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School Meals and Other Child Nutrition Programs: Background and Funding

February 13, 2020

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R46234

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SUMMARY

R46234

February 13, 2020

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School Meals and Other Child Nutrition Programs: Background and Funding

The federal government has a long history of investing in programs for feeding children, starting with federal aid for school lunch programs in the 1930s. Today, federal child nutrition programs support food served to children in schools and a variety of other institutional settings. Administered by the U.S. Department of Agriculture's (USDA's) Food and Nutrition Service (FNS), child nutrition programs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP), Fresh Fruit and Vegetable Program (FFVP), and Special Milk Program (SMP).

The child nutrition programs vary in terms of size and target populations. The largest programs are NSLP and SBP (the "school meals programs"), which subsidize meals for nearly 30 million children in approximately 94,300 elementary and secondary schools nationwide. The other child nutrition programs serve fewer children. CACFP supports meals served to children in child care, day care, and afterschool settings; SFSP provides funding for summer meals; FFVP sponsors fruit and vegetable snacks in elementary schools; and SMP subsidizes milk in schools and institutions that do not participate in other child nutrition programs. In general, the largest subsidies are provided for free or reduced-price meals and snacks served to children in low-income households.

Federal spending on child nutrition programs and activities totaled approximately $23 billion in FY2019, the majority of which was mandatory spending. Most child nutrition programs are considered "appropriated entitlements," meaning that their authorizing statutes establish a legal obligation to make payments, but that obligation is fulfilled through funding that is provided in annual appropriations acts. Most of the funding is provided in the form of per-meal cash reimbursements that states distribute to schools and institutions. A smaller amount of federal funding is provided in the form of federally purchased commodity foods and cash for states' administrative expenses.

The child nutrition programs are primarily governed by two statutes: the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 as amended. These laws were most recently reauthorized by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA, P.L. 111-296), which made several changes to the child nutrition programs. For example, the act created the Community Eligibility Provision, an option for eligible schools to provide free meals to all students. It also required USDA to update nutrition standards in the school meals programs and CACFP within a certain timeframe.

Certain provisions of the HHFKA expired at the end of FY2015. However, these expirations have had a minimal impact on program operations, which continue with annual appropriations. The 114th Congress began but did not complete a reauthorization of child nutrition programs. In the 115th Congress, there was no significant reauthorization activity. As of the date of this report, leadership on both committees of jurisdiction (the Senate Agriculture, Nutrition, and Forestry Committee and the House Committee on Education and Labor) have announced plans to work on reauthorization in the 116th Congress. Selected legislative issues are discussed in CRS Report R45486, *Child Nutrition Programs: Current Issues*.

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Background

The child nutrition programs (listed in **Table 1**) support meals and snacks served to children in schools, child care, summer programs, and other institutional settings in all 50 states, the District of Columbia, and the U.S. territories.[1] The programs are administered by the U.S. Department of Agriculture's (USDA's) Food and Nutrition Service (FNS), which provides federal aid to state agencies (often state departments of education) for distribution to school districts and other participating institutions.[2] In general, the largest subsidies are provided for free and reduced-price meals served to eligible children.[3]

The institutional nature of child nutrition programs distinguishes them from other federal nutrition assistance programs, such as the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), which provide benefits directly to households. WIC is typically reauthorized with the child nutrition programs but is not considered a child nutrition program and is not discussed in this report.[4]

The federal child nutrition programs date back to the National School Lunch Act of 1946, which created NSLP.[5] The act formalized federal support for school lunches following early federal aid beginning in the 1930s. Other child nutrition programs were added in the decades to follow as policymakers expanded feeding programs beyond the school setting. The Child Nutrition Act of 1966 formalized SMP and created SBP as a pilot program.[6] Soon after, a program for child care and summer meals was piloted in 1968 and separated into the Child Care Food Program (now CACFP) and SFSP in 1975.[7] More recently, FFVP was piloted in 2002 and expanded to all states in 2008.[8] (See the **Appendix** for a brief legislative history of child nutrition programs.)

