percent test is inconsistent with the rules for federally funded summer and afterschool meals programs, such as the 21st Century Community Learning Centers programs and Title I, whose funding occurs when 40 percent or more of children in the area qualify for free or reduced-price school meals. These important education programs, which will be even more critical as schools and communities work to overcome the educational impact of the pandemic, should all be able to provide summer and afterschool meals. Allowing summer and afterschool meal sites to participate if 40 percent of the children in the area are eligible for free or reduced-price meals would increase the reach of these programs.

The administrative work required to feed children year-round through both the afterschool and summer nutrition programs is another significant barrier to access, because it discourages participation. Currently, Summer Food Service Program sponsors and schools must apply to and operate the Child and Adult Care Food Program (CACFP) in order to provide children — often the same children — suppers after school

⁵ Hartline-Grafton, H. (2016). Research Shows that the School Nutrition Standards Improve the School Nutrition Environment and Student Outcomes. Washington, DC: Food Research & Action Center.

⁶ Food Research & Action Center. *Hunger Doesn't Take A Vacation: Summer Nutrition Status Report*. Available at: <https://frac.org/research/resource-library/summer-nutrition-report-2020>. Accessed on June 7, 2021. ⁸ Food Research & Action Center. *Afterschool Suppers: A Snapshot of Participation 2020*. Available at: <https://frac.org/wp-content/uploads/FRAC-Afterschool-Report-2020.pdf>. Accessed on June 7, 2021.

during the school year. This creates duplicative paperwork and confusing administrative rules that discourage participation. Sponsors should be able to feed children year-round through the Summer Food Service Program, and schools should be able to provide

meals after school, on weekends, and during school holidays through the National School Lunch Program.

Additionally, allowing all summer meal sites to serve a third meal and providing funding for transportation grants are important strategies to meet children's nutritional needs. And given the role that the Committee plays in authorizing the 21st Century Community Learning Centers and other funding to support educational programs, I recommend increasing funding for afterschool and summer programs as a core part of the strategy to increase the reach of summer and afterschool meals. That will provide children with what they truly need: educational and enrichment programming combined with nutritious meals that attract children to the programs and also provide the nutrition needed for children to engage and learn to fully benefit from the programming.

Because of the limited availability of educational and enrichment programs that provide the platform for meals during the summer, school breaks, and unanticipated school closures, the Summer Electronic Benefit Transfer (EBT) program should be made available to all children who are eligible for free or reduced-price school meals when schools are closed. Evaluations of Summer EBT and initial research on Pandemic EBT shows that this approach helps minimize food insecurity.

CACFP provides funding to serve healthy meals and snacks in Head Start, child care centers, family child care homes, and afterschool programs. This program supports good nutrition, as well as high-quality and affordable child care, which helps children develop fully and enter and attend school ready to learn while their parents are at work. Unfortunately, under the current rules, CACFP meals and snacks are out of reach for millions of young children in child care.

Child care centers and homes should have the option of serving an additional meal (typically a snack or supper), as was previously allowed prior to 1996. National child care standards, based on the best nutrition and child development science, specify that young children need to eat small healthy meals and snacks on a regular basis throughout the day. Many children are in care for more than eight hours per day as their parents work long hours to make ends meet, so they rely on child care providers to meet a majority of their nutrition needs. Previously, child care providers could receive funding for up to four meal services — most commonly two meals and two snacks. In the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, one meal service to children was cut to achieve budget savings. This penny-wise and pound-foolish step harms children's nutrition and health and weakens child care⁷. We should restore CACFP support to the full complement of meals and snacks young children need and

⁷ <https://www.fns.usda.gov/pl-104-193>

stop short-changing young children at a time when they and their families can least afford it.

The Committee should allow annual eligibility for proprietary (for-profit) child care centers. Many of these child care centers are small, independent “Mom and Pop” operations that provide much-needed child care and afterschool programs to low-income children in underserved areas. Proprietary child care centers are eligible to participate in CACFP if at least 25 percent of the children they serve are living in low-income households. Unfortunately, USDA requires these child care centers to document institutional eligibility *every month* rather than the annual eligibility allowed for other centers and homes. This creates unnecessary and substantial paperwork and administrative burdens.

