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School Meals Programs and Other USDA Child Nutrition Programs: A Primer

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Summary

The "child nutrition programs" refer to the U.S. Department of Agriculture's Food and Nutrition Service (USDA-FNS) programs that provide food for children in school or institutional settings. The best known programs, which serve the largest number of children, are the school meals programs: the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). The child nutrition programs also include the Child and Adult Care Food Program (CACFP), which provides meals and snacks in day care and after school settings; the Summer Food Service Program (SFSP), which provides food during the summer months; the Special Milk Program (SMP), which supports milk for schools that do not participate in NSLP or SBP; and the Fresh Fruit and Vegetable Program (FFVP), which funds fruit and vegetable snacks in select elementary schools.

Funding: The vast majority of the child nutrition programs account is considered mandatory spending, with trace amounts of discretionary funding for certain related activities. Referred to as open-ended, "appropriated entitlements," funding is provided through the annual appropriations process; however, the level of *spending* is controlled by benefit and eligibility criteria in federal law and dependent on the resulting levels of participation. Federal cash funding (in the form of per-meal reimbursements) and USDA commodity food support is guaranteed to schools and other providers based on the number of meals or snacks served and participant category (e.g., free meals for poor children get higher subsidies).

Participation: The child nutrition programs serve children of varying ages and in different institutional settings. The NSLP and SBP have the broadest reach, serving qualifying children of all ages in school settings. Other child nutrition programs serve more-narrow populations. CACFP, for example, provides meals and snacks to children in early childhood and after-school settings among other venues. Programs generally provide some subsidy for all food served but a larger federal reimbursement for food served to children from low-income households.

Administration: Responsibility for child nutrition programs is divided between the federal government, states, and localities. The state agency and type of local provider differs by program. In the NSLP and SBP, schools and school districts ("school food authorities") administer the program. Meanwhile, SFSP (and sometimes CACFP) uses a model in which sponsor organizations handle administrative responsibilities for a number of sites that serve meals.

Reauthorization: The underlying laws covering the child nutrition programs were last reauthorized in the Healthy, Hunger-Free Kids Act of 2010 (HHFKA, P.L. 111-296, enacted December 13, 2010). This law made significant changes to child nutrition programs, including increasing federal financing for school lunches, expanding access to community eligibility and direct certification options for schools, and expanding eligibility options for home child care providers. The law also required an update to school meal nutrition guidelines as well as new guidelines for food served outside the meal programs (e.g., snacks sold in vending machines and cafeteria a la carte lines).

Current Issues: The 114th Congress began but did not complete a 2016 child nutrition reauthorization (see CRS Report R44373, *Tracking the Next Child Nutrition Reauthorization: An Overview*). As of the date of this report, there has been no significant legislative activity with regard to reauthorization in the 115th Congress. However, the vast majority of operations and activities continue with funding provided by appropriations laws. Current issues in the child nutrition programs for policymakers include the implementation of new and updated nutrition standards, alternatives to the "congregate feeding" requirement in the SFSP, and schools' efforts to collect unpaid school meal fees (stigmatizing practices are sometimes called "lunch shaming").

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Introduction and Background

The federal child nutrition programs provide assistance to schools and other institutions in the form of cash, commodity food, and administrative support (such as technical assistance and administrative funding) based on the provision of meals and snacks to children.[1] In general, these programs were created (and amended over time) to both improve children's nutrition and provide support to the agriculture economy.

Today, the child nutrition programs refer primarily to the following meal, snack, and milk reimbursement programs (these and other acronyms are listed in **Appendix A**):[2]

- **National School Lunch Program (NSLP)** (Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.));
- **School Breakfast Program (SBP)** (Child Nutrition Act, Section 4 (42 U.S.C. 1773));
- **Child and Adult Care Food Program (CACFP)** (Richard B. Russell National School Lunch Act, Section 17 (42 U.S.C. 1766));
- **Summer Food Service Program (SFSP)** (Richard B. Russell National School Lunch Act, Section 13 (42 U.S.C. 1761)); and
- **Special Milk Program (SMP)** (Child Nutrition Act, Section 3 (42 U.S.C. 1772)).

The programs provide financial support and/or foods to the institutions that prepare meals and snacks served outside of the home (unlike other food assistance programs such as the Supplemental Nutrition Assistance Program [SNAP, formerly the Food Stamp Program] where benefits are used to purchase food for home consumption). Though exact eligibility rules and pricing vary by program, in general the amount of federal reimbursement is greater for meals served to qualifying low-income individuals or at qualifying institutions, although most programs provide some subsidy for all food served. Participating children receive subsidized meals and snacks, which may be free or at reduced price. Forthcoming sections discuss how program-specific eligibility rules and funding operate.

This report describes how each program operates under current law, focusing on eligibility rules, participation, and funding. This introductory section describes some of the background and principles that generally apply to all of the programs; subsequent sections go into further detail on the workings of each.

Unless stated otherwise, participation and funding data come from USDA-FNS's "Keydata Reports."[3]

[1] As discussed later in the report, the Child and Adult Care Food Program (CACFP) also supports food in adult day care facilities, but the child nutrition programs overwhelmingly serve children.

[2] Some lists also include the Fresh Fruit and Vegetable Program (FFVP) (Richard B. Russell National School Lunch Act, Section 19 (42 U.S.C. 1769a)), a newer program that is financed in a much different way than the programs listed. FFVP is discussed further later in the report ("Fresh Fruit and Vegetable Program"). WIC (the Special Supplemental Nutrition Program for Women, Infants, and Children) is also typically reauthorized with the child nutrition programs. WIC is not one of the child nutrition programs and is not discussed in this report.

[3] This CRS report uses the May 2018 report, which contains data through March 2018. Keydata Reports available at http://www.fns.usda.gov/data-and-statistics.

Authorization and Reauthorization

The child nutrition programs are most often dated back to the 1946 enactment of the National School Lunch Act, which created the National School Lunch Program, albeit in a different form than it operates today.[4] Most of the child nutrition programs do *not* date back to 1946; they were added and amended in the decades to follow as policymakers expanded child nutrition programs' institutional settings and meals provided:

- The Special Milk Program was created in 1954, regularly extended, and made permanent in 1970.[5]
- The School Breakfast Program was piloted in 1966, regularly extended, and eventually made permanent in 1975.[6]
- A program for child care settings and summer programs was piloted in 1968, with separate programs authorized in 1975 and then made permanent in 1978.[7] These are now the Child and Adult Care Food Program[8] and Summer Food Service Program.
- The Fresh Fruit and Vegetable Program began as a pilot in 2002, was made permanent in 2004, and was expanded nationwide in 2008.[9]

The programs are now authorized under three major federal statutes: the Richard B. Russell National School Lunch Act (originally enacted as the National School Lunch Act in 1946), the Child Nutrition Act (originally enacted in 1966), and Section 32 of the act of August 24, 1935 (7 U.S.C. 612c).[10] Congressional jurisdiction over the underlying three laws has typically been exercised by the Senate Agriculture, Nutrition, and Forestry Committee; the House Education and the Workforce Committee; and, to a limited extent (relating to commodity food assistance and Section 32 issues), the House Agriculture Committee.

Congress periodically reviews and reauthorizes expiring authorities under these laws. The child nutrition programs were most recently reauthorized in 2010 through the Healthy, Hunger-Free Kids Act of 2010 (HHFKA, P.L. 111-296); some of the authorities created or extended in that law expired on September 30, 2015.[11] WIC (the Special Supplemental Nutrition Program for Women,

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[4] P.L. 79-396. There were, however, a number of smaller, more temporary precursor school food programs prior to 1946; see Gordon W. Gunderson, *National School Lunch Program: Background and Development*, 1971, http://www.fns.usda.gov/nslp/history. The 1946 law supported school lunch programs by giving formula grant funding to states based on factors such as per capita income, rather than the current-day open-ended entitlements based largely on eligibility and participation rules.

[5] P.L. 83-690 and P.L. 91-295. Milk purchases and donations for schools did exist prior to the 1954 law.

[6] Gordon W. Gunderson, *National School Lunch Program: Background and Development*, 1971, http://www.fns.usda.gov/nslp/history.

[7] P.L. 90-302, P.L. 94-105, P.L. 95-627. Institute of Medicine, *Child and Adult Care Food Program: Aligning Dietary Guidance for All*, 2011, p. 30, https://www.nap.edu/catalog/12959/child-and-adult-care-food-program-aligning-dietary-guidance-for.

[8] Adult day care was added in 1987 (Older Americans Act Amendments of 1987; P.L. 100-175).

[9] P.L. 107-171; P.L. 108-265; P.L. 110-246.

[10] In 1999, P.L. 106-78 renamed the National School Lunch Act in Senator Richard B. Russell's honor.

[11] Reimbursements for NSLP, SBP, CACFP, SMP, and certain related USDA activities are permanently authorized. SFSP, WIC, and WIC Farmers Market Nutrition Program, State Administrative Expenses (discussed in "Related Programs, Initiatives, and Support Activities"), and certain related USDA activities have a September 30, 2015 expiration.

Infants, and Children) is also typically reauthorized with the child nutrition programs. WIC is *not* one of the child nutrition programs and is not discussed in this report.[12]

The 114th Congress began but did not complete a 2016 child nutrition reauthorization (see CRS Report R44373, *Tracking the Next Child Nutrition Reauthorization: An Overview*). As of the date of this report, the committees of jurisdiction have not conducted reauthorization hearings or markups in the 115th Congress.

Program Administration: Federal, State, and Local

The U.S. Department of Agriculture's Food and Nutrition Service (USDA-FNS) administers the programs at the federal level. The programs are operated by a wide variety of local public and private providers and the degree of direct state involvement differs by program and state.[13] At the state level, education, health, social services, and agriculture departments all have roles; at a minimum, they are responsible for approving and overseeing local providers such as schools, summer program sponsors, and child care centers and day care homes, as well as making sure they receive the federal support they are due. At the local level, program benefits are provided to millions of children (e.g., there were 30.0 million in the National School Lunch Program, the largest of the programs, in FY2017), through some 100,000 public and private schools and residential child care institutions, nearly 170,000 child care centers and family day care homes, and just over 50,000 summer program sites.

All programs are available in the 50 states and the District of Columbia. Virtually all operate in Puerto Rico, Guam, and the Virgin Islands (and, in differing versions, in the Northern Marianas and American Samoa).[14]

Funding Overview

This section summarizes the nature and extent to which the programs' funding is mandatory and discretionary, including a discussion of appropriated entitlement status. **Table 3** lists child nutrition program and related expenditures.

Open-Ended, Appropriated Entitlement Funding

Most spending for child nutrition programs is provided in annual appropriations acts to fulfill the legal financial obligation established by the authorizing laws. That is, the level of spending for such programs, referred to as appropriated mandatory spending, is not controlled through the annual appropriations process, but instead is derived from the benefit and eligibility criteria specified in the authorizing laws. The appropriated mandatory funding is treated as mandatory spending. Further, if Congress does not appropriate the funds necessary to fund the program, eligible entities may have legal recourse.[15] Congress considers the Administration's forecast for

[12] See CRS Report R44115, *A Primer on WIC: The Special Supplemental Nutrition Program for Women, Infants, and Children*.

[13] In the past, the federal government (via USDA-FNS) has, for certain states, taken the place of state agencies (e.g., where a state has chosen not to operate a specific program or where there is a state prohibition on aiding private schools).

[14] For more information on child nutrition programs in the Northern Marianas and American Samoa, see U.S. Department of the Interior, Office of Insular Affairs, Region IX Federal Regional Council, Outer Pacific Committee, *FY 2016 Report on Federal Financial Assistance to the U.S. Pacific and Caribbean Islands*, May 1, 2017, p. 10, https://www.doi.gov/sites/doi.gov/files/uploads/fy16-report-on-federal-financial-assistance-to-the-insular-areas.pdf.

[15] GAO Budget Glossary, p. 13: http://www.gao.gov/products/GAO-05-734SP.

program needs in its appropriations decisions. For the majority of funding discussed in this report, the formula that controls the funding is not capped and fluctuates based on the reimbursement rates and the number of meals/snacks served in the programs.

Cash Reimbursements and Commodity Foods

In the meal service programs, such as the National School Lunch Program, School Breakfast Program, summer programs, and assistance for child care centers and day care homes, federal aid is provided in the form of statutorily set subsidies (reimbursements) paid for each meal/snack served that meets federal nutrition guidelines. Although all (including full-price) meals/snacks served by participating providers are subsidized, those served free or at a reduced price to lower-income children are supported at higher rates. All federal meal/snack subsidy rates are indexed annually (each July) for inflation, as are the income eligibility thresholds for free and reduced-price meals/snacks.[18] Subsequent sections discuss how a specific program's eligibility and reimbursements work.

Most subsidies are cash payments to schools or other providers, but a smaller portion of aid is provided in the form of **USDA-purchased commodity foods**.[19] Laws for three child nutrition programs (NSLP, CACFP, and SFSP) require the provision of commodity foods (or in some cases allow cash in lieu of commodity foods).[20]

Meal and snack service entails nonfood costs. Federal child nutrition per-meal/snack subsidies may be used to cover local providers' administrative and operating costs. However, the separate direct federal payments for administrative/operating costs ("State

Reimbursable Meals

A "reimbursable meal" (or snack in the case of some programs) is a phrase used by USDA, state, and other child nutrition policy and program operators to indicate a meal (or snack) that meets federal requirements and thereby qualifies for meal reimbursement.[16]

In general, a meal or snack that is reimbursable means that it is

- served to the correctly eligible person and/or at the eligible institution, and
- in compliance with federal nutrition requirements for the meal or snack.[17]

In the school meals programs (with some variation in other programs), the highest reimbursement is paid for meals served free to eligible children, a slightly lower reimbursement is paid for meals served at a reduced price to eligible children, and a much smaller reimbursement is also paid for meals served to children who are either ineligible for assistance or not certified. For this last group, the children pay the full price as advertised but meals are still technically subsidized.

[16] See, for example, definition of "reimbursement" at 7 C.F.R. 210.2.

[17] The authorizing statutes for all four of the main child nutrition programs include nutritional requirements for the meals and snacks served; these are sometimes referred to as "nutrition standards," "nutrition guidelines," or "meal patterns." In most respects, the details of the requirements are specified in USDA-FNS regulations. The nutrition guidelines differ by program, largely in consideration of the age groups fed, meals/snacks authorized, and perhaps the settings in which meals are served. See program regulations for nutritional requirements: NSLP, 7 C.F.R. 210.10; SBP, 7 C.F.R. 220.8; CACFP, 7 C.F.R. 226.20; SFSP, 7 C.F.R. 225.16. Recent updates of school meals and CACFP nutrition standards are discussed in "Selected Current Issues."

[18] Per-meal subsidies paid to providers (e.g., schools, child care centers) are indexed annually based on the CPI-U Food Away from Home Component. For family child care homes, the annual indexing is based on the CPI-U Food at Home Component.