Historically, the child nutrition programs have been aimed at both improving children's nutrition and supporting U.S. agriculture, with the dual missions "to safeguard the health and well-being of

[1] Virtually all of the child nutrition programs operate in Puerto Rico, Guam, and the Virgin Islands. The use of the term "state" in this report refers to these jurisdictions as well. The term does not include the Northern Mariana Islands and American Samoa, which receive block grants in lieu of child nutrition programs. For more information on child nutrition programs in the Northern Mariana Islands and American Samoa, see U.S. Department of the Interior, Office of Insular Affairs, Region IX Federal Regional Council, Outer Pacific Committee, *FY2016 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.

[2] In the past, the federal government (via USDA FNS's regional offices) 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).

[3] In addition to serving children, CACFP supports food in adult day care facilities.

[4] For more information on WIC, see CRS Report R44115, *A Primer on WIC: The Special Supplemental Nutrition Program for Women, Infants, and Children*.

[5] P.L. 79-396; 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 present-day open-ended entitlements based largely on eligibility and participation rules.

[6] P.L. 89-642.

[7] P.L. 90-302; P.L. 94-105. Adult day care was added in 1987 (Older Americans Act Amendments of 1987; P.L. 100-175). Also see Institute of Medicine, *Child and Adult Care Food Program: Aligning Dietary Guidance for All*, 2011, p. 30; USDA FNS, "Summer Food Service Program History," March 31, 2019, https://www.fns.usda.gov/sfsp/program-history.

[8] P.L. 107-171; P.L. 110-246.

the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food."[9]

Acronyms Used in This Report

CACFP	Child and Adult Care Food Program
CEP	Community Eligibility Provision
FFVP	Fresh Fruit and Vegetable Program
FNS	USDA's Food and Nutrition Service
HHFKA	Healthy, Hunger-Free Kids Act of 2010
NSLA	Richard B. Russell National School Lunch Act
NSLP	National School Lunch Program
SBP	School Breakfast Program
SFA	School Food Authority
SFSP	Summer Food Service Program
SMP	Special Milk Program
Summer EBT	Summer Electronic Benefits Transfer for Children
USDA	U.S. Department of Agriculture

The child nutrition programs are currently authorized under the Richard B. Russell National School Lunch Act (NSLA) and the Child Nutrition Act of 1966.[10] Section 32 of the Act of August 24, 1935, also provides a portion of child nutrition funding. Congressional jurisdiction over the underlying three laws has typically been exercised by the Senate Agriculture, Nutrition, and Forestry Committee, the House Education and Labor Committee, and, to a limited extent (relating to Section 32), the House Agriculture Committee.

Congress periodically amends the child nutrition programs' authorizing laws and reauthorizes expiring authorities. The child nutrition programs were most recently reauthorized by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA, P.L. 111-296). Some of the authorities created or extended in the HHFKA expired on September 30, 2015; however, these expirations have had a minimal impact on program operations.[11] The 114th Congress began but did not complete a 2016 child nutrition reauthorization, and there was no significant reauthorization activity in the 115th Congress.[12] In the 116th Congress, leadership on the committees of jurisdiction have announced plans to work on child nutrition reauthorization.[13]

This report starts with an overview of child nutrition programs' funding and then provides detail on each program, including a discussion of how the programs are administered at the federal, state, and local levels; eligibility rules for institutions and participants; nutritional and other program requirements; and recent policy changes.

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[9] See declaration of purposes in the NSLA and the Child Nutrition Act of 1966.

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

[11] For more information, see CRS In Focus IF10266, *An Introduction to Child Nutrition Reauthorization* or request CRS memo CD1304737, *Expiration of the Healthy, Hunger-free Kids Act of 2010 (*P.L. 111-296*).*

[12] For more information, see CRS Report R44373, *Tracking Child Nutrition Reauthorization in the 114th Congress: An Overview*.

[13] U.S. Senate Committee on Agriculture, Nutrition, and Forestry, "Chairman Roberts Hears Stakeholder, Participant Perspectives Ahead of Child Nutrition Reauthorization," April 10, 2019, https://www.agriculture.senate.gov/newsroom/rep/press/release/chairman-roberts-hears-stakeholder-participant-perspectives-ahead-of-child-nutrition-reauthorization; Jerry Hagstrom, "House begins child nutrition reauthorization, but no schedule yet," *The Hagstrom Report,* March 12, 2019.

