



[5/8/23]

School Meals Policy Division  
Food and Nutrition Service  
P.O. Box 9233  
Reston, Virginia 20195

**Re: Proposed Rule — Child Nutrition Programs: Community Eligibility Provision — Increasing Options for Schools**

Dear School Meals Policy Division:

On behalf of Every Texan, we appreciate the opportunity to comment on USDA's Proposed Rule on Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools.

At Every Texan, we envision a Texas where people of all backgrounds—regardless of race, ethnicity, socioeconomic status, gender identity, sexual orientation, national origin, and disability status—can contribute to and share in the prosperity of our state. The Benedictine Sisters of Boerne, Texas, founded Every Texan in 1985 to advance public policy solutions for expanding access to health care. We became an independent, tax-exempt organization in 1999. Texas faces long-standing challenges to optimal health, including food insecurity. We are based in Austin, Texas, and work statewide to reduce hunger.

1.8 million Texas children live in households where access to food is limited<sup>1</sup>. In Texas, more than 3 million children rely on the National School Lunch Program. The Community Eligibility Provision (CEP) has been instrumental in ensuring all students in eligible schools have access to the nutritious meals needed to grow and thrive. CEP increases school meal participation, helps eliminate stigma, reduces administrative burdens, and streamlines food service operations, making it a win for students, families, and districts. More so, CEP is a proven strategy for reducing household food insecurity and combating child hunger.

Texas has one of the highest rates of hunger in the nation. In our state, 13.7 % of Texans are food insecure and about 1 and 4 Texas children live below 125% of the poverty level. Many families rely on assistance from programs like SNAP, but with inflation and without additional assistance families struggle to keep food on the table. As a result, of the 3,720,710 people are facing hunger—of these, 1,395,890 are children. The reality is, for many Texas children school meals may be the only meal(s) they have that day.

During the 2021 - 2022 school year, all Texas public schools were eligible for -free school meals due to pandemic-era policies. This enabled all students regardless of race, gender, or socioeconomic background to eat free meals. Throughout the COVID-19 pandemic, schools across the country reported a myriad of benefits of offering free meals to all students: reduction in student hunger, supporting household finances, improvements in student behavior and academic achievement, and easing

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<sup>1</sup> <https://map.feedingamerica.org/county/2017/child/texas>



administration and operations.<sup>2</sup> Conversely, the return to a tiered-eligibility system has been challenging for students, families, and schools, with many districts reporting an increase in school meal debt.

Studies show when students are provided healthy and nutritious meals they perform better academically and it also offers mental support. Our 2022 Kids Count data report shows that in 2022 the percentage of economically disadvantaged third-grade students that did not meet third-grade reading standards was over twice that of non economically disadvantaged students (30% compared to 12%). Providing free meals to all students through CEP is an important tool schools can utilize to improve student performance. Once a school opts in to CEP, all students eat for free and benefit from more advantages:

1. It reduces the impact of inflation-induced hunger amongst Texas children and families by allowing more kids to eat breakfast and lunch
2. It allows Texas schools to simplify meal service operations as many schools are having employee shortages.
3. It helps Texas families impacted by the loss of pandemic era assistance such as P-EBT and Emergency Allotments
4. It allows more immigrant students in Texas to have guaranteed meals
5. It promotes inclusion and reduces stigma in Texas schools

Lowering the threshold allows more schools to participate in CEP, therefore increasing the number of students eligible for free meals. This will help low-income families, while also providing needed support to students. The proposed rule lowering CEP's eligibility threshold to 25% Individual Student Percentage (ISP) will have a positive impact on schools and communities. This rule is creating the opportunity for an additional 9 million students nationwide to have access to free school meals, and increasing operational efficiencies for 20,000 more schools. In Texas, 202 Learning Education Agencies (LEA) not currently participating would become newly eligible for CEP district-wide. 1,183 individual schools not currently participating in CEP would become newly eligible under this proposed rule, reaching 828,075 Texas students.

As such, we urge USDA to give states the option to implement the 25% threshold even if the new rule is finalized after the June 30<sup>th</sup> election deadline for the upcoming school year. This will allow states and schools to benefit from the change in the upcoming 2023-2024 school year.

While expanded CEP eligibility is imperative in the fight against child hunger, districts must ensure CEP is a financially viable option for school food services. Despite an abundance of technical assistance, many schools struggle to adopt CEP at lower ISP levels with the current 1.6 multiplier. At this time, we are unsure of how many schools or districts will implement CEP without additional federal funds. Concerns remain for newly eligible schools that lack financial support. Texas legislators have not taken action to ensure all students receive access to healthy school meals. Ironically, the COVID-19 pandemic was a saving grace for children and families because all students received free meals. Without measures like those enacted by other states, like Colorado and New Mexico, we have begun to see an increase in hunger and school meal debt in Texas.

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<sup>2</sup> Bylander, A., FitzSimons, C., and O'Connor, G. (2022) *Large School District Report Operating School Nutrition Programs During the Pandemic*. Food Research and Action Center. <https://frac.org/wp-content/uploads/large-school-district-report-2022.pdf>



USDA should not only support states that have taken this important step, but also find ways to assist states that haven't been as forward thinking. USDA should approve waivers from states to operate CEP statewide and explore creating statewide CEP demonstration projects to evaluate the approach.

USDA's 2019 *School Nutrition and Meal Cost Study* shows that districts spend more to produce a school meal than they are reimbursed.<sup>3</sup> Any administrative savings generated by CEP allows school nutrition departments to combat rising food prices, improve the nutritional quality of meals served, expand nutrition education and farm to school initiatives, and invest in operations that ensure long term program viability.

We commend USDA for its continued work to increase participation in CEP, ensuring that all students have access to nutritious school meals, and we encourage USDA to explore every opportunity to make CEP financially viable for all eligible schools. Thank you for your consideration of these comments during your deliberations.

Sincerely,

*Curtis Hills*

Curtis Hills  
Policy Analyst

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<sup>3</sup> Food and Nutrition Service and Mathematica Policy Research. (2019). *School Nutrition and Meal Cost Study Summary of Findings*. United States Department of Agriculture.  
[https://fns-prod.azureedge.us/sites/default/files/resource-files/SNMCS\\_Summary-Findings.pdf](https://fns-prod.azureedge.us/sites/default/files/resource-files/SNMCS_Summary-Findings.pdf)