[19] USDA commodity foods are foods purchased by the USDA for distribution to USDA nutrition programs. These programs distribute "entitlement commodities" (an amount of USDA foods to which grantees are entitled by law) as well as "bonus commodities" (USDA food purchases based on requests from the agricultural producer community). For more information, see CRS Report R42353, *Domestic Food Assistance: Summary of Programs*.

[20] See USDA-FNS Food Distribution Division resources for more information on USDA Foods and child nutrition

Administrative Expenses," discussed in the "Related Programs, Initiatives, and Support Activities" section) are limited.

Other Federal Funding

In addition to the open-ended, appropriated entitlement funds summarized above, the child nutrition programs' funding also includes certain other mandatory funding[21] and a limited amount of discretionary funding. Some of the activities discussed in "Related Programs, Initiatives, and Support Activities," such as Team Nutrition, are provided for with discretionary funding.

Aside from the annually appropriated funding, the child nutrition programs are also supported by certain permanent appropriations and transfers. Notably, funding for the Fresh Fruit and Vegetable Program is funded by a transfer from USDA's Section 32 program, a permanent appropriation of 30% of the previous year's customs receipts.

State, Local, and Participant Funds

Federal subsidies do not necessarily cover the full cost of the meals and snacks offered by providers. States and localities help cover program costs, as do children's families by paying charges for nonfree or reduced-price meals/snacks. There is a nonfederal cost-sharing requirement for the school meals programs (discussed below), and some states supplement school funding through additional state per-meal reimbursements or other prescribed financing arrangements.[22]

Child Nutrition Programs at a Glance

Subsequent sections of this report delve into the details of how each of the child nutrition programs support the service of meals and snacks in institutional settings; first, it is useful to take a broader perspective of primary program elements. **Table 1** is a top-level look at the different programs that displays distinguishing characteristics (what meals are provided, in what settings, to what ages) and recent program spending.

Table 1. Child Nutrition Programs at a Glance

Program	Authorizing Statute (Year First Authorized)	Distinguishing Characteristics	FY2017 Expenditures	FY2017 Average Daily Participation	Maximum Daily Snack/Meals[a]
National School Lunch Program	Richard B. Russell National School Lunch Act (1946)	• Lunches at school • Typically served in schools, to pre-K-12 students, during the school day and year	$13.6 billion	30.0 million children	One meal and snack per child

programs, http://www.fns.usda.gov/fdd/schoolscn-usda-foods-programs.

[21] These costs are made up of Food Safety Education, Coordinated Review, Computer Support, Training and Technical Assistance, studies, payment accuracy, and Farm to School Team. See p. 32-12 of FY2019 USDA-FNS Congressional Budget Justification, available at https://www.obpa.usda.gov/32fns2019notes.pdf.

[22] The School Nutrition Association, a trade association representing school meal operators and industry, tracks state policies and funding on the organization website at https://schoolnutrition.org/LegislationPolicy/StateLegislationPolicyReports/.

		• Possible to provide summer food and afterschool snacks.			
School Breakfast Program	Child Nutrition Act (1966)	• Breakfasts at school (also for pre-K-12) • Typically served in schools, to pre-K-12 students, during the school day and year	$4.3 billion	14.7 million children	Generally one breakfast per child, with some flexibility
Child and Adult Care Food Program (child care centers, day care homes, adult day care centers)	Richard B. Russell National School Lunch Act (1968)	• Meals and snacks in early childhood and adult day care settings • Rules and funding differ based on type of institution	$3.5 billion (includes at-risk after-school spending, described below)	4.4 million children; 132,000 adults	Two meals and one snack, or one meal and two snacks per participant
Child and Adult Care Food Program (At-Risk After-School snacks and meals)[b]	Richard B. Russell National School Lunch Act (1994)	• Supper and snacks for school-age children after-school	(Not available; included in CACFP total above)	1.7 million children (included in CACFP children above)	One meal and one snack per child
Summer Food Service Program	Richard B. Russell National School Lunch Act (1968)	• Meals and snacks provided during summer months • Sites vary and include schools, community centers, camps, parks, and others • Eligibility rules vary for "open" and "closed" sites	$485 million	2.7 million children[c]	Lunch and breakfast or lunch and one snack per child Exception: maximum of three meals for camps or programs that serve primarily migrant children
Special Milk Program	Child Nutrition Act (1954)	• Subsidizes milk, not meals or snacks • Institutions eligible must not participate in NSLP or SBP	$8 million	191,000 half-pints served (average daily)[d]	Not specified
Fresh Fruit and Vegetable Program	Richard B. Russell National School Lunch Act (2002)	• Provides free fresh fruit and vegetable snacks to elementary school students	$184[e] million	Not available	Not applicable

Source: Except where noted, participation and funding data from USDA-FNS Keydata May 2018 report, which contains data through March 2018. Participation data are estimated by USDA-FNS based on meals served.

a. These maximums are provided in the authorizing law for CACFP and SFSP, but specified only in regulations (7 C.F.R. 210.10(a), 220.9(a)) for NSLP and SBP.

b. At-risk after-school snacks and meals are part of CACFP law and CACFP funding, but differ in their rules and the age of children served.
c. Based only on July 2017 participation data.
d. Data from p. 32-58 of FY2019 USDA-FNS Congressional Budget Justification.
e. Obligations data displayed on p. 32-14 of FY2019 USDA-FNS Congressional Budget Justification.

Links to Resources

Other relevant CRS reports in this area include[23]

- CRS In Focus IF10266, *An Introduction to Child Nutrition Reauthorization*
- CRS Report R42353, *Domestic Food Assistance: Summary of Programs*
- CRS Report R41354, *Child Nutrition and WIC Reauthorization: P.L. 111-296* (summarizes the Healthy, Hunger-Free Kids Act of 2010)
- CRS Report R44373, *Tracking the Next Child Nutrition Reauthorization: An Overview*
- CRS Report R44588, *Agriculture and Related Agencies: FY2017 Appropriations*
- CRS Report RL34081, *Farm and Food Support Under USDA's Section 32 Program*

Other relevant resources include

- USDA-FNS's website, https://www.fns.usda.gov/school-meals/child-nutrition-programs
- USDA-FNS's Healthy, Hunger-Free Kids Act page, http://www.fns.usda.gov/school-meals/healthy-hunger-free-kids-act
- The FNS page of the *Federal Register*, https://www.federalregister.gov/agencies/food-and-nutrition-service

School Meals Programs

This section discusses the school meals programs: the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). Principles and concepts common to both programs are discussed first; subsections then discuss features and data unique to the NSLP and SBP, respectively.

General Characteristics

The federal school meals programs provide federal support in the form of cash assistance and USDA commodity foods; both are provided according to statutory formulas based on the number of reimbursable meals served in schools. The subsidized meals are served by both public and private nonprofit elementary and secondary schools and residential child care institutions (RCCIs)[24] that opt to enroll and guarantee to offer free or reduced-price meals to eligible low-

[23] Archived historical reports that may provide useful background include CRS Report RL33829, *Domestic Food Assistance and the 2008 Farm Bill*; and CRS Report RL33299, *Child Nutrition and WIC Legislation in the 108th and 109th Congresses.*

[24] This CRS report refers to "schools," but it should be understood that—for NSLP and SBP—it means both schools and RCCIs. NSLP regulations, 7 C.F.R. 210.2, define RCCIs as follows: "The term 'residential child care institutions'

income children. Both cash and commodity support to participating schools are calculated based on the number and price of meals served (e.g., lunch or breakfast, free or full price), but once the aid is received by the school it is used to support the overall school meal service budget, as determined by the school. This report focuses on the federal reimbursements and funding, but it should be noted that some states have provided state financing through additional state-specific funding.[25]

Federal law does not require schools to participate in the school meals programs. However, some states have mandated that schools provide lunch and/or breakfast, and some of these states require that their schools do so through NSLP and/or SBP.[26] The program is open to public and private schools.

A reimbursable meal requires compliance with federal school nutrition standards, which have changed throughout the history of the program based on nutritional science and children's nutritional needs. Food items not served as a complete meal meeting nutrition standards (e.g., a la carte offerings) are not reimbursable meals, and therefore are not eligible for federal per-meal, per-snack reimbursements. Following rulemaking to implement P.L. 111-296 provisions, the standards for reimbursable meals were updated in January 2012 and USDA also has provided nutrition standards for the nonmeal foods served in schools during the school day (see "Selected Current Issues" for more on these policies).

USDA-FNS administers the school meals programs federally, and state agencies (typically state departments of education) oversee and transmit reimbursements through agreements with school food authorities (SFAs) (typically local educational agencies (LEAs); usually these are school districts). **Figure 1** provides an overview of the roles and relationships between these levels of government.

There is a cost-sharing requirement for the programs, which amounts to a contribution of approximately $200 million from the states.[27] There also are states that choose to supplement federal reimbursements with their own state reimbursements.[28]

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includes, but is not limited to: homes for the mentally, emotionally or physically impaired, and unmarried mothers and their infants; group homes; halfway houses; orphanages; temporary shelters for abused children and for runaway children; long-term care facilities for chronically ill children; and juvenile detention centers. A long-term care facility is a hospital, skilled nursing facility, intermediate care facility, or distinct part thereof, which is intended for the care of children confined for 30 days or more."

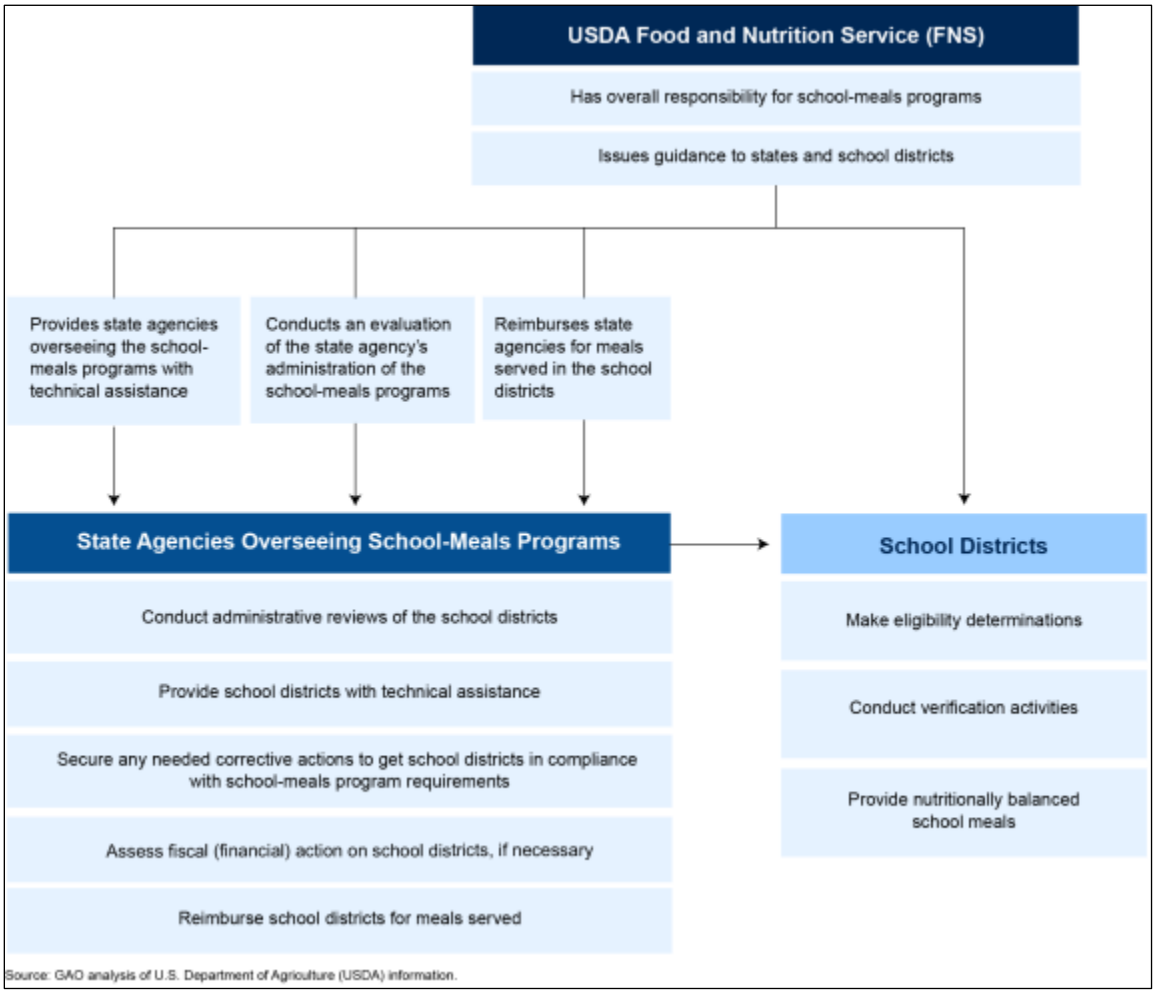
[25] See School Nutrition Association, *State School Meal Mandates and Reimbursements Report: School Year 2017-2018*, https://schoolnutrition.org/uploadedFiles/Legislation_and_Policy/State_and_Local_Legislation_and_Regulations/2017-18-State-School-Meal-Mandates-and-Reimbursements.pdf.

[26] Ibid.

[27] Section 7(a)(1) of Richard B. Russell National School Lunch Act, codified at 42 U.S.C. 1756(a)(1). Section 7(f) of Child Nutrition Act, codified at 42 U.S.C. 1776(f).

[28] See School Nutrition Association, *State School Meal Mandates and Reimbursements Report: School Year 2017-2018*, https://schoolnutrition.org/uploadedFiles/Legislation_and_Policy/State_and_Local_Legislation_and_Regulations/2017-18-State-School-Meal-Mandates-and-Reimbursements.pdf.

Figure 1. Federal, State, and Local Administration of School Meal Programs



Source: Government Accountability Office (GAO), GAO-14-262, p. 47.

School Meals Eligibility Rules

The school meals programs and related funding do not serve only low-income children. *All* students can receive a meal at a NSLP- or SBP-participating school, but how much the child pays for the meal and/or how much of a federal reimbursement the state receives will depend largely on whether the child qualifies for a "free," "reduced-price," or "paid" (i.e., advertised price) meal. Both NSLP and SBP use the same household income eligibility criteria and categorical eligibility rules. States and schools receive the largest reimbursements for free meals, smaller reimbursements for reduced-price meals, and the smallest (but still some federal financial support) for the full-price meals.

There are three pathways through which a child can become certified to receive a free or reduced-price meal:

1. **Household income eligibility** for free and reduced-price meals (information typically collected via household application),
2. **Categorical (or automatic) eligibility** for free meals (information collected via household application or a direct certification process), and

3. School-wide free meals under the **Community Eligibility Provision (CEP)**, an option for eligible schools that is based on the share of students identified as eligible for free meals.[29]

Each of these pathways is discussed in more detail below.