Table 1. Major Child Nutrition Programs at a Glance

Program	Statutory Authorization	Description	Average Daily Participation (FY2019)	Number of Participating Institutions (FY2019)	Maximum Daily Meals/Snacks[a]
National School Lunch Program (NSLP)	Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1751 et seq.)	Lunches served in schools to children in pre-K through grade 12 Option to provide afterschool snacks and summer meals	29.4 million children	96,900 schools and institutions[b]	One lunch and one snack per child
School Breakfast Program (SBP)	Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)	Breakfasts served in schools to children in pre-K through grade 12 Option to provide summer meals	14.7 million children	90,600 schools and institutions[b]	One breakfast per child
Child and Adult Care Food Program (CACFP)	Section 17 of the NSLA (42 U.S.C. 1766)	Meals/snacks served in child care and adult day care settings to children ages 12 and under, children with disabilities (any age), and chronically impaired or elderly adults Eligible institutions can provide afterschool snacks to children ages 18 and under in low-income areas	4.5 million children, 135,200 adults	153,700 child care homes and centers, 2,700 adult day care homes	Two meals and one snack, or one meal and two snacks per participant (afterschool component: one meal and one snack per child)
Summer Food Service Program (SFSP)	Section 13 of the NSLA (42 U.S.C. 1761)	Summer meals/snacks served in schools, community centers, camps, parks, and other settings to children ages 18 and under	2.7 million children[c]	46,600 meal sites	Two meals, or one meal and one snack per child (exception for certain types of institutions[d])
Special Milk Program (SMP)	Section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772)	Milk served in schools and other institutions that do not participate in another child nutrition meal service program	Not available	2,300 schools and institutions	Not specified
Fresh Fruit and Vegetable Program (FFVP)	Section 19 of the NSLA (42 U.S.C. 1769a)	Fresh fruit and vegetable snacks served in elementary schools Priority given to low-income elementary schools	Not available	Not available	Not applicable

Source: USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data. Participation is estimated by FNS based on the number of 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. Approximately 2,600 residential child care institutions are included in the totals for NSLP and SBP.

c. According to a May 2018 U.S. Government Accountability Office (GAO) report, estimates of participation in SFSP may be unreliable because they have been calculated inconsistently across states and years. See GAO, *Actions Needed to Improve Participation Estimates and Address Program Challenges*, GAO-18-369, May 2018, https://www.gao.gov/products/GAO-18-369.

d. Camps and programs that primarily serve migrant children may receive reimbursement for up to three meals or two meals and one snack per child daily.

Child Nutrition Funding

Federal Funding

Most funding for child nutrition programs is considered mandatory spending. However, unlike some mandatory programs, child nutrition programs require an appropriation of funding. This is because the programs' authorizing laws include benefit and eligibility criteria that create the requirement for a certain level of spending, but the statute does not provide the funding directly. Such programs are sometimes referred to as "appropriated entitlements" or "appropriated mandatories."[14] If the necessary funds are not appropriated, entitled recipients (e.g., states, institutions, and participants) may have legal recourse.[15]

The benefit and eligibility criteria that governs much of the appropriated mandatory spending for child nutrition programs is open-ended. Because there is no specified limit on the number of beneficiaries or the total amount of benefits that will be paid, spending will fluctuate based on the number of meals and snacks served in the programs, as well as statutorily set, annually adjusted per-meal reimbursement rates. Congress typically considers USDA's forecast for program needs in its appropriations decisions.

Appropriated mandatory funding in child nutrition programs is generally for per-meal cash reimbursements, commodity assistance, and administrative funds. The programs also have a smaller amount of discretionary funding (provided in annual appropriations acts) and mandatory funding directly provided in the authorizing law (not provided in annual appropriations acts). These funding streams are discussed in further detail below.

Child nutrition appropriations totaled $23.6 billion in FY2020 (P.L. 116-94). Close to $13.5 billion of these funds were transferred to the child nutrition programs from Section 32 of the Act of August 24, 1935.[16]

Table 2 lists FY2020 child nutrition funding by program and activity. Child nutrition appropriations may not match expenditures because most child nutrition funds carry over (they are available for two fiscal years) and because spending fluctuates with the number of meals served.