The Committee should streamline program requirements, reduce paperwork, and maximize technology to improve program access. This will improve CACFP’s ability to reach low-income families and improve equity by streamlining program operations, increasing flexibility, maximizing technology and innovation to reduce parent paperwork, and allowing sponsors and providers to operate most effectively. This includes the following recommendations:

- modernize applications, eliminate unnecessary duplicative enrollment forms;
- allow the use of electronic data collection and virtual visit systems following all the required federal CACFP standards;
- allow direct certification in all states; and
- support sponsoring organizations’ ability to mediate and fix problems through improvements to the serious deficiency process.

The Committee should permanently eliminate the area eligibility test to streamline access to healthy meals for young children in family child care homes. Currently, under a COVID-19 waiver, all family child care homes qualify for the highest reimbursement rate. This eliminates the usual area eligibility requirement that requires that a local area meet a 50 percent low-income threshold. This threshold is not an effective mechanism because it misses many providers serving low-income children. This is especially true in rural and suburban areas, which do not typically have the same pattern of concentrated poverty seen in urban areas. In addition, the area eligibility test completely bypasses providers and families struggling in high cost-of-living areas. Making the elimination of the area eligibility test permanent would bring more child care providers who serve low-income children into CACFP, and many more children in need would receive healthy CACFP meals and snacks.

The Committee should take a number of steps to improve the financial viability of CACFP in order to ensure that meals through the program are available at child care centers and homes in all areas of the country.

CACFP reimbursements should be increased. Cost is one of the most commonly cited barriers to providing the healthier foods required by CACFP. Increasing the availability and consumption of fruits and vegetables, whole grains, and lower-fat dairy products among young children in child care is essential to improve development, promote health and prevent obesity at exactly the time — early childhood — when it can have the most long-term effects. This effort needs to be supported by adequate meal reimbursements.

CACFP program reimbursements to support CACFP sponsoring organizations should be increased. Sponsors' administrative reimbursement rates should be brought to the level necessary to cover costs of administering the program. This could help mitigate the significant decline in the number of CACFP sponsors, which are the nonprofit community-based organizations that support the participation of family child care homes in CACFP.

The Consumer Price Index for Food Away from Home should be used as the cost-of-living adjustment for family child care home CACFP reimbursement rates. The Consumer Price Index for Food at Home, which is the cost-of-living adjustment used for CACFP homes, has not kept up with the cost of providing CACFP meals. The Consumer Price Index for Food Away from Home, which is the cost-of-living adjustment used for child care centers, has been a better indicator of the costs for homes and centers.

The expansion that allows young adults 18 to 24 years old to participate in CACFP at homeless and youth-serving shelters should be made permanent. Prior to the recently passed American Rescue Plan Act, youth serving shelters could not use CACFP because the program was limited to children under 18 years of age. By making permanent the CACFP age expansion implemented during COVID-19, youth-serving and family homeless shelters could continue to rely on CACFP to serve healthy meals and snacks. CACFP is an important resource to support the efforts of the committed, hard-pressed, and often faith-based organizations working to care for this vulnerable population.

The Committee should continue funding the USDA's Team Nutrition CACFP nutrition education and program efforts. These funds will be crucial to supporting the continuation of USDA's important role in providing valuable and innovative materials, training, technical assistance, and support to State agencies and program operators — all of which are critical to the success of the new CACFP healthier meal pattern and nutrition standards. There is room for improvement in nutrition knowledge among child care providers, and CACFP training and materials are an important step in promoting healthy eating among preschool children.

I want the Committee to know that it is important to support access to WIC, which provides low-income nutritionally at-risk pregnant women, postpartum mothers, infants, and children up to 5 years old with nutritious foods, nutrition education, breastfeeding support, and referrals to health care. Research shows that WIC improves participants' health and well-being, dietary intake, and birth and health outcomes; protects against obesity; and supports learning and development. WIC serves 6.2

million participants, which is only about half of those who are eligible. Congress can make crucial improvements to strengthen and expand the WIC program.