Income Eligibility

The income eligibility thresholds (shown in **Table 2**) are based on multipliers of the federal poverty guidelines. As the poverty guidelines are updated every year, so are the eligibility thresholds for NSLP and SBP.

- **Free Meals:** Children receive free meals if they have household income at or below 130% of the federal poverty guidelines; these meals receive the highest subsidy rate. (Reimbursements are approximately $3.30 per lunch served, less for breakfast.)
- **Reduced-Price Meals:** Children may receive reduced-price meals (charges of no more than 40 cents for a lunch or 30 cents for a breakfast) if their household income is above 130% and less than or equal to 185% of the federal poverty guidelines; these meals receive a subsidy rate that is 40 cents (NSLP) or 30 cents (SBP) below the free meal rate. (Reimbursements are approximately $2.90 per lunch served.)
- **Paid Meals:** A comparatively small per-meal reimbursement is provided for full-price or paid meals served to children whose families do not apply for assistance or whose family income does not qualify them for free or reduced-price meals.[30] The paid meal price is set by the school but must comply with federal regulations.[31] (Reimbursements are approximately 30 cents per lunch served.)

The above reimbursement rates are approximate; exact current-year federal reimbursement rates for NSLP and SBP are listed in **Table B-1** and **Table B-3**, respectively.

Households complete paper or online applications that collect relevant income and household size data, so that the school district can determine if children in the household are eligible for free meals, reduced-price meals, or neither.

Though these income guidelines primarily influence funding and administration of NSLP and SBP, they also affect the eligibility rules for the SFSP, CACFP, and SMP (described further in subsequent sections).

[29] CEP is not the only way schools may provide universal free meal service, but it is unique in that it does not require the collection of applications.

[30] The subsidy for paid meals is provided under the authority of Section 4 of the Richard B. Russell National School Lunch Act. Section 4 establishes two different payment levels: one for schools in which *less than 60%* of the school population is participating in free or reduced-price lunch and one for schools in which *60% or more* of the school population is receiving free or reduced price lunch. See https://www.federalregister.gov/documents/2018/07/19/2018-15465/national-school-lunch-special-milk-and-school-breakfast-programs-national-average-paymentsmaximum for these reimbursement rates. USDA also establishes a "maximum [reimbursement] rate" intended to ensure that states distribute federal funding to all participating school food authorities relatively equally.

[31] The 2010 reauthorization established a policy intended to assure that paid meal revenues were covering the costs of producing a meal. See FNS paid lunch equity guidance for SY2018-2019, https://www.fns.usda.gov/school-meals/paid-lunch-equity-guidance-school-year-2018-19.

Table 2. Income Eligibility Guidelines for a Family of Four for NSLP and SBP

For 48 states and DC, school year 2018-2019

Meal Type	Income Eligibility Threshold (% of the Federal Poverty Level)	Annual Income for a Family of Four
Free	<130%	<$32,630
Reduced-Price	130-185%	$32,630 - $46,435

Source: USDA, Food and Nutrition Service, "Child Nutrition Programs: Income Eligibility Guidelines," 83 *Federal Register* 20788, May 8, 2018.

Note: This school year is defined as July 1, 2018, through June 30, 2019. For other years, household sizes, Alaska, and Hawaii, see USDA-FNS website: http://www.fns.usda.gov/school-meals/income-eligibility-guidelines.

Categorical Eligibility

In addition to the eligibility thresholds listed above, the school meals programs also convey eligibility for free meals based on household participation in certain other need-tested programs or children's specified vulnerabilities (e.g., foster children). Per Section 12 of the National School Lunch Act, "a child shall be considered automatically eligible for a free lunch and breakfast ... without further application or eligibility determination, if the child is"[32]

- in a household receiving benefits through
  - SNAP (Supplemental Nutrition Assistance Program);
  - FDPIR (Food Distribution Program on Indian Reservations, a program that operates in lieu of SNAP on some Indian reservations) benefits; or
  - TANF (Temporary Assistance for Needy Families) cash assistance;
- enrolled in Head Start;
- in foster care;
- a migrant;
- a runaway; or
- homeless.[33]

For meals served to students certified in the above categories, the state/school will receive reimbursement at the free meal amount and children receive a free meal. (See **Table B-1** and **Table B-3** for school year 2018-2019 rates.)

Some school districts collect information for these categorical eligibility rules via paper application. Others conduct a process called **direct certification**—a proactive process where

[32] See Section 9(b)(12)(A) of the Russell National School Lunch Act, codified at 42 U.S.C. 1758(b)(12)(A), for the more specific definitions of these categories.

[33] SNAP, FDPIR, and TANF have income limits, but the other qualifications, as defined, in the statute, are not limited by income. In addition to the above list, following specific demonstration authority in HHFKA as well as under FNS's standing pilot authority, some states are currently directly certifying children based on Medicaid data. According to USDA-FNS, 19 states are operating direct certification with Medicaid in SY2018-2019. Four of the states (Illinois, Kentucky, New York, Pennsylvania) use Medicaid to directly certify for free meals only. Fifteen states (California, Connecticut, Florida, Indiana, Iowa, Massachusetts, Michigan, Nebraska, Nevada, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin), operating under an expanded direct certification demonstration project to test direct certification with Medicaid for reduced-price meals (up to 185% of poverty), are using this process for free and reduced-price meals. Both options are discussed in USDA-FNS, Request for Applications to Participate in Demonstration Projects to Evaluate Direct Certification with Medicaid, January 27, 2016, http://www.fns.usda.gov/sites/default/files/cn/SP23-2016a.pdf.

government agencies typically cross-check their program rolls and certify a household's children for free school meals without the household having to complete a school meals application.

Prior to 2004, states had the option to conduct direct certification of SNAP (then, the Food Stamp Program), TANF, and FDPIR participants. In the 2004 child nutrition reauthorization (P.L. 108-265), states were required under federal law to conduct direct certification for SNAP participants, with nationwide implementation taking effect in school year 2008-2009. Conducting direct certification for TANF and FDPIR remains at the state's discretion.

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA; P.L. 111-296) made further policy changes to expand direct certification (discussed further in the next section). One of those changes was the initiation of a demonstration project to look at expanding categorical eligibility and direct certification to some Medicaid households. The law also funded performance incentive grants for high-performing states and authorized correcting action planning for low-performing states in direct certification activities.[34]

Under SNAP direct certification rules generally, schools enter into agreements with SNAP agencies to certify children in SNAP households as eligible for free school meals without requiring a separate application from the family. Direct certification systems match student enrollment lists against SNAP agency records, eliminating the need for action by the child's parents or guardians. Direct certification allows schools to make use of SNAP's more in-depth eligibility certification process; this can reduce errors that may occur in school lunch application eligibility procedures that are otherwise used.[35] From a program access perspective, direct certification also reduces the number of applications a household must complete.

Figure 2, created by GAO and published in a May 2014 report, provides an overview of how school districts certify students for free and reduced-price meals under the income-based and category-based rules, via applications and direct certification.[36] A USDA-FNS study of school year 2014-2015 estimates that 11.1 million students receiving free meals were directly certified—68% of all categorically eligible students receiving free meals.[37]

[34] See CRS Report R41354, *Child Nutrition and WIC Reauthorization: P.L. 111-296*, for further discussion of these and related policies.

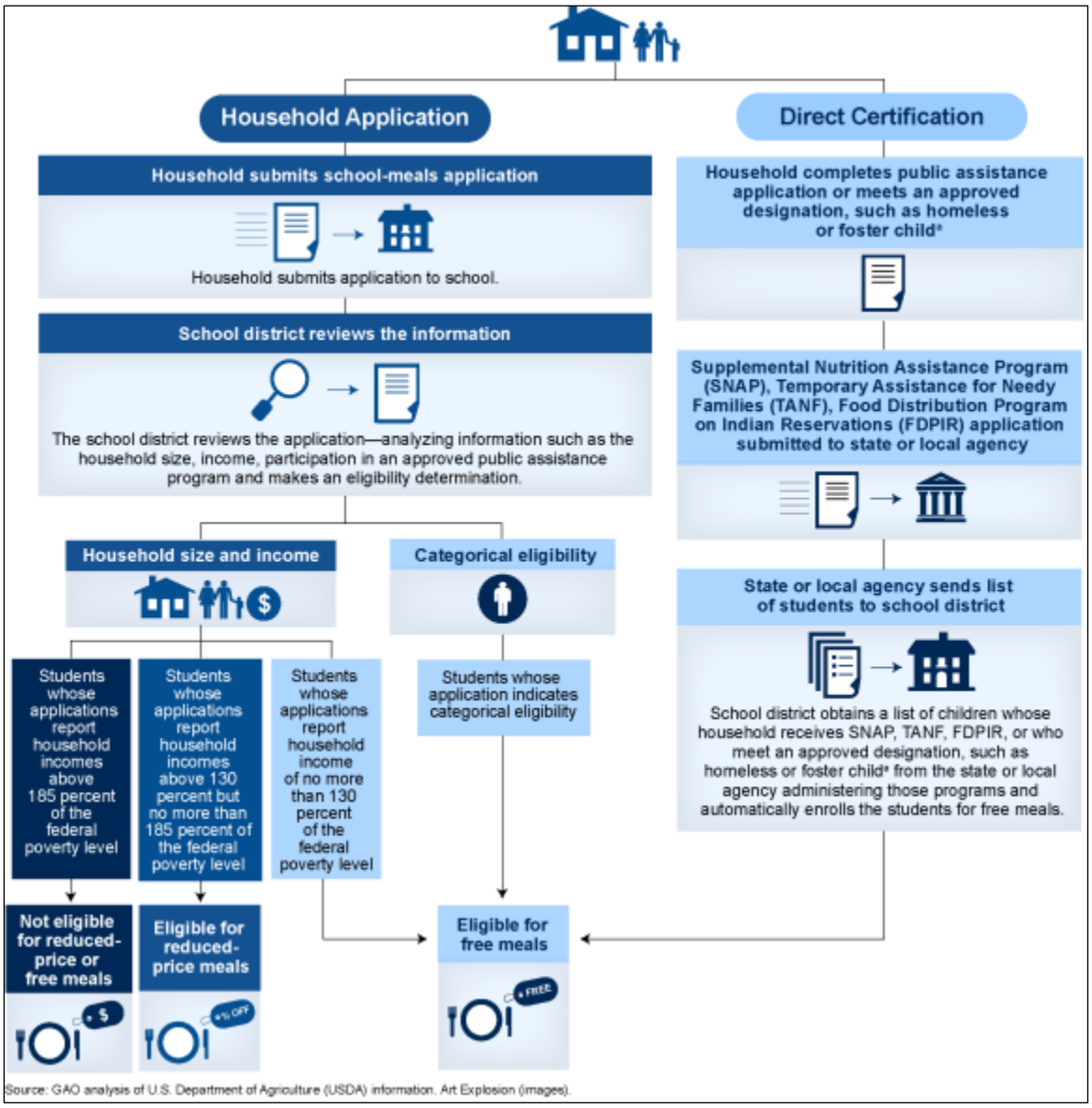
[35] See, for example, U.S. Government Accountability Office, *School-Meals Programs: USDA Has Enhanced Controls, but Additional Verification Could Help Ensure Legitimate Program Access*, GAO-14-262, May 2014, pp. 16-19, http://www.gao.gov/products/GAO-14-262.

[36] U.S. Government Accountability Office, *School-Meals Programs: USDA Has Enhanced Controls, but Additional Verification Could Help Ensure Legitimate Program Access*, GAO-14-262, May 2014, http://www.gao.gov/products/GAO-14-262.

[37] Quinn Moore, Kevin Conway, and Brandon Kyler, et al., *Direct Certification in the National School Lunch Program: State Implementation Progress, School Year 2014-2015, Report to Congress* Mathematica Policy Research for USDA-FNS, CN-15-DC, October 2016, p. 24, https://www.fns.usda.gov/direct-certification-national-school-lunch-program-report-congress-state-implementation-progress-0

Figure 2. Overview of Certification for Free and Reduced-Price School Meals

Household Application and Direct Certification Pathways



Source: Figure and figure notes (below) from Government Accountability Office (GAO), GAO-14-262, p. 13.

Note: [a]Students who meet an approved designation—(1) homeless, runaway, or migrant; (2) foster child; or (3) enrolled in a federally funded Head Start Program—are categorically eligible for free school meals.

Community Eligibility Provision (CEP)

HHFKA also authorized the school meals Community Eligibility Provision (CEP), an option in NSLP and SBP law that allows eligible schools and school districts to offer *free meals to all enrolled students* based on the percentage of their students who are identified as automatically

eligible from nonhousehold application sources (primarily direct certification through other programs).[38]

Based on the statutory parameters, USDA-FNS piloted CEP in various states over three school years and it expanded nationwide in school year 2014-2015. Eligible LEAs have until June 30 of each year to notify USDA-FNS if they will participate in CEP.[39] According to a database maintained by the Food Research and Action Center, just over 20,700 schools in more than 3,500 school districts (LEAs) participated in CEP in SY2016-2017, an increase of approximately 2,500 schools compared to SY2015-2016.[40]

For a school (or school district, or group of schools within a district) to provide free meals to all children

- the school(s) must be eligible for CEP based on the share (40% or greater) of enrolled children that can be identified as categorically (or automatically) eligible for free meals, and
- the school must *opt-in* to CEP.

Though CEP schools serve free meals to all students, they are not reimbursed at the "free meal" rate for every meal. Instead, the law provides a funding formula: the percentage of students identified as automatically eligible (the "identified student percentage" or ISP) is multiplied by a factor of 1.6 to estimate the proportion of students who would be eligible for free or reduced-price meals had they been certified via application.[41] The result is the percentage of meals served that will be reimbursed at the free meal rate, with the remainder reimbursed at the far lower paid meal rate. For example, if a CEP school identifies that 40% of students are eligible for free meals, then 64% of the meals served will be reimbursed at the free meal rate and 36% at the paid meal rate.[42] Schools that identify 62.5% or more students as eligible for free meals receive the free meal reimbursement for all meals served.

Some of the considerations that may impact a school's decision to participate in CEP include whether the new funding formula would be beneficial for their school meal budget; an interest in reducing paperwork for families and schools; and an interest in providing more free meals, including meals to students who have not participated in the program before.

[38] Explanation here draws in part from Madeleine Levin and Zoe Neuberger, *Improving Direct Certification Will Help More Low-Income Children Receive School Meals*, Center on Budget and Policy Priorities & Food Research and Action Center, July 25, 2014, p. 3. Aside from CEP, schools may also provide universal free meal service through the "Provision 2" and "Provision 3" options. CEP is unique in that no school meal applications are required. For information on other options, see USDA-FNS website, http://www.fns.usda.gov/school-meals/provisions-1-2-and-3.

[39] USDA Food and Nutrition Service, "National School Lunch Program and School Breakfast Program: Eliminating Applications through Community Eligibility as Required by the Healthy, Hunger-Free Kids Act of 2010," 81 *Federal Register* 50194, July 29, 2016.

