

Testimony in Support of HB628

Primary and Secondary Education – Breakfast and Lunch Programs – Universal Expansion
Before the Ways and Means Committee: February 22, 2023

House Bill 628, cross-filed with Senate Bill 557, expands the existing State free breakfast and lunch programs to require every school that participates in the federal School Breakfast Program and National School Lunch Program to provide free school meals to every student. The bill requires the State to reimburse schools for administering the programs only after federal funding is applied.

This testimony will first describe how HB628 expands the current state and federal free breakfast and lunch programs and ensures that state funding will only be used to the extent federal funding does not reimburse the schools. Second, it will explain how this bill will benefit both students and administrators by providing the conditions for our children to grow into healthy adults, reducing stigma related to receiving free school lunch or incurring school lunch debt, and reducing administrative burdens related to determining eligibility for free school meals. Finally, this testimony will demonstrate that, by passing HB628, Maryland can join the growing number of states in expanding the number of schools that provide free school meals to all students.

Federal and State Legal Landscape

Under current Maryland law, every public school is required to administer free school breakfast and lunch programs. Nonprofit private schools can also opt to participate. Participating schools provide free breakfast and lunch to students who are eligible for free and reduced-price meals under the federal School Breakfast Program and National School Lunch Program (“Federal Programs”). A student may be eligible based on household income and family size; a determination which requires the family to fill out an arduous application that often presents a barrier to receiving needed meals for otherwise eligible students. Alternatively, a student may be automatically eligible, referred to as categorical eligibility, based on participation in other federal programs like the Supplemental Nutrition Assistance Program (SNAP) or Medicaid. HB628 would require each school that participates in the federal School Breakfast Program to provide free breakfast to every student, and each school that participates in the National School Lunch Program to provide free lunch to every student, regardless of eligibility under the Federal Programs.

HB628 ensures that no state funds will be expended until federal funding is applied to reimburse participating schools. There are two reimbursement models under the Federal Programs: (1) free and reduced-price meals, and (2) the community eligibility provision (CEP). Under the free and reduced-price meals model, the federal reimbursement rate is based on a fixed dollar amount for each free, reduced-price, and full-price meal served. For example, for the 2022-23 school year, schools where less than 60% of lunches served are free or reduced-price are reimbursed \$4.33 for each free lunch, \$3.93 for each reduced-price lunch, and \$0.77 for each

full-price lunch served.¹ In addition, the State already provides supplemental reimbursement to provide free meals for those who qualify for reduced-price meals. HB628 thus requires the State to reimburse schools the difference between the cost of providing free meals to students who are not eligible for free or reduced-price meals and the amount reimbursed by the federal government for full-price meals served.

By contrast, a school that participates in CEP is required to provide free school meals to all students, regardless of eligibility for free and reduced price meals. To participate in CEP, at least 40% of students in the school or school district must be categorically eligible for free meals. However, schools that are eligible for CEP are not required to participate; schools may opt not to participate due to the cost of providing free meals to all students. The percentage of students who are categorically eligible is referred to as the “identified student percentage” (ISP). Under CEP, schools are reimbursed by the federal government on a sliding scale based on the school’s ISP. Schools with an ISP of 65% or greater are fully reimbursed, while schools with an ISP between 40% and 65% are only partially reimbursed. HB628 requires the State to reimburse a school participating in CEP the difference between the cost to the school of offering each student a free meal and the amount reimbursed by the federal government.

This bill would provide support for schools who are eligible for CEP but are not eligible for full reimbursement by the federal government. Schools that have an ISP of less than 65% must cover the additional cost of providing free school meals to all students out of their individual budgets. In some cases, this deters schools from participating in CEP because of the additional cost. In Allegany County, for example, 15 out of 24 public schools are eligible for CEP, yet only 4 participate. This amounts to 1,624 children who could receive free school meals under the Federal Programs, yet do not because of the school’s choice not to opt in. By contrast, in Baltimore County, every public school that is eligible for CEP participates. However, 84 out of 87 CEP-participating schools are not fully reimbursed by the federal government. That means half of the 168 public schools in Baltimore County would benefit from the additional funding provided by this bill to supplement the costs of participating in CEP.² Thus, HB628 would support schools by ensuring they can maximize the benefits offered by the federal government under CEP. It would encourage schools to opt in to CEP because they would now be required to offer free breakfast and lunch, and the calculation for reimbursement under CEP is more beneficial to the State.