The flexibilities provided during the pandemic that allow for remote enrollment, services and benefits issuance, and the facilitation of online ordering should be made permanent. It is time to modernize and streamline the WIC program to enhance the WIC experience. It will be important to use the lessons learned from the success of the flexibilities that were offered through WIC waivers during COVID-19. Parents across the country are universally positive about being able to have WIC enrollment and services via phone, and remote benefit issuance. The successful waiver (dropping the requirement for in-person WIC clinic visits) has allowed participants to complete enrollment and education appointments from a convenient location over the phone. Far fewer common options for services have included video chats and telehealth systems. USDA should accelerate the progress made toward facilitating online ordering during COVID-19. Online ordering systems help WIC participants easily and conveniently choose the right nutritious WIC foods and avoid embarrassing mix-ups during the check-out process.

The Committee should fund comprehensive WIC outreach and coordination, including establishing a WIC community partners outreach program and an initiative to coordinate data in the health care and WIC sectors through technology. Here are some important steps that the Committee could take in this area.

- Establishing a WIC community partners outreach program, patterned off of the successful SNAP outreach program, would fund WIC state agencies to contract with non-WIC community partners to conduct WIC outreach. Effective outreach by community partners can broaden the reach and effectiveness of WIC, which can help overcome barriers to WIC participation, including widespread misconceptions about eligibility, concerns expressed by immigrant families, and limited access to information about WIC benefits and how to apply. WIC outreach needs to serve an increasingly culturally and linguistically diverse population and the new generation of tech-savvy mothers.
- An initiative to coordinate data in the health care and WIC sectors through the use of technology will pay dividends. It is absolutely essential to streamline the current and often arduous options (fax or fillable PDFs) for health care providers to give patient's health information to WIC. This will help families enroll and maintain participation in WIC by using the assessments (e.g., heights and weights) and blood tests (e.g., for anemia) already completed by their health care providers. In addition, data matching between Medicaid and WIC can be used as an outreach tool to successfully identify eligible but not participating families, and to streamline the income-eligibility process for parents.

The WIC certification periods should be extended to two years, and children should be eligible until their sixth birthday. Extending WIC certification to two years will support the health of mothers and children with much-needed WIC benefits, healthy food, nutrition counseling, and referrals to services. The mothers and children who are eligible for the extension struggle with food insecurity and poverty — two conditions that make it difficult to maintain good health, nutrition, and overall well-being. The extension of certification periods and eligibility will help to retain families in WIC, which has been a challenge.

The WIC food package should be updated to be consistent with the 2020–2025 Dietary Guidelines for Americans, and maintain the scientific integrity of the WIC food package process¹⁰. The WIC food packages were revised in 2007 to align the authorized foods with the latest nutrition science at the time. Research shows that the revised WIC food packages have favorable impacts on dietary intake, breastfeeding outcomes, and obesity rates. In addition, studies suggest an important role for the WIC food package in improving neighborhood food environments, which benefits low-income communities. The new food package revisions should be consistent with the new Dietary Guidelines and National Academies of Science, Engineering and Medicine recommendations, including increasing the value of the fruit and vegetable benefits and investing significantly in the children’s package.

Children learn in school. They don’t just learn reading, writing and arithmetic. They learn about history, computers, and our government. From pre-school through high school, the most important thing that they learn is that they are our most valued resource, and the future of our nation.

Many of us who work in the child nutrition area are also learning. Since the last child nutrition reauthorization in 2010, we have learned more about direct certification, community eligibility, school meal debts as well as about nutrition. And the recent pandemic taught us a great deal about how to provide meals, benefits, and access to school meals, summer meals, and benefits to pregnant moms, and mothers with young children. If we take those lessons and apply them to the legislation that the committee is about to process, the winners will be children all over this nation, and that includes Maryland.

¹⁰ 2020–2025 Dietary Guidelines for Americans