[40] FRAC, "Community Eligibility," available at http://frac.org/community-eligibility.

[41] USDA-FNS, "National School Lunch Program and School Breakfast Program: Eliminating Applications Through Community Eligibility as Required by the Healthy, Hunger-Free Kids Act of 2010," 81 *Federal Register* 50194, July 29, 2016, p. 50201.

[42] Though, to the children of community eligibility schools, all meals are free, the USDA-FNS school meals expenditure data used throughout this report count these meals served in a more nuanced fashion. The percentage derived through this calculation is used to record those meals that are "free" and those meals that are "paid" (i.e., using the example from above, USDA-FNS data would reflect 64% of the meals served in the school as a "free" expenditure and meal served, and 36% as "paid").

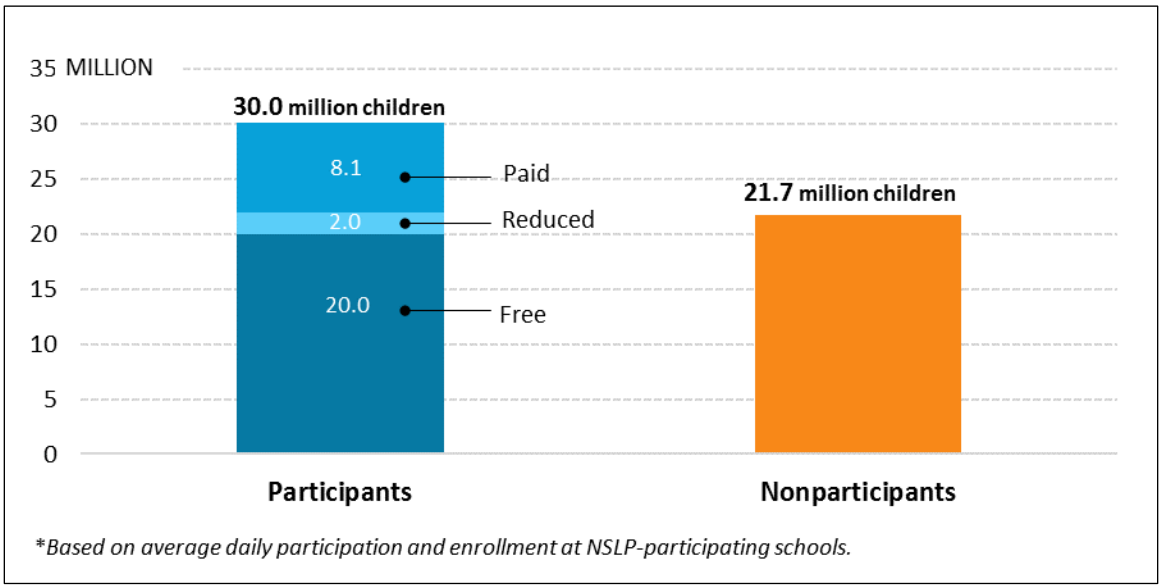
National School Lunch Program (NSLP)

In FY2017, NSLP subsidized 4.9 billion lunches to children in close to 96,000 schools and 3,200 residential child care institutions (RCCIs). Average daily participation was 30.0 million students (58% of children enrolled in participating schools and RCCIs). Of the participating students, 66.7% (20.0 million) received free lunches and 6.5% (2.0 million) received reduced-price lunches. The remainder were served full-price meals, though schools still receive a reimbursement for these meals. **Figure 3** shows FY2017 participation data.

FY2017 federal school lunch costs totaled approximately $13.6 billion (see **Table 3** for the various components of this total). The vast majority of this funding is for per-meal reimbursements for free and reduced-price lunches.

Figure 3. National School Lunch Program, FY2017 Participation

Participation among children at NSLP-participating schools



Source: Figure created by CRS based on FY2017 data from the USDA-FNS Keydata May 2018 report.

Notes: Numbers may not add due to rounding. To reflect participation for the actual school year (September through May), these estimates are based on nine-month averages of October through May plus September, rather than averages of the 12 months of the fiscal year (October through September). Participation data are estimated by USDA-FNS based on average daily meals served. Children in schools participating in the Community Eligibility Provision (CEP) are counted in the free and paid meal categories.

HHFKA also provided an additional 6-cent per-lunch reimbursement to schools that provide meals that meet the updated nutritional guidelines requirements.[43] This bonus is not provided for breakfast, but funds may be used to support schools' breakfast programs. NSLP lunch reimbursement rates are listed in **Table B-1**.

In addition to federal *cash* subsidies, schools participating in NSLP receive USDA-acquired *commodity foods*. Schools are entitled to a specific, inflation-indexed value of USDA commodity

[43] In January 2014, USDA-FNS issued a final rule implementing the 6-cent reimbursement: USDA-FNS, "Certification of Compliance With Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010," 79 *Federal Register* 326, January 3, 2014. Note: 6-cent increase authorized is also annually indexed for inflation.

foods for each lunch they serve. Also, schools may receive donations of bonus commodities acquired by USDA in support of the farm economy.[44] In FY2017, the value of federal commodity food aid to schools totaled nearly $1.4 billion. The per-meal rate for commodity food assistance is included in **Table B-4**.

While the vast majority of NSLP funding is for lunches served during the school day, NSLP may also be used to support snack service during the school year and to serve meals during the summer. These features are discussed in subsequent sections, "Summer Meals" and "After-School Meals and Snacks: CACFP, NSLP Options." Reimbursement rates for snacks are listed in **Table B-2**.

School Breakfast Program (SBP)

The School Breakfast Program (SBP) provides per-meal cash subsidies for breakfasts served in schools. Participating schools receive subsidies based on their status as a severe need or nonsevere need institution. Schools can qualify as a severe need school if 40% or more of their lunches are served free or at reduced prices. See **Table B-3** for SBP reimbursement rates.

Figure 4 displays SBP participation data for FY2017. In that year, SBP subsidized over 2.4 billion breakfasts in over 88,000 schools and nearly 3,200 RCCIs. Average daily participation was 14.7 million children (30.1% of the students enrolled in participating schools and RCCIs). The majority of meals served through SBP are free or reduced-price. Of the participating students, 79.1% (11.6 million) received free meals and 5.7% (835,000) purchased reduced-price meals. Federal school breakfast costs for the fiscal year totaled approximately $4.3 billion (see **Table 3** for the various components of this total).

Significantly fewer schools and students participate in SBP than in NSLP. Participation in SBP tends to be lower for several reasons, including the traditionally required early arrival by students in order to receive a meal and eat before school starts. Some schools offer (and anti-hunger groups have encouraged) models of breakfast service that can result in greater SBP participation, such as Breakfast in the Classroom, where meals are delivered in the classroom; "grab and go" carts, where students receive a bagged breakfast that they bring to class, or serving breakfast later in the day in middle and high schools.[45]

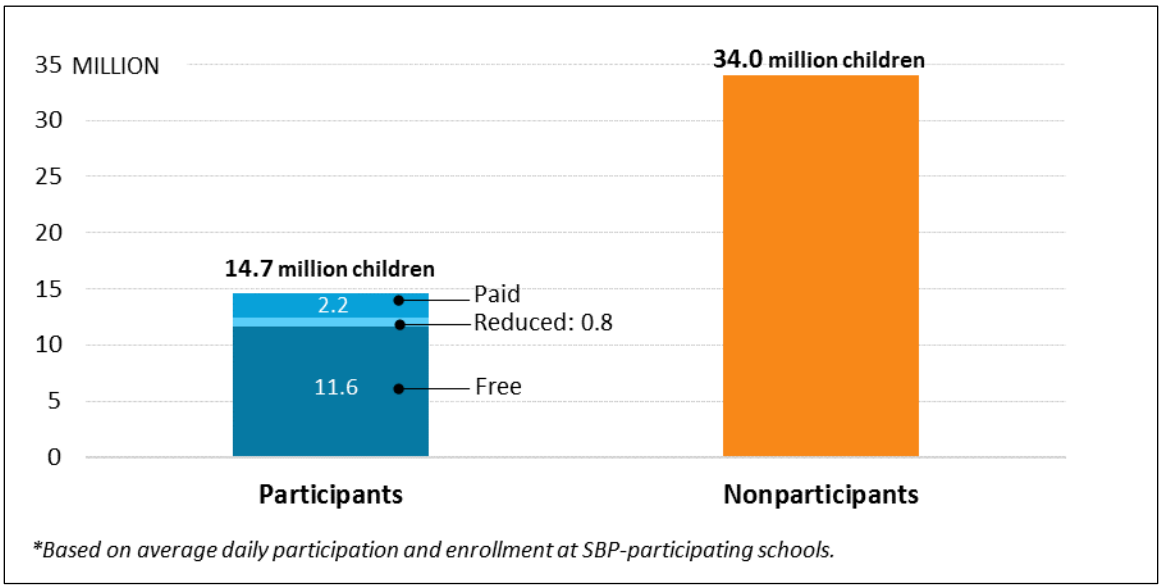
Unlike NSLP, commodity food assistance is not a formal part of SBP funding; however, commodities provided through NSLP may be used for school breakfasts as well.

[44] USDA commodity foods are foods purchased by the USDA for distribution to USDA nutrition programs. These programs distribute "entitlement commodities" (an amount of USDA foods to which grantees are entitled by law) as well as "bonus commodities" (USDA food purchases based on requests from the agricultural producer community). For more information see CRS Report R42353, *Domestic Food Assistance: Summary of Programs*.

[45] See Food Research and Action Center (FRAC), "School Breakfast Expansion Strategies," http://www.frac.org/programs/school-breakfast-program/school-breakfast-expansion-strategies (Accessed July 9, 2018).

Figure 4. School Breakfast Program, FY2017 Participation

Participation among children at SBP-participating schools



Source: Figure created by CRS based on FY2017 data from the USDA-FNS Keydata May 2018 report.

Notes: Numbers may not add due to rounding. To reflect participation for the actual school year (September through May), these estimates are based on nine-month averages of October through May plus September, rather than averages of the 12 months of the fiscal year (October through September). Participation data are estimated by USDA-FNS based on average daily meals served. Children in schools participating in the Community Eligibility Provision (CEP) are counted in the free and paid meal categories.

Other Child Nutrition Programs

In addition to the school meals programs discussed above, other federal child nutrition programs provide federal subsidies and commodity food assistance for schools and other institutions that offer meals and snacks to children in early childhood, summer, and after-school settings. This assistance is provided to (1) schools and other governmental institutions, (2) private for-profit and nonprofit child care centers, (3) family/group day care homes, and (4) nongovernmental institutions/organizations that offer outside-of-school programs for children. (Although this report focuses on the programs that serve children, one child nutrition program [CACFP] also serves day care centers for chronically impaired adults and elderly persons under the same general per-meal/snack subsidy terms.) The programs in the sections to follow serve comparatively fewer children and spend comparatively fewer federal funds than the school meal programs.

Child and Adult Care Food Program (CACFP)

CACFP subsidizes meals and snacks served in early childhood, day care, and after-school settings. CACFP provides subsidies for meals and snacks served at participating nonresidential child care centers, family day care homes, and (to a lesser extent) adult day care centers.[46] The program also provides assistance for meals served at after-school programs. CACFP reimbursements are available for meals and snacks served to children age 12 or under, migrant

[46] CACFP also supports meals in homeless/emergency shelters. See http://www.fns.usda.gov/cacfp/emergency-shelters for further information.

children age 15 or under, children with disabilities of any age, and, in the case of adult care centers, chronically impaired and elderly adults. Children in early childhood settings are the overwhelming majority of those served by the program.

CACFP provides federal reimbursements for breakfasts, lunches, suppers, and snacks served in participating centers (facilities or institutions) or day care homes (private homes). The eligibility and funding rules for CACFP meals and snacks depend first on whether the participating institution is a center or a day care home (the next two sections discuss the rules specific to centers and day care homes). According to FY2017 CACFP data, child care centers have an average daily attendance of about 56 children per center, day care homes have an average daily attendance of approximately 7 children per home, and adult day care centers typically care for an average of 48 chronically ill or elderly adults per center.[47]

Subsidized CACFP meals and snacks must meet program-specific federal nutrition standards, and providers must demonstrate that they comply with government-established standards for other child care programs. Like in school meals, federal assistance is made up overwhelmingly of *cash* reimbursements calculated based on the number of meals/snacks served and federal per-meal/snack reimbursements rates, but a far smaller share of federal aid (4.3% in FY2017) is in the form of federal USDA commodity *foods* (or cash in lieu of foods). Federal CACFP reimbursements flow to individual providers either directly from the administering state agency (this is the case with many child/adult care centers able to handle their own CACFP administrative functions) or through "sponsors" who oversee and provide administrative support for a number of local providers (this is the case with some child/adult care centers and with all day care homes).[48]

In FY2017, total CACFP spending was over $3.5 billion, including cash reimbursement, commodity food assistance, and costs for sponsor audits. (See **Table 3** for a further breakdown of CACFP costs.) This total also includes the after-school meals and snacks provided through CACFP's "at-risk after-school" pathway; this aspect of the program is discussed later in "After-School Meals and Snacks: CACFP, NSLP Options."

CACFP at Centers

Participation

Child care centers in CACFP can be (1) public or private nonprofit centers, (2) Head Start centers, (3) for-profit proprietary centers (if they meet certain requirements as to the proportion of low-income children they enroll), and (4) shelters for homeless families. Adult day care centers include public or private nonprofit centers and for-profit proprietary centers (if they meet minimum requirements related to serving low-income disabled and elderly adults).[49] In FY2017, over 65,000 child care centers with an average daily attendance of over 3.6 million children participated in CACFP. Over 2,700 adult care centers served nearly 132,000 adults through CACFP.

[47] USDA-FNS' administrative data on the CACFP are the source of these attendance numbers.

[48] In many cases, sponsor organizations that provide administrative support to multiple providers also are paid federal reimbursements for their costs. Day care homes must have a sponsoring organization, while child care centers may have a sponsor but are not required to do so.

[49] Participating adult care programs "should be structured, comprehensive and provide health and social support services to enrolled participants. Centers that simply provide social or rehabilitative services to adults do not qualify to participate in CACFP." http://www.fns.usda.gov/cacfp/facts-about-adult-component-cacfp.

Eligibility and Administration

Participating centers may receive daily reimbursements for up to either two meals and one snack or one meal and two snacks for each participant, so long as the meals and snacks meet federal nutrition standards.

The eligibility rules for CACFP centers largely track those of NSLP: children in households at or below 130% of the current poverty line qualify for free meals/snacks while those between 130% and 185% of poverty qualify for reduced-price meals/snacks (see **Table 2**). In addition, participation in the same categorical eligibility programs as NSLP as well as foster child status convey eligibility for free meals in CACFP.[50] Like school meals, eligibility is determined through paper applications or direct certification processes.

