

TESTIMONY

Testimony to: House Education Committee
Respectfully Submitted by: Rosie Krueger, State Director of Child Nutrition Programs,
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The Committee has asked for feedback on S.100, as passed by the Senate in 2021. Following the Senate's passage of S.100, sections of the bill creating a Task Force on Universal School Lunch were incorporated into H.106/Act 67, which was passed and was signed into law by the governor in June 2021. The resulting [report](#) created by the Task Force has been delivered to the committee. That report has a series of recommendations that the legislature may want to consider if their goal is to move forward with Universal Meals in Vermont.

Current State of School Meals

COVID-19-related waivers have provided full federal funding for Universal School Meals in all Vermont schools since March of 2020. All but 2 public schools are using these waivers to provide Universal School Meals. These waivers currently extend through June 2022. USDA does not have authority to extend the waivers beyond that point. Congress would need to act to provide USDA this authority. USDA expects that if Congress were to provide that authority, it would be through an action attached to the government funding bill covering the remainder of Federal Fiscal Year 2022. The current short-term continuing resolution expires on March 11th, so USDA had hoped action would come this week – however, USDA reported out to school nutrition advocates on March 7th that it seems increasingly unlikely that Congress will take any action at all.

If the federal government does act to extend Universal School Meals, then the AOE is prepared to immediately move forward with supporting schools in that effort – as we have done each time these waivers have been implemented and extended over the past two years.

If Congress does not act, then Supervisory Unions and School Districts will need to individually make decisions about whether to return to pricing programs in Fall 2022, or whether to use school general funds (ultimately impacting the statewide Education Fund) to fund implementation of one of the allowed Universal Meals options. These options are Provision 2 (open to all schools, but can require significant local funding), or the Community Eligibility Provision (open only to the highest poverty schools, requires less or no local funding).

Approximately 77 schools (including some independent schools) offered Universal Meals before COVID-19 using Provision 2 and the Community Eligibility Provision. We expect that these schools will continue to do so next year.

Some schools currently have excess food service funds as a result of increased per-meal reimbursement and additional funding made available by USDA during the pandemic. Schools are allowed to use these funds to offer Universal Breakfast. AOE will be encouraging schools to consider this use of these funds for the upcoming school year. However, USDA regulations specifically prohibit the use of these funds to pay for the households' share of "paid" Lunches, as would be needed for Universal Lunch. Funds for Universal School Lunch must come from a non-federal source. These excess funds are likely a short-term situation and are not a sustainable long-term solution for Universal Breakfast funding at these schools.

In general, AOE does not support the creation of new competitive grant programs in this space. Schools and the AOE are both currently experiencing significant grant fatigue. If the legislature wishes to support programs, the AOE can offer recommendations for streamlined funding methods.

Section by Section Response to S.100 as passed by the Senate

Section 1 & 2

- The Task Force on Universal School Lunch has already been created. The legislature may wish to remove this from the title and purpose.

Section 3

- The legislation provides state funding for Universal Breakfast for public schools. This was an option presented in the [Universal School Meals Task Force Report](#), and presented last year by the AOE. This option has a lower cost than offering both Universal Breakfast and Lunch and does not impact the use of free and reduced meal applications as a metric of student poverty. The current language regarding Universal Breakfast is clear and achievable from AOE's perspective. No technical changes are needed to carry out this work.
- Changes to 16 V.S.A. § 1264(a)1 would require that school districts maximize federal funds available for universal meals by participating in certain Universal Meals options, and by offering certain meal service types. Although several other states have taken similar steps, the USDA Northeast Regional Office has advised that states do not actually have authority to require schools to participate in certain options as a requirement for receipt of federal child nutrition funds. The legislature could make participation in these options a requirement for receipt of state funds associated with universal meals.
- Changes to 16 V.S.A. § 1264(e)(1) are confusing. The legislative intent behind this change is unclear, and AOE does not think such a change is necessary to carry out the legislature's previous stated intent with this grant program.
- Elimination of § 1265 would eliminate the exemption process that public schools may use to exempt themselves from the requirement to offer school breakfast and lunch. This process is currently used by two schools: Marion Cross School (Norwich) and Windham Elementary. Both schools have offered the justification that they do not have an on-site commercial kitchen. Other schools have overcome similar obstacles by transporting

meals from neighboring schools. Failure to participate in the federal school meals programs deprives low-income students at these schools from receiving the significant support of free healthy school meals and makes them ineligible for a number of follow-on benefits that rely on school meals eligibility. This includes the Pandemic-EBT benefit. AOE supports eliminating this exemption process. A short-term exemption process for use in emergency situations would remain in place.

Section 4 & 5

- These sections direct that funding for Universal Breakfast come from the state-wide Education Fund. If the legislature moves forward with a mandate for Universal Breakfast, AOE supports having that funding occur at the state level, rather than becoming an unfunded mandate. AOE does not have an opinion on whether the state-wide source of funds should come from the Education Fund or the General Fund.

Sections 6 & 8

- These sections deal with the Task Force on Universal School Lunch. This work has been completed, and the language is no longer needed unless the legislature would like a new task force to explore additional questions not covered in the [Task Force on Universal School Meals Report](#).

Section 7

- This section creates an additional position at the Agency of Education to administer school food programs. Act 67 also included this language, and the position has been hired. With that position, the agency has the capacity to manage the Local Foods Incentive Grant from Act 67 and manage implementation of Universal Breakfast (as currently written in S.100).
- The [Task Force on Universal School Meals Report](#) found that a successful implementation of Universal School Lunch would require implementation of a different metric of student poverty, as free and reduced meal applications could no longer be collected (per USDA regulations when offering Universal Meals). The Task Force recommended a state-wide Household Income Form, and possible verification procedures around that form. In addition, the report found that the loss of free and reduced meal applications as a metric of student poverty would require additional staffing for data sharing and data management at the AOE. The [Task Force on the Implementation of the Pupil Weighting Factors](#) had similar findings around potential movement away from the use of free and reduced meal applications. The Task Force on Universal School Meals recommended 6 new positions at the AOE to successfully implement the Household Income form and conduct necessary data sharing and other work around a new metric of poverty. If the legislature amends S.100 to add language around Universal School Lunch, it should consider the need for these additional positions. These are the same positions that have come up in discussion around implementing the recommendations of the Task Force on the Implementation of the Pupil Weighting Factors.