Impact on Students and Schools

HB628 will not only ensure that our children do not go hungry, but will have numerous other benefits. It will ensure that our children grow in conditions that foster healthy and

¹ National School Lunch, Special Milk, and School Breakfast Programs, National Average Payments/Maximum Reimbursement Rates, 87 Fed. Reg. 44,329, 44,333 (July 1, 2022).

² MD. PUBL. SCHS., COMMUNITY ELIGIBILITY PROVISION (CEP) PUBLIC NOTIFICATION DATA SCHOOL YEAR 2021-22 (2022), <https://marylandpublicschools.org/programs/SchoolandCommunityNutrition/Documents/CEP/CEP%202022-Accessible.pdf>.

productive lives, reduce barriers like stigma and complex applications that prevent students from receiving needed school meals, and provide administrative benefits to schools.

A. HB628 ensures children grow in conditions that promote healthy lives.

Access to healthy and nutritious food is a social determinant of health—it is one of the nonmedical conditions that influences health outcomes and shapes quality of life.³ Children facing hunger are more likely to face a myriad of negative health outcomes. They are more likely to be hospitalized; are more likely to get sick and recover from illness more slowly; face higher risks of asthma, anemia, dental caries, and mental health disorders; and are more likely to experience developmental, emotional, social, and behavioral issues. The effects of malnutrition can continue into adulthood, leading to diabetes, high cholesterol, and heart disease.⁴ Malnourishment can also impact other social determinants of health, like education and economic stability. Hunger can make it difficult for children to learn and retain information, making it harder for them to reach milestones like high school graduation and higher education. This in turn can impact a child's future economic stability and ability to obtain a job with health benefits and an income sufficient to pay for necessities like food, housing, and healthcare costs. Thus, providing free school meals today ensures that our children can grow in conditions that promote a healthy life in the long-term.

B. HB628 reduces stigma and complex applications that place barriers between students and needed meals.

HB628 will also reduce barriers that prevent students from receiving needed meals. When all students receive free meals, the stigma targeted at students who receive free meals or have student lunch debt is removed. Students will be able to receive meals that they are eligible for without feeling othered or fearing that they may be bullied, and students who have not been deemed eligible but need a school meal will be able to eat without being penalized for incurring a school lunch debt. Families have reported a number of shaming tactics used by schools against students with school lunch debt, including making children wear stamps or wristbands to show they owe, making children do chores, or replacing meals with alternative, less desirable lunches.⁵ This bill will ensure that no student is punished or shamed for simply eating breakfast and lunch. Additionally, lengthy and complex eligibility applications will no longer be required, which has long been a barrier for families who qualify for free school meals but have difficulty completing the required forms.

³ *Social Determinants of Health at CDC*, CTRS. FOR DISEASE CONTROL & PREVENTION (Dec. 8, 2022), <https://www.cdc.gov/about/sdoh/index.html>.

⁴ *Facts About Child Hunger in America*, FEEDING AMERICA, <https://www.feedingamerica.org/hunger-in-america/child-hunger-facts> (last visited Feb. 18, 2023); ALEXANDRA ASHBROOK ET AL., AM. ACAD. OF PEDIATRICS & FOOD RSCH. & ACTION CTR., SCREEN AND INTERVENE: A TOOLKIT FOR PEDIATRICIANS TO ADDRESS FOOD INSECURITY (2021), 6–8 https://frac.org/wp-content/uploads/FRAC_AAP_Toolkit_2021_032122.pdf.