Like school meals, all meals and snacks served in the centers are federally subsidized to some degree, even those that are paid. Different reimbursement amounts are provided for breakfasts, lunches/suppers, and snacks, and reimbursement rates are set in law and indexed for inflation annually. The largest subsidies are paid for meals and snacks served to participants with family income below 130% of the federal poverty income guidelines (the income limit for free school meals), and the smallest to those who have not met a means test. See **Table B-5** for current CACFP center reimbursement rates.

Unlike school meals, CACFP institutions are less likely to collect per-meal payments. Although federal assistance for day care centers differentiates by household income, centers have discretion on their pricing of meals. Centers may adjust their regular fees (tuition) to account for federal payments, but CACFP itself does not regulate these fees. In addition, centers can charge families separately for meals/snacks, so long as there are no charges for children meeting free-meal/snack income tests and limited charges for those meeting reduced-price income tests.

Independent centers are those without sponsors handling administrative responsibilities. These centers must pay for administrative costs associated with CACFP out of nonfederal funds or a portion of their meal subsidy payments. For centers with sponsors, the sponsors may retain a proportion of the meal reimbursement payments they receive on behalf of their centers to cover such costs.

CACFP for Day Care Homes

Participation

CACFP-supported day care *homes* serve a smaller number of children than CACFP-supported *centers*, both in terms of the total number of children served and the average number of children per facility. Roughly 17% of children in CACFP (approximately 757,000 in FY2017 average daily attendance) are served through day care homes. In FY2017, approximately 103,000 homes (with just over 700 sponsors) received CACFP support.

Eligibility and Reimbursement

As with centers, payments to day care homes are provided for up to either two meals and one snack or one meal and two snacks a day for each child. Unlike centers, day care homes must participate under the auspices of a public or, more often, private nonprofit sponsor that typically

[50] See also summary of CACFP eligibility rules at USDA-FNS website, http://www.fns.usda.gov/cacfp/why-cacfp-important.

has 100 or more homes under its supervision. CACFP day care home sponsors receive monthly administrative payments based on the number of homes for which they are responsible.[51]

Federal reimbursements for family day care homes differ by the home's status as "Tier I" or "Tier II." Unlike centers, day care homes receive cash reimbursements (but not commodity foods) that generally are not based on the child participants' household income. Instead, there are two distinct, annually indexed reimbursement rates that are based on area or operator eligibility criteria

- Tier I homes are located in low-income areas (defined as areas in which at least 50% of school-age and enrolled children qualify for free or reduced-price meals) or operated by low-income providers whose household income meets the free or reduced-price income standards.[52] They receive higher subsidies for each meal/snack they serve.
- Tier II (lower) rates are by default those for homes that do not qualify for Tier I rates; however, Tier II providers may seek the higher Tier I subsidy rates for individual low-income children for whom financial information is collected and verified. (See **Table B-6** for current Tier I and Tier II reimbursement rates.)

Additionally, HHFKA introduced a number of additional ways (as compared to prior law) by which family day care homes can qualify as low-income and get Tier I rates for the entire home or for individual children.[53]

As with centers, there is no requirement that meals/snacks specifically identified as free or reduced-price be offered; however, unlike centers, federal rules prohibit any separate meal charges.

Summer Meals

Current law SFSP and the NSLP/SBP Seamless Summer Option provide meals in congregate settings nationwide; the related Summer Electronic Benefits Transfer (SEBTC or Summer EBT) demonstration project is an alternative to congregate settings. The demonstration is discussed below; proposals to expand the demonstration are discussed in "Selected Current Issues."

[51] As an example of the role that sponsors and homes play in CACFP, in Allentown, Pennsylvania, the Lehigh Valley Children's Centers (LVCC) serves as a sponsor for child care homes in the area. They offer a variety of administrative services to family child care homes that are registered with the state. In their brochure, they state that it is LVCC's responsibility to "monitor meals and reimburse [homes] for meals served," and it is homes' responsibility "to plan nutritional menus that meet meal requirements, maintain and submit daily attendance records and monthly meal counts." See http://www.lvcconline.org/images/pdf/CACFP-Brochure.pdf.

[52] 7 C.F.R. §226.2.

[53] Previously, child care homes could only use data from the elementary school level to establish the area as low-income. The new law allows these homes to use data from the middle and high school level as well to establish need and qualify as a "Tier I" home. Also, P.L. 111-296 included policies to streamline application processes and eliminate some paperwork. As part of this process, the annual application process has been eliminated and sponsors and child care centers will only have to submit paperwork the first time they apply, with amendments submitted as necessary. Finally, P.L. 111-296 increased CACFP sponsoring organizations' and providers' flexibility over administrative funds, including the option to carry over up to 10% of administrative funds from one fiscal year to the next. USDA-FNS has begun to implement these changes. See, for example, USDA Food and Nutrition Service, "Child and Adult Care Food Program: Amendments Related to the Healthy, Hunger-Free Kids Act of 2010," 77 *Federal Register* 21018-21038, April 9, 2012; USDA-FNS Memorandum, *Child Nutrition Reauthorization 2010: Area Eligibility for Family Day Care Homes*, Memo Code: CACFP 05-2011-Revised, January 10, 2011, https://www.fns.usda.gov/cacfp-05-2011-revised-child-nutrition-reauthorization-2010-area-eligibility-family-day-care-homes.

Summer Food Service Program (SFSP)

SFSP supports meals for children during the summer months. The program provides assistance to local public institutions and private nonprofit service institutions running summer youth/recreation programs, summer feeding projects, and camps. Assistance is primarily in the form of cash reimbursements for each meal or snack served; however, federally donated commodity foods are also offered. Participating service institutions are often entities that provide ongoing year-round service to the community including schools, local governments, camps, colleges and universities in the National Youth Sports program, and private nonprofit organizations like churches.

Similar to the CACFP model, sponsors are institutions that manage the food preparation, financial, and administrative responsibilities of SFSP. Sites are the places where food is served and eaten. At times, a sponsor may also be a site. State agencies authorize sponsors, monitor and inspect sponsors and sites, and implement USDA policy. Unlike CACFP, sponsors are required for an institution's participation in SFSP as a site.

Participation

In FY2017, nearly 5,500 sponsors with 50,000 food service sites participated in the SFSP and served an average of approximately 2.7 million children daily (according to July data).[54]

Participation of sites and children in SFSP has increased in recent years. Program costs for FY2017 totaled over $485 million, including cash assistance, commodity foods, administrative cost assistance, and health inspection costs.

Eligibility and Administration

There are several options for eligibility and meal/snack service for SFSP sponsors (and their sites)

- **Open sites** provide summer food to all children in the community. These sites are certified based on *area* eligibility measures, where 50% or more of area children have family income that would make them eligible for free or reduced-price school meals (see **Table 2**).
- **Closed or Enrolled sites** provide summer meals/snacks free to all children enrolled at the site. The eligibility test for these sites is that 50% or more of the *children enrolled* in the sponsor's program must be eligible for free or reduced-price school meals based on household income. Closed/enrolled sites may also become eligible based on area eligibility measures noted above.
- **Summer camps** (that are not enrolled sites) receive subsidies only for those children with household eligibility for free or reduced-price school meals.
- **Other programs specified in law**, such as the National Youth Sports Program and centers for homeless or migrant children.

[54] According to a May 2018 GAO report, estimates of participation in SFSP may not be reliable because they have been calculated inconsistently across states and years. See U.S. Government Accountability Office, *Actions Needed to Improve Participation Estimates and Address Program Challenges*, GAO-18-369, May 2018, https://www.gao.gov/products/GAO-18-369.

Summer sponsors get operating cost (food, storage, labor) subsidies for all meals/snacks they serve—up to one meal and one snack, or two meals per child per day.[55] In addition, sponsors receive payments for administrative costs, and states are provided with subsidies for administrative costs and health and meal-quality inspections. See **Table B-7** for current SFSP reimbursement rates. Actual payments vary slightly (e.g., by about 5 cents for lunches) depending on the location of the site (e.g., rural vs. urban) and whether meals are prepared on-site or by a vendor.

School Meals' Seamless Summer Option[56]

Although SFSP is the child nutrition program most associated with providing meals during summer months, it is not the only program option for providing these meals and snacks. The Seamless Summer Option, run through NSLP or SBP programs, is also a means through which food can be provided to students during summer months. Much like SFSP, Seamless Summer operates in summer *sites* (summer camps, sports programs, churches, private nonprofit organizations, etc.) and for a similar duration of time. Unlike SFSP, *schools are the only eligible sponsors*, although schools may operate the program at other sites. Reimbursement rates for Seamless Summer meals are the same as current NSLP/SBP rates.

Summer EBT for Children Demonstration

Beginning in summer 2011 and (as of the date of this report) each summer since, USDA-FNS has operated Summer Electronic Benefit Transfer for Children (SEBTC or "Summer EBT") demonstration projects in a limited number of states and Indian Tribal Organizations (ITOs). These Summer EBT projects provide electronic food benefits over summer months to households with children eligible for free or reduced-price school meals. Depending on the site and year, either $30 or $60 per month is provided, through a WIC or SNAP EBT card model. In the demonstration projects, these benefits were provided as a supplement to the Summer Food Service Program (SFSP) meals available in congregate settings.

Summer EBT and other alternatives to congregate meals through SFSP were first authorized and funded by the FY2010 appropriations law (P.L. 111-80). Although a number of alternatives were tested and evaluated, findings from Summer EBT were among the most promising, and Congress provided subsequent funding.[57] Summer EBT evaluations (discussed later in "Alternatives to "Congregate Feeding" in Summer Meals") showed significant impacts on reducing child food insecurity and improving nutritional intake.[58] Summer EBT was funded by P.L. 111-80 in the summers from 2011 to 2014. Projects have continued to operate and were annually funded by FY2015-FY2018 appropriations; most recently, the FY2018 appropriations law (P.L. 115-141) provided $28 million. According to USDA-FNS, in summer 2016 Summer EBT served over

[55] With state agency approval, camps and migrant sites (sites that predominantly serve children of migrant workers) may be reimbursed for serving three meals or two meals and one snack per child daily.

[56] For further discussion, see the USDA-FNS website: http://www.fns.usda.gov/school-meals/opportunity-schools.

[57] This CRS report discusses Summer EBT, not the other tested programs ("Enhanced Summer Food Service Program (eSFSP)). For information on eSFSP, see USDA-FNS' "Enhanced Summer Food Service Program" web page, https://www.fns.usda.gov/ops/enhanced-summer-food-service-program-esfsp.

[58] Collins et al., *Summer Electronic Benefits Transfer for Children (SEBTC) Demonstration: Evaluation Findings for the Full Implementation Year*. Prepared by Abt Associates, Mathematica Policy Research, and Maximus (Alexandria, VA: USDA, Food and Nutrition Service, 2013), p. 105. This improvement is based on the entire evaluation population. Improvements in VLFS-C did vary significantly between Summer EBT sites.

209,000 children in nine states and two tribal nations—an increase from the 11,400 children served when the demonstration began in summer 2011.[59]

Special Milk Program (SMP)

Schools (and institutions like summer camps and child care facilities) that are not already participating in the other child nutrition programs can participate in the Special Milk Program. Schools may also administer SMP for their part-day sessions for kindergartners or pre-kindergartners.

Under SMP, participating institutions provide milk to children for free and/or at a subsidized paid price, depending on how the enrolled institution opts to administer the program (see **Table B-8** for current Special Milk reimbursement rates for each of these options)

- An institution that *only sells milk* will receive the same per-half pint federal reimbursement for each milk sold (approximately 20 cents).
- An institution that *sells milk and provides free milk* to eligible children (income eligibility is the same as free school meals, see **Table 2**), receives a reimbursement for the milk sold (approximately 20 cents) and a higher reimbursement for the free milks.
- An institution that *does not sell milk* provides milk free to all children and receives the same reimbursement for all milk (approximately 20 cents). This option is sometimes called nonpricing.

In FY2017, over 41 million half-pints were subsidized, 9.5% of which were served free. Federal expenditures for this program were approximately $8.3 million in FY2017.

Fresh Fruit and Vegetable Program (FFVP)

States receive formula grants through the Fresh Fruit and Vegetable Program, under which state-selected schools receive funds to purchase and distribute *fresh* fruit and vegetable snacks to all children in attendance (regardless of family income). Money is distributed by a formula under which about half the funding is distributed equally to each state and the remainder is allocated by state population. States select participating schools (with an emphasis on those with a higher proportion of low-income children) and set annual per-student grant amounts (between $50 and $75).

Funding is set by law at $150 million for school year 2011-2012 and inflation-indexed for every year after. In FY2017, states used approximately $184 million in FFVP funds.[60] FFVP is funded by a mandatory transfer of funds from USDA's Section 32 program—a permanent appropriation of 30% of the previous year's customs receipts.[61] This transfer is required by FFVP's authorizing laws (Section 19 of the Richard B. Russell National School Lunch Act and Section 4304 of P.L. 110-246). Up until FY2018's law, annual appropriations laws delayed a portion of the funds to the next fiscal year.

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[59] *FY2019 USDA Budget Explanatory Notes for Committee on Appropriations* for USDA-FNS, p. 32-40, https://www.obpa.usda.gov/32fns2019notes.pdf.

[60] *FY2019 USDA Budget Explanatory Notes for Committee on Appropriations* for USDA-FNS, p. 32-14, https://www.obpa.usda.gov/32fns2019notes.pdf.

[61] For more information, see CRS Report RL34081, *Farm and Food Support Under USDA's Section 32 Program*.

After a pilot period, the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) permanently authorized and funded FFVP for a limited number of states and Indian reservations.[62] In recent years, FFVP has been amended by omnibus farm bill laws rather than through child nutrition reauthorizations. The 2008 farm bill (P.L. 110-246) expanded FFVP's mandatory funding, specifically providing funds through Section 32, and enabled all states to participate in the program. The 2014 farm bill (P.L. 113-79) essentially made no changes to this program but did include, and fund at $5 million in FY2014, a pilot project that requires USDA to test offering frozen, dried, and canned fruits and vegetables and publish an evaluation of the pilot. Four states (Alaska, Delaware, Kansas, and Maine) participated in the pilot in SY2014-2015 and the evaluation was published in 2017.[63] Other proposals to expand fruits and vegetables offered in FFVP have been introduced in both the 114th and 115th Congress.[64]

Other Topics

After-School Meals and Snacks: CACFP, NSLP Options

Two of the child nutrition programs discussed in previous sections, the National School Lunch Program (NSLP) and Child and Adult Care Food Program (CACFP), provide federal support for snacks and meals served during after-school programs.[65]

NSLP provides reimbursements for after-school snacks; however, this option is open only to schools that already participate in NSLP. These schools may operate after-school snack-only programs during the school year, and can do so in two ways: (1) if low-income area eligibility criteria are met, provide free snacks in lower-income areas; or (2) if area eligibility criteria are not met, offer free, reduced-price, or fully paid-for snacks, based on household income eligibility (like lunches in NSLP). The vast majority of snacks provided through this program are through the first option. Through this program, approximately 206 million snacks were served in FY2017 (a daily average of nearly 1.3 million). This compares with nearly 4.9 billion *lunches* served (a daily average of 27.8 million).

