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POVERTY AND STRENGTHENING
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September 3, 2019

SNAP Program Design Branch,
Program Development Division
Food and Nutrition Service
3101 Park Center Drive
U.S. Department of Agriculture
Alexandria, VA 22302

Re: Notice of Proposed Rulemaking – Revision of Categorical Eligibility in the federal Supplemental Nutrition Assistance Program (SNAP) RIN 0584-AE62

Dear SNAP Program Design Branch:

The Vermont General Assembly's Advisory Council on Child Poverty and Strengthening Families (Advisory Council) appreciates the opportunity to comment on the U.S. Department of Agriculture (USDA)'s Notice of Proposed Rulemaking on a Revision of Categorical Eligibility in the federal Supplemental Nutrition Assistance Program (SNAP).

The Advisory Council received testimony at its meeting on August 29, 2019, pertaining to the proposed redesign of SNAP from the State's Department for Children and Families, which administers the current benefit, as well as from the State's Agency of Education and community partners. In light of the testimony and data presented, the Advisory Council opposes the proposed rule due to both: (1) the detrimental impact the proposed change would have on Vermonters with low income who struggle with food insecurity, and (2) the numerous ripple effects this proposed change is anticipated to have throughout the State.

SNAP, known as 3SquaresVT in Vermont, currently utilizes two types of categorical eligibility: standard categorical eligibility and broad-based categorical eligibility. The proposed rule seeks to eliminate the latter category of eligibility, which currently provides a benefit to food-insecure families that have a gross income at or below 185 percent of the federal poverty level and do not otherwise qualify for standard categorical eligibility. This proposed change penalizes low-income, working families who have significant child care or shelter expenses or who have otherwise managed to build a modest savings account. The Vermont Department for Children and Families estimates that 5,204 households would lose their current benefits if the proposed rule were to take effect, which includes benefits to 4,619 children.

In addition to its alarm that the proposed rule would heighten the risk of hunger in food-insecure households, the Advisory Council is further concerned with the ripple effects of this proposal. Most significantly, impacted households with school-age children would lose their direct certification for free or reduced school lunch. Currently, the State's Department for Children and Families shares information on students eligible for free and reduced lunch on the basis of their participation in SNAP with the State's Agency of Education, which in turn shares the information with students' schools. Students receiving this benefit and their caregivers are not required to affirmatively seek out this benefit. While some students losing direct certification status as a result of the proposed rule may still qualify for free and reduced lunch, it is anticipated that requiring households to affirmatively seek the benefit will result in significantly fewer youth reliably receiving healthful meals at school due to both stigma and bureaucratic obstacles.

Direct certification of 40 percent of students in a school or group of schools enables the school to offer free, healthy meals to *all* students through the USDA's Community Eligibility Provision. Participation in SNAP accounts for a large percentage of these direct certifications. Schools with higher percentages of directly certified students require less local funding to offer free meals to all students. Schools with 62 percent of their students directly certified require only federal funding to pay for free meals to all students, and no local monies. Vermont is experiencing a decline in the number of schools meeting the 40 percent threshold of directly certified students necessary to achieve free meals for all students, and the proposed rule is anticipated to further reduce the number of qualifying schools.

The number of students in a school receiving free or reduced lunch has historically been used as a metric for student poverty throughout the nation's education system, extending far beyond nutrition. Specific examples of the use of this data as a metric include the Every Student Succeeds Act, the E-rate program, as well as whether a school qualifies as "low-income" for the purpose of determining teacher eligibility for student loan forgiveness. The anticipated reduction in the number of students receiving free and reduced lunch under this proposed rule will have the effect of skewing data and making comparison to prior years difficult, if not impossible.

The State of Vermont has relied on broad-based categorical eligibility in SNAP for the past 15 years to ensure that households with low income have access to nutritious food. Congress has twice rejected the removal of the categorical eligibility, in 2005 and 2018. Promulgation of the proposed rule is an effort by the USDA to contravene the will of our democratically elected

officials. If adopted, the proposed rule will place the nation's most vulnerable populations at greater risk and create barriers in schools that limit students' ability to thrive.

The Advisory Council opposes the proposed rule, which, if adopted, would harm Vermont's students, families, and communities.

Sincerely,

Sen. Debbie Ingram, Chair

Rep. Diane Lanpher, Vice Chair