Table 2. Child Nutrition Funding, FY2020

	Type of Funding	FY2020 Funding ($ in millions)
National School Lunch Program (NSLP)	AM	12,508
School Breakfast Program (SBP)	AM	4,831
Child and Adult Care Food Program (CACFP)	AM	3,836
Summer Food Service Program (SFSP)	AM	526
State Administrative Expenses	AM	315
Special Milk Program (SMP)	AM	7

[14] For further discussion of appropriated entitlements, see CRS Report RS20129, *Entitlements and Appropriated Entitlements in the Federal Budget Process*.

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

[16] Section 32 is a permanent appropriation of 30% of the previous calendar year's customs receipts. For more information on Section 32, see CRS Report RL34081, *Farm and Food Support Under USDA's Section 32 Program*.

	Type of Funding	FY2020 Funding ($ in millions)
Fresh Fruit and Vegetable Program (FFVP)	M	180
Farm to School Grants	M	14
Other Mandatory Activities	M	14
Summer Meals/Summer EBT Demonstrations	D	35
School Meal Equipment Assistance Grants	D	30
Team Nutrition	D	18
School Breakfast Expansion Grants	D	5
Total Child Nutrition Funding (includes categories not shown)		**23,823**

Source: FY2020 mandatory appropriations, direct appropriations (provided in authorizing law), and discretionary appropriations data from USDA FNS, "2021 USDA Explanatory Notes: Food and Nutrition Service," February 10, 2020, pp. 34-18 to 34-19, https://www.obpa.usda.gov/explan_notes.html.

Notes: AM = appropriated mandatory, M = mandatory spending provided in authorizing law, D = discretionary. Figures rounded to the nearest million. Program totals include funding for per-meal reimbursements and commodity assistance, among other categories.

Per-Meal Cash Reimbursements

The majority of federal funding in child nutrition programs (including in NSLP, SBP, CACFP, SFSP, and SMP) takes the form of per-meal cash reimbursements. These rates are specified in the programs' authorizing laws with an annual inflation adjustment.[17] Although all (including full-price) meals/snacks served by participating providers are subsidized, those served for free or at a reduced price to lower-income children earn higher rates. Meals must meet federal nutritional requirements in order for the school or institution to receive reimbursement.[18]

Reimbursement rates differ by program based on different criteria. For example, in SBP, schools in high-poverty areas receive an extra 36 cents per meal. Differences in reimbursement rates are highlighted within the subsequent discussions of each program.

In general, FNS distributes per-meal reimbursements to state agencies, which distribute them to participating schools and institutions. Schools and institutions must record daily counts of meals in each category and report monthly counts to the state agency in order to receive reimbursement. Once they receive federal funds, participating institutions are allowed to spend these funds on most aspects of their food service operations.

[17] For more detail on how inflation adjustment is conducted, see the child nutrition program section of CRS Report R42000, *Inflation-Indexing Elements in Federal Entitlement Programs*. Most reimbursements (including for schools and child care centers) are indexed annually based on the Consumer Price Index for All Urban Consumers (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.

[18] 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." The nutrition standards differ by program in consideration of different age groups served and the settings in which meals are served, among other factors. 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.

Table 3 provides an example of the per-lunch reimbursement rate for schools and the per-child benefit in NSLP. Reimbursement rates for each child nutrition program are listed in the sections to follow.

Table 3. Example: NSLP School and Participant Benefits

NSLP per-lunch reimbursement rate and per-child benefits, 48 contiguous states and the District of Columbia, school year 2019-2020

Meal Category	What the School District Receives (the national average per-lunch reimbursement rate)	What the Participating Child Receives
Free	$3.41-$3.65	Free lunch
Reduced-price	$3.01-$3.25	Lunch for $0.40 or less
Paid	$0.32-$0.47	Lunch at full price

Source: USDA FNS, "National School Lunch, Special Milk, and School Breakfast Programs, National Average Payments/Maximum Reimbursement Rates," November 1, 2019, 84 *Federal Register* 58678, https://www.federalregister.gov/documents/2019/11/01/2019-23946/national-school-lunch-special-milk-and-school-breakfast-programs-national-average-paymentsmaximum (includes rates for Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands).

Notes: Ranges reflect variations in reimbursement rates for lunches meeting certain statutory criteria.