CACFP provides assistance for after-school food in two ways. First, centers and homes that participate in CACFP and provide after-school care may participate in traditional CACFP (the eligibility and administration described earlier). Second, centers in areas where at least half the children in the community are eligible for free or reduced-price school meals can opt to participate in the CACFP At-Risk Afterschool program, which provides free snacks and suppers. Expansion of the At-Risk After-School meals program was a major policy change included in HHFKA. Prior to the law, 13 states were permitted to offer CACFP At-Risk After-School meals (instead of just a snack); the law allowed all CACFP state agencies to offer such meals.[66] In

[62] Permanent funding is made possible through the Section 32 account. See CRS Report RL34081, *Farm and Food Support Under USDA's Section 32 Program*, coordinated by Jim Monke.

[63] Briefel et al., Evaluation of the Pilot Project for Canned, Frozen, or Dried Fruits and Vegetables in the Fresh Fruit and Vegetable Program (FFVP-CFD), Prepared by Mathematica Policy Research. Alexandria, VA: USDA, Food and Nutrition Service, January 2017, available at https://fns-prod.azureedge.net/sites/default/files/ops/FFVP-CFD.pdf.

[64] See CRS Report R44373, *Tracking the Next Child Nutrition Reauthorization: An Overview*. In the 115th Congress, see H.R. 3402, S. 2064, and House-passed H.R. 2 §4204.

[65] For further discussion of the NSLP and CACFP after-school snack program, see Joanne Guthrie, *Feeding Children After School: The Expanding Role of USDA Child Nutrition Programs*, USDA Economic Research Service, Amber Waves, March 1, 2012, https://www.ers.usda.gov/amber-waves/2012/march/feeding-children-after-school/.

[66] S.Rept. 111-178, p. 7.

FY2017, the At-Risk Afterschool program served a total of approximately 242.6 million free meals and snacks to a daily average of more than 1.7 million children.[67]

Table 3. FY2016 and FY2017 Federal Expenditures on Child Nutrition Programs

In millions of dollars

Program or Program Component	FY2016	FY2017	Change from FY2016 to FY2017	
National School Lunch Program	**$13,569**	**$13,643**	+$74	+1%
free meal reimbursements	$9,593	$9,620	+$27	0%
reduced-price meal reimbursements	$808	$783	-$25	-3%
paid meal reimbursements	$1,478	$1,480	+$2	0%
additional funding to schools with more than 60% free or reduced-price participation	$76	$74	-$2	-3%
performance-based meal reimbursements	$302	$293	-$9	-3%
commodity food assistance[a]	$1,311	$1,393	+$82	+6%
School Breakfast Program	**$4,213**	**$4,252**	+$39	+1%
free meal reimbursements	$3,868	$3,912	+$44	+1%
reduced-price meal reimbursements	$239	$235	-$4	-2%
paid meal reimbursements	$106	$106	$0	0%
Child and Adult Care Food Program	**$3,520**	**$3,537**	+$17	0%
meal reimbursements at child care centers	$2,307	$2,363	+$56	+2%
meal reimbursements at child care homes	$764	$721	-$42	-6%
meal reimbursements at adult day care centers	$149	$156	+$7	+5%
commodity food assistance[a]	$155	$153	-$2	-1%
administrative costs for child care sponsors	$146	$145	-$1	-1%
Summer Food Service Program	**$478**	**$485**	+$7	+1%
meal reimbursements	$419	$424	+$5	+1%
commodity food assistance[a]	$2	$2	$0	0%
sponsor and inspection costs	$58	$60	+$2	+3%
Special Milk Program	**$9**	**$8**	-$1	-11%
Fresh Fruit and Vegetable Program[b]	**$167**	**$184**	+$17	+10%
State Administrative Expenses	**$260**	**$279**	+$19	+7%

[67] Data provided by USDA-FNS on July 18, 2018.

Program or Program Component	FY2016	FY2017	Change from FY2016 to FY2017	
Mandatory Other Program Costs[c]	**$59**	**$83**	+$24	+41%
Discretionary Activities[d]	**$69**	**$63**	-$6	-9%
TOTAL OF FUNDS DISPLAYED[e]	**$22,344**	**$22,534**	+$192	+1%

Source: Program expenditures data (outlays) from USDA-FNS Keydata Reports (dated March 2017 and March 2018), except where noted below.

Notes: Expenditures displayed here will vary from displays in CRS appropriations reports and in some cases the USDA-FNS annual budget justification. Since the majority of program funding is for open-ended entitlements, expenditure data capture spending better than the total of appropriations. This table includes some functions that are funded through permanent appropriations or transfers (i.e., funding not provided in appropriations laws). Due to rounding to the nearest million, percentage increases or decreases may be exaggerated or understated.

a. Amounts included in this table for commodity food assistance include only entitlement commodities for each program, not bonus commodities.

b. Obligations data displayed on p. 32-14 of FY2019 USDA-FNS Congressional Budget Justification.

c. Obligations data displayed on p. 32-12 of FY2019 USDA-FNS Congressional Budget Justification. These costs are made up of Food Safety Education, Coordinated Review, Computer Support, Training and Technical Assistance, studies, payment accuracy, and Farm to School Team.

d. Obligations data displayed on p. 32-12 of FY2019 USDA-FNS Congressional Budget Justification. These costs include Team Nutrition, the Summer EBT demonstration, and School Meal Equipment Grants.

e. This table summarizes the vast majority of child nutrition programs' federal spending but does not capture all federal costs.

Related Programs, Initiatives, and Support Activities

Federal child nutrition laws authorize and program funding supports a range of additional programs, initiatives, and activities.[68]

Through **State Administrative Expenses** funding, states are entitled to federal grants to help cover administrative and oversight/monitoring costs associated with child nutrition programs. The national amount each year is equal to about 2% of child nutrition reimbursements. The majority of this money is allocated to states based on their share of spending on the covered programs; about 15% is allocated under a discretionary formula granting each state additional amounts for CACFP, commodity distribution, and Administrative Review efforts. In addition, states receive payments for their role in overseeing summer programs (about 2.5% of their summer program aid). States are free to apportion their federal administrative expense payments among child nutrition initiatives (including commodity distribution activities) as they see fit, and appropriated funding is available to states for two years. State Administrative Expense spending in FY2017 totaled approximately $279 million.[69]

Team Nutrition is a USDA-FNS program that includes a variety of school meals initiatives around nutrition education and the nutritional content of the foods children eat in schools. This

[68] This section does not list all related federal funding and support activities; those activities that are discussed are broadly summarized. For further details on these and other functions funded by the "child nutrition programs" account, see the *2019 USDA Budget Explanatory Notes for Committee on Appropriations* for USDA-FNS, pp. 32-10 through 32-26, https://www.obpa.usda.gov/32fns2019notes.pdf.

[69] For the formula for administrative and oversight/monitoring costs, see Section 7 of the Child Nutrition Act of 1966 (codified at 42 U.S.C. 1776).

includes Team Nutrition Training Grants, which provide funding to state agencies for training and technical assistance, such as help implementing USDA's nutrition requirements and the Dietary Guidelines for Americans. From 2004 to 2018, Team Nutrition also included the HealthierUS Schools Challenge (HUSSC), which originated in the 2004 reauthorization of the Child Nutrition Act. HUSSC was a voluntary certification initiative designed to recognize schools that have created a healthy school environment through the promotion of nutrition and physical activity.[70]

Farm-to-school programs broadly refer to "efforts that bring regionally and locally produced foods into school cafeterias," with a focus on enhancing child nutrition.[71] The goals of these efforts include increasing fruit and vegetable consumption among students, supporting local farmers and rural communities, and providing nutrition and agriculture education to school districts and farmers. HHFKA amended existing child nutrition programs to establish mandatory funding of $5 million per year for competitive farm-to-school grants that support schools and nonprofit entities in establishing farm-to-school programs that improve a school's access to locally produced foods.[72] The FY2018 appropriations law provided an additional $5 million in discretionary funding to remain available until expended.[73] Grants may be used for training, supporting operations, planning, purchasing equipment, developing school gardens, developing partnerships, and implementing farm-to-school programs. USDA's Office of Community Food Systems provides additional resources on farm-to-school issues.[74]

Through an **Administrative Review** process (formerly referred to as Coordinated Review Effort (CRE)), USDA-FNS, in cooperation with state agencies, conducts periodic on-site NSLP school compliance and accountability evaluations to improve management and identify administrative, subsidy claim, and meal quality problems.[75] State agencies are required to conduct administrative reviews of all school food authorities (SFAs) that operate the NSLP under their jurisdiction at least once during a three-year review cycle.[76] Federal Administrative Review expenditures were approximately $9.9 million in FY2017.

USDA-FNS and state agencies conduct many other child nutrition program support activities for which dedicated funding is provided. Among other examples, there is the Institute of Child Nutrition (ICN), which provides technical assistance, instruction, and materials related to nutrition and food service management; it receives $5 million a year in mandatory funding appropriated in statute. ICN is located at the University of Mississippi. USDA-FNS provides training on food safety education. Funding is also provided for USDA-FNS to conduct studies, provide training and technical assistance, and oversee payment accuracy.

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[70] See USDA-FNS website, http://www.fns.usda.gov/hussc/healthierus-school-challenge-smarter-lunchrooms.

[71] USDA, *The Farm to School Program—2012-2015: Four Years in Review*, p. 3. https://fns-prod.azureedge.net/sites/default/files/f2s/Farm-to-School-at-USDA—4-Years-in-Review.pdf.

[72] HHFKA, Section 243 (Access to Local Foods: Farm to School Program), amending §18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)). In addition, appropriations are authorized "such sums as are necessary for each of fiscal years 2011 through 2015."

[73] See Section 763 of P.L. 115-141.

[74] See USDA-FNS's Office of Community Food Systems: http://www.fns.usda.gov/farmtoschool/farm-school.

[75] Text in this paragraph is adapted from the USDA-FNS, *National School Lunch Program: Coordinated Review Effort (CRE)*, FNS-640 Data Report, January 2014.

[76] HHFKA increased the frequency of administrative reviews from once every five years to once every three years. See final rule at USDA Food and Nutrition Service, "Administrative Reviews in the School Nutrition Programs," 81 *Federal Register* 50170, July 29, 2016.

Selected Current Issues

This section provides further information on current issues in the child nutrition programs. In particular, it provides background on (1) USDA regulations updating various nutrition standards in the child nutrition programs, (2) current and proposed alternatives to the "congregate feeding requirement" in summer meals, and (3) recent changes and proposals aimed at addressing "lunch shaming" and unpaid meal costs.

Regulations on Nutrition Standards

Since the enactment of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA; P.L. 111-296), USDA-FNS has promulgated multiple regulations, formulated various program guidance, and published many other policy documents and reports. Three of the major changes authorized by the 2010 law relate to program nutrition standards: (1) requiring an update to the nutrition standards for NSLP and SBP meals, (2) giving USDA the authority to regulate other foods sold in schools (e.g., through vending machines and cafeterias' a la carte lines) and requiring the agency to issue related nutrition standards, and (3) requiring an update to the nutrition standards in CACFP. The new nutrition standards were championed by First Lady Michelle Obama through her "Let's Move" initiative, among other groups.[77]

Updated Nutrition Standards for Lunch and Breakfast

Section 201 of HHFKA (P.L. 111-296) established a timeframe for USDA to promulgate regulations updating meal patterns and nutrition standards for school meal programs based on recommendations from the Institute of Medicine (IOM) (now the Health and Medicine Division) at the National Academy of Sciences.[78] Schools meeting the new requirements are eligible for the increased federal subsidies (6 cents per lunch) noted above. The law also provided funding for technical assistance to help implement new meal patterns and nutrition standards.

Ultimately, following a proposed rule, comments submitted, and policy provisions enacted in the 2012 appropriations law,[79] USDA-FNS issued a final rule on January 26, 2012.[80] The final rule sought to align school meal patterns with the 2010 Dietary Guidelines for Americans and called for increased availability of fruits, vegetables, whole grains, and low-fat or fat-free milk in school cafeterias—generally consistent with IOM's recommendations. The regulations also included calorie maximums (whereas prior guidelines had only calorie minimums) and sodium limits to phase in over time, among other requirements.[81]

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[77] See, for example, Nia-Malika Henderson, "President Obama signs child nutrition bill, a priority for first lady," *Washington Post*, December 13, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/12/13/AR2010121302407.html; archived White House website, "Let's Move, Healthy Schools," https://letsmove.obamawhitehouse.archives.gov/healthy-schools.

[78] The 2010 law added a deadline, but it was the 2004 reauthorization (P.L. 108-265) that required USDA to update the standards based on National Academy of Sciences recommendations. IOM's report, issued in 2010, had made a number of recommendations around such topics as imposing calorie limits, increasing fruit and vegetables, and reducing sodium intake. IOM, *School Meals: Building Blocks for Healthy Children*, Washington, DC, 2010.

[79] See Section 743 of P.L. 112-55. Also discussed in CRS Report R41964, *Agriculture and Related Agencies: FY2012 Appropriations*, coordinated by Jim Monke.

[80] For the final rule and related resources, see USDA-FNS website at http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals.

[81] When originally issued, the rule and USDA-FNS policy also required certain weekly maximums on grains and

Although the rule was finalized in January 2012, all aspects of the rule were not to be implemented immediately; for instance, some aspects of the new guidelines went into effect for school year 2014-2015, even though the rule went into effect in school year 2012-2013.[82] Three aspects of the new regulations that went into effect in SY2014-2015 were: all grains served must be whole-grain-rich,[83] new fruit requirements for breakfast, and the first of three sodium limits or "targets" for breakfasts and lunches (referred to as "Target 1").[84]

As some schools have had difficulty implementing the new guidelines, Congress and the USDA have implemented some changes or waivers regarding the 2012 final rule's whole grain, sodium, and milk requirements. FY2015, FY2016, and FY2017 appropriations laws (P.L. 113-235, P.L. 114-113, P.L. 115-31, respectively) included policies that affect the implementation of the guidelines. As of the date of this report, schools are following policies set in an interim final rule published November 30, 2017.[85]

Specifically, FY2015 and FY2016 appropriations laws (1) required USDA to allow states to exempt school food authorities that meet hardship requirements from the 100% whole grain requirement[86] and (2) prevented USDA from implementing a reduction in sodium scheduled to take effect in school year 2017-2018 until "the latest scientific research establishes the reduction is beneficial for children." The enacted FY2017 appropriation (§747 of P.L. 115-31) contained related policy provisions. It extended the whole grain exemptions through SY2017-2018 and (using different language from past years) limited enforcement of sodium limits to Target 1 levels. In addition, a new appropriations provision was added in the FY2017 law that required USDA to allow states to grant special exemptions to serve flavored, *low-fat* milk (instead of only fat-free, flavored).