⁵ Hannah Gaskill, *Bill Would Ban 'Lunch Shaming' of Poor Children*, MD. MATTERS (Feb. 19, 2020), <https://www.marylandmatters.org/2020/02/19/bill-would-ban-lunch-shaming-of-poor-children/>; Baltimore Sun Editorial Board, *Hungry Students Should Not Be Humiliated at School*, BALTIMORE SUN (Oct. 28, 2019), <https://www.baltimoresun.com/opinion/editorial/bs-ed-1028-hunger-schools-20191028-7phdfxv2zne6betuxuamjbkkm-story.html>.

C. HB628 provides administrative benefits to schools.

In addition to the benefits to students on an individual level, the bill will help to support schools in providing meals for their students. Offering free meals for all students removes several administrative burdens, which reduces overhead costs. Since schools no longer need to determine eligibility for each student, there will be less administrative costs in administering the free breakfast and lunch programs. Schools will no longer need to keep track of school lunch debt or keep records of payments. Schools can also streamline the delivery system for school meals, making meal delivery quicker and making it easier to offer alternative delivery systems like meals in classrooms.

Joining Other Jurisdictions that Recognize the Importance of Feeding Our Students

By requiring most schools to provide free school meals to all students, Maryland would be joining a wave of states implementing similar near-universal school lunch policies. For example, California,⁶ Maine,⁷ and Colorado⁸ have all recently passed laws to offer free school meals in all public schools, regardless of eligibility status for free or reduced school lunch. Massachusetts,⁹ Vermont,¹⁰ and Nevada¹¹ are all requiring most schools to offer free school meals to all children for the 2022-23 school year. The Minnesota House recently passed a bill to require all schools that participate in the National School Lunch Program to provide free breakfast and lunch to all students.¹²

In addition, several other states go beyond Maryland in expanding the number of students provided with free school meals. Oregon provides funding to expand the number of schools providing free breakfast and lunch to all students through expanding CEP participation and increasing income eligibility for free meals to 300% of the poverty line at non-CEP schools.¹³ Virginia¹⁴ and Washington¹⁵ both require schools to participate in CEP if they are eligible, which expands the number of schools offering free meals to all students. Passing HB628 would put Maryland in parity with the growing number states that recognize the importance of providing free school meals to as many students as possible.

⁶ CAL. EDUC. CODE § 49501.5.

⁷ LD 1679, 130th Leg., 1st Spec. Sess. (Me. 2021).

⁸ COLO. REV. STAT. § 22-82.9-204.

⁹ 2022 Mass. Acts Ch. 126 7053-1925 (“[N]ot less than \$110,000,000 shall be expended on universal free school meals which shall be made available to all students at no charge regardless of household income . . .”).

¹⁰ S. 100, 2021-2022 Leg. Sess. (Vt. 2022).

¹¹ STATE OF NEVADA RECOVERY PLAN 30 (2022),

<https://budget.nv.gov/uploadedFiles/budgetnv.gov/content/Services/State%20of%20Nevada%20SLFRF%20Recovery%20Plan%202022.pdf>.

¹² HF 5, 93d Leg. (Minn. 2023).

¹³ OR. REV. STAT. § 327.548.

¹⁴ VA. CODE § 22.1-207.401.

¹⁵ WASH. REV. CODE § 28A.235.300.

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Conclusion

Providing free school meals to as many students as possible benefits our students and our schools. Maryland should join the number of states that are expanding access to free school meals. This will not only reduce hunger, but will ensure students grow up in conditions that support a healthy life in the long term, ensure students who need school meals can receive them without facing stigma, reduce administrative burdens, and support schools in maximizing the number of children who can receive free meals under the Federal Programs. For these reasons, the Committee should vote in favor of HB628.

This testimony is submitted on behalf of the Public Health Law Clinic at the University of Maryland Carey School of Law and not by the School of Law, the University of Maryland, Baltimore, or the University of Maryland System.