In May 2017, shortly before the enactment of the FY2017 appropriations law (P.L. 115-31), Secretary of Agriculture Sonny Perdue announced plans to amend the whole grain, sodium, and dairy aspects of the nutrition standards regulations in ways that were similar to the FY2017 law's provisions.[87] In November 2017, USDA-FNS issued the interim final rule, which generally extends through SY2018-2019 the three changes established by FY2017 appropriations. Specifically, the interim final rule

protein. School nutrition stakeholders expressed challenges with menu planning due to these particular restrictions, USDA-FNS issued policy guidance that gave flexibility on these maximums for school years 2012-2013 and 2013-2014. Then, in a subsequent regulation, USDA-FNS revised the regulations in January 2014 to lift these restrictions. See, for example, USDA-FNS, "Certification of Compliance With Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010," 79 *Federal Register* 326, January 3, 2014.

[82] See USDA-FNS Implementation Timeline, http://www.fns.usda.gov/sites/default/files/implementation_timeline.pdf, based on regulations.

[83] "Whole grain-rich products must contain at least 51 percent whole grains and the remaining grains in the product must be enriched." 7 C.F.R. 210.10(c)(2)(iv).

[84] The sodium targets set a maximum weekly level of sodium for breakfasts and lunches based on a student's grade level. Under Target 1, school lunches—on average over the school week—must contain ≤1,230 milligrams (mg) of sodium for grades K-5, ≤1,360 mg for grades 6-8, and ≤1,420 mg for grades 9-12.

[85] USDA, Food and Nutrition Service, "Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements; Interim Final Rule," 82 *Federal Register* 56703, November 30, 2017, https://www.federalregister.gov/documents/2017/11/30/2017-25799/child-nutrition-programs-flexibilities-for-milk-whole-grains-and-sodium-requirements.

[86] Exempted schools are to maintain a 50% whole grain minimum, the requirement before school year 2014-2015.

[87] See CRS Insight IN10700, *USDA Announces Plans to Modify School Meal Nutrition Standards: Background and Context* (available to congressional clients upon request).

- continues to allow states to grant waivers to the whole grain-rich requirement;
- allows schools to offer low-fat, flavored milk; and
- continues Target 1 sodium limits, delaying implementation of Target 2 sodium limits.[88]

The interim final rule indicated that USDA-FNS would publish a final rule in fall 2018, in time for schools to implement in SY2019-2020. As of the date of this report, this final rule has not been published. The FY2018 appropriations law (P.L. 115-141), enacted in March 2018, did not make any changes to the standards.

There were legislative proposals to change the nutrition standards on a more-permanent basis during 114th Congress deliberations to reauthorize the child nutrition programs.[89] As discussed earlier, reauthorization was not completed in the 114th Congress and authorizing committees have not considered such legislative proposals in the 115th Congress.

New Nutrition Standards for All Foods Sold in Schools

In another major policy change, Section 208 of HHFKA gave USDA the authority to regulate other foods in the school nutrition environment. Sometimes called "competitive foods," this and the related regulation pertain to foods and drinks sold in a la carte lines, vending machines, snack bars and concession stands, and fundraisers.

Relying on recommendations made by a 2007 IOM report,[90] USDA-FNS promulgated a proposed rule and then an interim final rule in June 2013, which went into effect for school year 2014-2015.[91] The interim final rule imposed nutrition guidelines for all nonmeal foods and beverages that are sold *during the school day* (defined as midnight until 30 minutes after dismissal). The final rule, published on July 29, 2016, maintained the interim final rules with minor modifications. Under the final standards, these foods must meet whole-grain requirements; have certain primary ingredients; and meet calorie, sodium, and fat limits, among other requirements. Schools are limited to a list of no- and low-calorie beverages they may sell (with larger portion sizes and caffeine allowed in high schools).

Regarding fundraisers, there are no limits on fundraisers of foods that meet the interim final rule's guidelines. Fundraisers outside of the school day are not subject to the guidelines. HHFKA and the interim final rule provide states with discretion to exempt infrequent fundraisers of foods or beverages that do not meet the nutrition standards.

The rule does not limit foods brought from home, only foods sold at school during the school day. The federal standards included are a minimum standard; states and school districts are permitted to issue more stringent policies.

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[88] USDA, Food and Nutrition Service, "Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements; Interim Final Rule," 82 *Federal Register* 56703, November 30, 2017, available at https://www.federalregister.gov/documents/2017/11/30/2017-25799/child-nutrition-programs-flexibilities-for-milk-whole-grains-and-sodium-requirements.

[89] See CRS Report R44373, *Tracking the Next Child Nutrition Reauthorization: An Overview*.

[90] IOM, *Nutrition Standards for Foods in Schools: Leading the Way toward Healthier Youth*, 2007, https://www.nap.edu/catalog/11899/nutrition-standards-for-foods-in-schools-leading-the-way-toward.

[91] USDA, Food and Nutrition Service, "National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010; Final Rule," 81 *Federal Register* 50131, July 29, 2016. Final rule and related resources available at USDA-FNS website at https://www.fns.usda.gov/school-meals/tools-schools-focusing-smart-snacks.

Updated Nutrition Standards for CACFP

Similarly, Section 221 of HHFKA required USDA to update the meal pattern for CACFP. USDA-FNS's proposed rule, published January 15, 2015, relied upon an IOM panel's recommendations and the 2010 Dietary Guidelines for Americans.[92] FNS reviewed comments and incorporated feedback in the final rule, which was published on April 25, 2016.[93] The updated meal patterns went into effect on October 1, 2017. The rule changes both the infant meal pattern and child/adult meal pattern in CACFP. It also revises the National School Lunch Program (NSLP) and School Breakfast Program (SBP) meal patterns for pre-kindergarten children (such changes were not included in the January 2012 final regulation discussed earlier).

Below are some examples of changes included in the final rule[94]

- For **infant meals**, changes include condensing the previously three infant age groups into two age groups, introducing solid foods at six months of age (unless otherwise requested by a parent or guardian), providing fruits and vegetables for older infants, and eliminating juice. The updated guidelines make policy changes to support breastfeeding, including providing program reimbursements when mothers come to child care centers or homes to breastfeed their infants.
- In **child and adult meals**, changes include separate fruit and vegetable serving requirements, as opposed to treating fruits and vegetables as one group, and limiting juice to one serving per day. The rule also requires that at least one daily serving of grains be whole-grain rich and limits the sugar in breakfast cereals and yogurts served. Milk must be low-fat or fat-free, and flavored milk cannot be served to children age five or younger. The updated standards also disallow frying as an onsite preparation method.
- **"Best practices"** for the different age groups were included in the rule, not as requirements for reimbursement but as examples of ideal policies to promote good nutrition and health. Examples include the "best practice" that a center or home provides mothers with a quiet, private area to breastfeed and the recommendation to limit sugar in flavored milk served to children age six and older. USDA-FNS subsequently elaborated on the best practices through policy guidance.[95]

Alternatives to "Congregate Feeding" in Summer Meals

In recent years, but particularly during the 114th Congress, policymakers have weighed policy options to reach more children in the summer months using alternatives to congregate meal service.

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[92] Ibid. at 2037. IOM (Institute of Medicine), *Child and Adult Care Food Program: Aligning Dietary Guidance for All.* Washington, DC: The National Academies Press, 2011.

[93] USDA-FNS also notes that it thoroughly reviewed the 2015-2020 Dietary Guidelines, and determined that the final rule, based on the 2010 guidelines, is consistent with the updated guidelines. USDA-FNS, "Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010; Final Rule" 81 *Federal Register* 24348 et seq., April 25, 2016, https://www.federalregister.gov/documents/2016/04/25/2016-09412/child-and-adult-care-food-program-meal-pattern-revisions-related-to-the-healthy-hunger-free-kids-act.

[94] Ibid. For summaries of updated meal patterns and related resources, see USDA-FNS website at http://www.fns.usda.gov/cacfp/meals-and-snacks.

[95] USDA-FNS, "Optional Best Practices to Further Improve Nutrition in the Child and Adult Care Food Program Meal Pattern," June 30, 2016, https://fns-prod.azureedge.net/sites/default/files/cacfp/CACFP15-2016os.pdf.

Current Law and Policy

Under current law, most food offered in summer months is provided in congregate settings through the SFSP or the NSLP's Seamless Summer Option (SSO, an option only for schools) (see "Summer Meals" section above). "Congregate" settings refer to specific sites where children come to eat while supervised. Also, for the most part, nonschool organizations that provide summer and afterschool food need to participate in two separate programs (SFSP and CACFP At-risk Afterschool).

As discussed earlier, on a pilot basis in a limited geographic area each summer since 2011, USDA has tested alternatives to SFSP and the SSO as required by law. Specifically, the 2010 Agriculture Appropriations Act (Section 749(g) of P.L. 111-80) provided $85 million in discretionary funding for "demonstration projects to develop and test methods of providing access to food for children in urban and rural areas during the summer months." The first of those demonstrations was called the Enhanced Summer Food Service Program (eSFSP), which took place in the summers of 2010 and 2012. eSFSP included four initiatives: (1) incentives for SFSP sites to lengthen operations to 40 or more days, (2) funding to add recreational or educational activities at meal sites, (3) meal delivery for children in rural areas, and (4) "food backpacks" that children could take home on weekends and holidays.

Evaluations of eSFSP were published from 2011 to 2014.[96] Participation rates rose during the demonstration periods for all four initiatives. In addition, children in the meal delivery and backpack demonstrations had consistent rates of food insecurity from summer to fall (this was not measured for the other initiatives). However, the results of the evaluation should be interpreted with caution due to a small sample size and potential confounding factors.

As discussed earlier, the second demonstration, Summer Electronic Benefit Transfer for Children (SEBTC or Summer EBT), began in summer 2011 and is ongoing as of the date of this report; this program provides SNAP or WIC benefits over EBT to households with children eligible for free or reduced-price school meals. Most recently, FY2018 appropriations (P.L. 115-141) provided $28 million for the demonstration. Evaluations of Summer EBT were conducted over a three-year period from FY2011 to FY2013.[97] The evaluations, which used rigorous designs, showed a significant decline in Very Low Food Security in children (VLFS-C);[98] the prevalence of VLFS-C was reduced from 9.5% in the control group to 6.4% in the Summer EBT treatment group.[99] Evaluations also found improvements in children's consumption of fruits, vegetables,

[96] Elinson et al., *Evaluation of 2011 Enhanced Summer Food Service Program Demonstrations*, prepared by Westat under Contract No. GS-23F-8144H (Alexandria, VA: USDA, Food and Nutrition Service, 2012), pp. 4-21.

[97] The first year, the proof-of-concept (POC) year, was evaluated to test the feasibility of the EBT delivery system and prepare for full-implementation in demonstration sites for the following year. The second year, the full implementation year, evaluated the impact of SEBTC on improving children's food security and nutritional status in the summer time. Finally, the third year compared the impact of two benefit levels, $60 and $30, to determine the effect of different benefit levels on improving food security and nutritional status. Final reports and status reports to Congress are available on the USDA-FNS website, http://www.fns.usda.gov/ops/summer-electronic-benefit-transfer-children-sebtc.

[98] Very Low Food Security is the lowest of four levels of food security; USDA defines it as "At times during the year, eating patterns of one or more household members were disrupted and food intake reduced because the household lacked money and other resources for food." USDA-ERS website, http://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/measurement.aspx. See also CRS Report R42353, *Domestic Food Assistance: Summary of Programs*.

[99] Collins et al., *Summer Electronic Benefits Transfer for Children (SEBTC) Demonstration: Evaluation Findings for the Full Implementation Year*. Prepared by Abt Associates, Mathematica Policy Research, and Maximus. Alexandria, VA: USDA, Food and Nutrition Service, 2013, p. 105. This improvement is based on the entire evaluation population. Improvements in VLFS-C did vary significantly between Summer EBT sites.

and whole grains. Both WIC and SNAP models showed increased consumption, but increases were greater at sites operating the WIC model.[100]

In the summers from 2015 to 2018, USDA-FNS also offered noncongregate feeding options at outdoor summer meal sites experiencing excessive heat.[101] This demonstration has not been evaluated.

Congressional Proposals

During the 114th Congress, committees of jurisdiction marked up child nutrition reauthorization bills. Both committees of jurisdiction—the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Education and the Workforce—reported reauthorization legislation: S. 3136 and H.R. 5003, respectively. Both proposals would have piloted or expanded a number of alternatives for feeding low-income children during the summer months. Still, there were significant differences between the reauthorization proposals' SFSP provisions.[102] (There were also committee hearings and freestanding proposals related to SFSP in the 114th Congress.[103])

The committees' reauthorization bills included the following policies:

- **Streamlining afterschool and summer programs.** Both committees' proposals would have authorized eligible institutions in selected states to operate SFSP and CACFP At-risk Afterschool sites under one application. The bills differed in the number of states that would have been eligible and the reimbursement rates used.
- **Summer EBT.** Both proposals addressed the provision of benefits via EBT to children who are eligible for free and reduced-price school meals over the summer months. The Senate committee would have expanded this alternative with mandatory funding. The House committee would have kept the existing pilot funded with discretionary funding. The Senate committee would have required states to provide WIC EBT, while the House committee would have allowed participating states to provide SNAP or WIC.
- **Off-Site Consumption Options.** Both proposals included ways for some institutions (e.g., those located in rural areas) to provide SFSP meals for consumption off-site. The bills also included temporary flexibilities for congregate feeding sites to episodically provide meals to be consumed off-site under certain conditions (e.g., extreme weather conditions).
- **Other SFSP Policies.** The Senate committee's bill would have authorized discretionary funding for some states to pilot the provision of three meals per day, or two meals and one snack. The House committee's proposal would have

[100] Ibid., p. 124.

[101] See USDA-FNS, "Demonstration Project for Non-Congregate Feeding for Outdoor Summer Meal Sites Experiencing Excessive Heat with Q&As," May 24, 2018, https://fns-prod.azureedge.net/sites/default/files/sfsp/SP14_SFSP04-2018os.pdf.

[102] See CRS Report R44373, *Tracking the Next Child Nutrition Reauthorization: An Overview*, for further legislative background and a more detailed summary of summer meals and other program provisions.

[103] During 114th Congress hearings, witnesses testified about SFSP and summer alternatives before the House Committee on Education and the Workforce (April 15, 2015; June 16, 2015; June 24, 2015) and the Senate Committee on Agriculture, Nutrition, and Forestry (May 7, 2015). During the 114th Congress, introduced bills on summer meals included S. 613/H.R. 1728, S. 1539/H.R. 2715, and S. 1966.

authorized USDA to award competitive grants to improve SFSP service delivery through business partnerships.

These reauthorization bills have not been reintroduced in the 115th Congress; however, there have been other legislative proposals in the 115th Congress to amend SFSP.[104]

Presidential Budget Proposals

The Obama Administration's FY2017 budget proposed a number of changes to SFSP. Specifically, the Administration proposed to expand Summer EBT nationwide, with a phase-in over 10 years.[105] The Administration also requested $10 million for a new Summer Food Service Non-Congregate Demonstration Project.

The Trump Administration's FY2018 and FY2019 budgets did not include any new SFSP legislative proposals. The budgets requested continued funding for Summer EBT.

Unpaid Meal Charges and "Lunch Shaming"

The issue of stigmatizing a child who owes and does not pay his or her meal costs, commonly referred to as "lunch shaming," has received increased attention in recent years.[106] Some practices that school districts have adopted in response to such situations include taking or throwing away a student's selected hot foods and providing an alternative cold meal (more common) to stamping students' arms and making them wear stickers (less common).[107] One reason why these instances may occur is that payments for reduced-price and full-price meals are a source of revenue for school food programs (in addition to federal NSLP and SBP reimbursements). Schools have an interest in collecting this revenue from children's families to help fund operations.[108]

Some have pointed out that the Community Eligibility Provision (discussed earlier in this report) is a strategy to prevent unpaid meal charges by providing free meals to all children in qualifying schools.[109]

Congress and USDA have taken some recent actions to address the issues of lunch shaming and unpaid meal costs. Section 143 of the HHFKA of 2010 required USDA to examine states' and

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[104] See, for example, the Summer Meals Act of 2017 (H.R. 203) and legislation "To amend the Richard B. Russell National School Lunch Act to establish a permanent, nationwide summer electronic benefits transfer for children program" (H.R. 6516S. 3268).

[105] Details about the Obama Administration's Nationwide Summer EBT proposal are available in the FY2017 budget USDA-FNS Explanatory Notes on p. 32-34, http://www.obpa.usda.gov/32fns2017notes.pdf.

[106] There is no official definition of "lunch shaming." Legislation in the 115th Congress, the Anti-Lunch Shaming Act of 2017 (H.R. 2401/S. 1064), refers to lunch shaming as "the stigmatization of children who are unable to pay for meals."

[107] Typically, an alternative meal includes unflavored milk, a cheese or peanut butter-and-jelly sandwich, and a fruit or vegetable. May et al., *Special Nutrition Program Operations Study: State and School Food Authority Policies and Practices for School Meals Programs School Year 2011-12*. Prepared by Westat under Contract No. AG-3198-D-10-0048. Alexandria, VA: USDA, Food and Nutrition Service, March 2014, pp. 147-148.

[108] If they are unable to recover these funds, the money becomes "bad debt" and the school or school district must use other nonfederal funding sources to cover the costs (7 C.F.R. 200.426). See p. 2 of USDA, Food and Nutrition Service, "Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments," July 8, 2016, at https://fns-prod.azureedge.net/sites/default/files/cn/SP47-2016os.pdf.

[109] See, for example, James Weill, "How to stop school lunch shaming? Leave kids out of it," *The Hill*, at http://thehill.com/blogs/pundits-blog/education/333003-how-to-stop-school-lunch-shaming-leave-kids-out-of-it; U.S. Department of Agriculture, *Report to Congress: Review of Local Policies on Meal Charges and Provision of Alternate Meals*, June 2016, at https://fns-prod.azureedge.net/sites/default/files/cn/unpaidmealcharges-report.pdf.

school districts' policies and practices regarding unpaid meal charges. As part of the review, the law required USDA to "prepare a report on the feasibility of establishing national standards for meal charges and the provision of alternate meals" and, if relevant, make recommendations related to the implementation of the standards. Section 143 also permitted USDA to take follow-up actions based on the findings from the report.[110]

USDA's subsequent June 2016 Report to Congress did *not* recommend national standards, but rather recommended "clarifying and updating policy guidance on specific national policies impacting unpaid meal charges and facilitating the development and distribution of best practices to support decision making by States and localities."[111] USDA-FNS followed up with a memorandum requiring school food authorities (SFAs) to institute and communicate—by July 1, 2017—a written meal charge policy, which was to include instructions on how to address situations in which a child does not pay for a meal.[112] USDA-FNS also provided clarification through webinars, other memoranda, and a best practice guide.[113]

USDA stated that its recommendation was based on findings from a national study of HHFKA implementation and a Request for Information (RFI) related to unpaid meal charges that garnered 462 responses. The study, conducted in SY2011-2012, found that 58% of SFAs reported incurring unpaid meal charges prior to recovery attempts.[114] Of these SFAs, 50.4% served a reimbursable meal to children unable to pay, 38.0% served an alternative meal, 5.4% combined these approaches, 4.9% did something else ("Other"), and 1.3% did not serve a meal. Both the findings from the study and the RFI showed that meal charge policies were largely determined at the school- and district-level rather than the state level.[115] The responses to the RFI also indicated that such policies ranged in formality, with varying degrees of review (e.g., some required school board approval while others did not) and enforcement. In the RFI comments, school and district officials generally expressed a preference for local control in designing meal charge policies while advocates generally favored national standards.

The topics of lunch shaming and unpaid meal costs have since surfaced in the 115th Congress. As examples of congressional activity on this issue, proposed legislation (Anti-Lunch Shaming Act of 2017; H.R. 2401/S. 1064) would establish national standards for how schools treat children unable to pay for a meal.[116]

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[110] Specifically, Section 143 of HHFKA authorizes USDA to (1) implement standards;, (2) implement demonstration projects, or (3) further study the feasibility of the recommendations.

[111] USDA, *Report to Congress: Review of Local Policies on Meal Charges and Provision of Alternate Meals*, June 2016, p. 5, https://fns-prod.azureedge.net/sites/default/files/cn/unpaidmealcharges-report.pdf.

[112] USDA, Food and Nutrition Service, "Unpaid Meal Charges: Local Meal Charge Policies," July 8, 2016, https://fns-prod.azureedge.net/sites/default/files/cn/SP46-2016os.pdf.

[113] For a list of resources, see USDA, Food and Nutrition Service, "Unpaid Meal Charges," https://www.fns.usda.gov/school-meals/unpaid-meal-charges.

[114] May et al., Special Nutrition Program Operations Study: State and School Food Authority Policies and Practices for School Meals Programs School Year 2011-12, prepared by Westat under Contract No. AG-3198-D-10-0048 (Alexandria, VA: USDA, Food and Nutrition Service, March 2014), p. 147-148, https://fns-prod.azureedge.net/sites/default/files/SNOPSYear1.pdf.

[115] USDA, Food and Nutrition Service, "Request for Information: Unpaid Meal Charges," 79 *Federal Register* 62095, October 16, 2014.

[116] Specifically, the legislation would prohibit SFAs from (1) publicly identifying children who cannot pay for a meal or those who have meal debt, (2) having those children perform chores or other activities, and (3) throwing away a child's meal. See Section 2 of H.R. 2401 and S. 1064 (identical text).

In addition, a provision in the FY2018 appropriations law (Section 768 of P.L. 115-141) established that appropriated funds cannot be used in a way that results in discrimination against children eligible for free or reduced-price meals, including the practices of segregating children and overtly identifying children by special tokens or tickets.[117]

[117] See Section 9(b)(10) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(10)) and 7 C.F.R. 245.8.

Appendix A. Acronyms Used in This Report

Table A-1. Acronyms

Government Agencies	
USDA	U.S. Department of Agriculture
USDA-FNS	Food and Nutrition Service
Programs	
CACFP	Child and Adult Care Food Program
FFVP	Fresh Fruit and Vegetable Program
NSLP	National School Lunch Program
SBP	School Breakfast Program
SEBTC	Summer Electronic Benefits Transfer for Children
SFSP	Summer Food Service Program
SMP	Special Milk Program
Miscellaneous	
CEP	Community Eligibility Provision
CPI-U	Consumer Price Index for All Urban Consumers
FPL	Federal Poverty Level
HHFKA	Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296)
IOM	Institute of Medicine
LEA	Local Educational Agency
RCCI	Residential Child Care Institution
SFA	School Food Authority

Appendix B. Per-meal or Per-snack Reimbursement Rates for Child Nutrition Programs[118]

This appendix lists the specific reimbursement rates discussed in the earlier sections of the report. Reimbursement rates are adjusted for inflation for each school or calendar year according to terms laid out in the programs' authorizing laws. Each year, the new rates are announced in the *Federal Register*.[119]

Table B-1. Reimbursement Rates, NSLP: *Lunches*

Per-meal reimbursements for 48 states and DC, school year 2018-2019

Meal Type	Serve Less than 60% of Lunches as Free and Reduced-Price	Serve 60% or More of Lunches as Free or Reduced-Price	Bonus Available for School Districts Certified as Compliant with Nutrition Guidelines
Free	$3.31	$3.33	+$0.06
Reduced-price	$2.91	$2.93	+$0.06
Paid	$0.31	$0.33	+$0.06

Source: USDA-FNS, https://www.federalregister.gov/documents/2018/07/19/2018-15465/national-school-lunch-special-milk-and-school-breakfast-programs-national-average-paymentsmaximum. For NSLP reimbursement rates for other years, Alaska, Hawaii, and/or participating territories, see USDA-FNS website: https://www.fns.usda.gov/school-meals/rates-reimbursement.

Note: For school year 2018-2019, the maximum rate for 48 states and DC is $3.48 per free meal, $3.08 per reduced-price meal, and $0.30 per paid meal (and an additional $0.06 for nutrition guidelines). The maximum rate is the maximum per-lunch rate that a state can provide a school food authority.

Table B-2. Reimbursement Rates, NSLP: *After-School Snacks*

Per-snack reimbursements for 48 states and DC, school year 2018-2019

Snack Type	Reimbursement
Free	$0.91
Reduced-price	$0.45
Paid	$0.08

Source: USDA-FNS. For after-school snack NSLP reimbursement rates for other years, Alaska, Hawaii, and/or participating territories, see USDA-FNS website: https://www.fns.usda.gov/school-meals/rates-reimbursement.

[118] All reimbursement rate tables in this Appendix display rates for the 48 continental U.S. states. For Alaska, Hawaii, and territories where applicable, please see the source USDA-FNS *Federal Register* notice.

[119] For more detail on how inflation adjustment is conducted, see the child nutrition program sections of CRS Report R42000, *Inflation-Indexing Elements in Federal Entitlement Programs*, coordinated by Dawn Nuschler.

Table B-3. Reimbursement Rates, SBP

Per-meal reimbursement for 48 states and DC, school year 2018-2019

Meal Type	Nonsevere Need (less than 40% free or reduced price)[a]	Severe Need (greater than or equal to 40% free or reduced price)[a]
Free	$1.79	$2.14
Reduced-price	$1.49	$1.84
Paid	$0.31	$0.31

Source: USDA-FNS. For NSLP reimbursement rates for other years, Alaska, Hawaii, and/or participating territories, see USDA-FNS website: https://www.fns.usda.gov/school-meals/rates-reimbursement.

a. Generally, severe need status is determined based on the percentage of meals served two school years prior to the year the currently reimbursed meal is served. For example, a school district's severe need status in school year 2018-2019 would be calculated based on meals served in school year 2016-2017.

Table B-4. Commodity Food Assistance, NSLP and CACFP (Centers)

Rate per-meal for school year 2018-2019

	For Each NSLP/CACFP Meal Served
Commodity Food Reimbursement	$0.2350

Source: USDA, Food and Nutrition Service, "Food Distribution Program: Value of Donated Foods From July 1, 2018, Through June 30, 2019," 83 *Federal Register* 35607, July 1, 2018.

Notes: For past years, see USDA-FNS website: http://www.fns.usda.gov/fdd/value-donated-foods-notices. SFSP has a different commodity food assistance rate, see **Table B-7**.

Table B-5. Reimbursement Rates, CACFP: *Child Care Centers, At-Risk After-School Programs*

Per-meal/snack reimbursement for 48 States and DC, school year 2018-2019

	Lunch/Supper	Breakfast	Snack
Free	$3.31	$1.79	$0.91
Reduced-price	$2.91	$1.49	$0.45
Paid	$0.31	$0.31	$0.08

Source: For historical program reimbursement rates as well as Alaska's and Hawaii's rates, see http://www.fns.usda.gov/cacfp/reimbursement-rates.

Notes: These reimbursement rates are identical to NSLP and SBP rates.

Table B-6. Reimbursement Rates, CACFP: *Child Care Homes*

Per-meal/snack reimbursement for 48 States and DC, school year 2018-2019

	Lunch/Supper	Breakfast	Snack
Tier I	$2.46	$1.31	$0.73
Tier II	$1.48	$0.48	$0.20

Source: For historical program reimbursement rates as well as Alaska's and Hawaii's rates, see http://www.fns.usda.gov/cacfp/reimbursement-rates.

Note: CACFP also provides administrative reimbursements to sponsoring organizations of day care homes. Based on the number of homes sponsored, funding is provided per home, per month. These rates are not

displayed in this table but are included in USDA, Food and Nutrition Service, "Child and Adult Care Food Program: National Average Payment Rates, Day Care Home Food Service Payment Rates, and Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes for the Period July 1, 2018 Through June 30, 2019," 83 *Federal Register* 34108, July 1, 2018.

Table B-7. Reimbursement Rates, SFSP

Per-meal/snack reimbursement for 48 states and DC (rounded to nearest cent), calendar year 2018

	Lunch/Supper		Breakfast		Snack	
	Rural or Self-Prep	**All Other Sites**	**Rural or Self-Prep**	**All Other Sites**	**Rural or Self-Prep**	**All Other Sites**
Operating Component	$3.55	$3.55	$2.03	$2.03	$0.83	$0.83
Administrative Component	$0.37	$0.31	$0.20	$0.16	$0.10	$0.08
Combined (Total) Rate	**$3.92**	**$3.86**	**$2.23**	**$2.19**	**$0.93**	**$0.91**

Source: For program reimbursement rates as well as Alaska's and Hawaii's rates, see USDA, Food and Nutrition Service, "Summer Food Service Program; 2018 Reimbursement Rates," 83 *Federal Register* 4025, January 29, 2018.

Note: Per authorizing law, the administrative component is calculated to the nearest quarter-cent. This table rounds to the nearest cent. As the table shows, the administrative component varies slightly (e.g., by about 5 cents for lunches) depending on the location of the site (e.g., rural vs. urban) and whether meals are prepared on-site or by a vendor. For meals prepared on-site, providers receive 1.5 cents per meal in USDA commodity foods.

Table B-8. Reimbursement Rates, SMP

Per half-pint reimbursement for 48 States and DC (rounded to nearest cent), school year 2018-2019

	All Milk Served	Paid Milk	Free Milk to Low-Income Children
Schools that only sell milk	$0.21	Not applicable	Not applicable
Schools that sell and provide free milk	Not applicable	$0.21	Average cost per half-pint of milk
Schools that provide only free milk	$0.21	Not applicable	Not applicable

Source: For program reimbursement rates, see https://www.fns.usda.gov/school-meals/rates-reimbursement.

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