Commodity Assistance

Federal support for child nutrition programs is also provided in the form of USDA-purchased commodity foods ("USDA Foods") and some cash in lieu of commodities. USDA Foods are foods purchased by USDA for distribution to federal nutrition assistance programs, including child nutrition programs.[19]

States, schools, and other institutions are entitled to a certain amount of commodity assistance under the law, referred to as "entitlement commodity" assistance. In NSLP and CACFP, statute provides a per-meal commodity reimbursement (an inflation-adjusted rate of 23.75 cents per meal in school year 2019-2020).[20] (Note: Commodity assistance is not a formal part of SBP funding; however, commodities distributed through NSLP may be used for school breakfasts.) A smaller amount of commodity assistance is also provided to certain types of institutions participating in SFSP.[21]

[19] For a summary, see USDA FNS, "USDA Foods in Schools," https://www.fns.usda.gov/usda-fis.

[20] In recent years, an additional 10 cents (approximately) has been provided on top of this amount. Section 6(c) of the NSLA (42 U.S.C. 1755(c)) and Section 17(h)(1)(B) of the NSLA (42 U.S.C. 1766(h)(1)(B)); USDA FNS, "Food Distribution Program: Value of Donated Foods From July 1, 2019, Through June 30, 2020," 83 *Federal Register* 35607, July 27, 2018, https://www.federalregister.gov/documents/2019/08/12/2019-17156/food-distribution-program-value-of-donated-foods-from-july-1-2019-through-june-30-2020.

[21] Section 13(h) of the NSLA (codified at 42 U.S.C. 1761(h)). Per program regulations, SFSP sponsor organizations eligible for commodity assistance include "Self-preparation sponsors; sponsors which have entered into an agreement with a school or school food authority for the preparation of meals; and sponsors which are school food authorities and have competitively procured Program meals from the same food service management company from which they competitively procured meals for the National School Lunch Program during the last period in which school was in session." (7 C.F.R. 225.9(b)). Statute does not specify the level of entitlement commodity funding for SFSP.

Schools and institutions use entitlement commodity funds to select commodities from a USDA Foods catalog.[22] USDA then purchases the commodities and works with a state distribution agency to distribute the foods to schools. Schools/institutions and state agencies can elect to receive a certain amount of commodity assistance in the form of cash, as the majority of CACFP centers do.[23]

According to statute, entitlement commodity assistance must equal at least 12% of the total funding provided for lunch reimbursements and child nutrition commodities.[24] Child nutrition entitlement commodity expenditures totaled nearly $1.5 billion in FY2019. Most of this assistance was for NSLP.[25]

The child nutrition programs can also receive "bonus commodities," which are commodities that are purchased at USDA's discretion throughout the year to support the agricultural economy using separate budget authority. In recent years, there have been few bonus commodities distributed to the child nutrition programs; however, there was an uptick in FY2019.[26]

Administrative Funds

State agencies receive federal funds for expenses related to the administration of child nutrition programs. According to statute, federal funding for states' administrative expenses must equal at least 1.5% of federal expenditures on NSLP, SBP, CACFP, and SMP in the second preceding fiscal year.[27] The majority of these funds are allocated to states based on their share of spending on the four programs. Any remaining funds are allocated by the Secretary of Agriculture on a discretionary basis; per program regulations, states receive additional amounts for CACFP, commodity distribution, and administrative reviews of schools/institutions.[28] Once states receive administrative funds, they can apportion them among child nutrition programs and activities as they see fit.[29]

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[22] For a list of products offered in school year 2019-2020, see USDA FNS, "USDA Foods Available List for SY 2020," https://www.fns.usda.gov/usda-fis/usda-foods-available. Under a Pilot Project for Unprocessed Fruits and Vegetables authorized by the 2014 farm bill (§4202 of P.L. 113-79) under Section 6(f) of the NSLA (codified at 42 U.S.C. 1755(f)), USDA may allow up to eight states to use a portion of their commodity assistance dollars to purchase unprocessed fruits and vegetables from suppliers outside of the federal USDA Foods supply chain. For a list of participating school districts, see USDA FNS, "Pilot Project for Procurement of Unprocessed Fruits and Vegetables," https://www.fns.usda.gov/usda-fis/pilot-project-procurement-unprocessed-fruits-and-vegetables.

[23] School food authorities participating in NSLP may elect to receive up to 5 cents of the per-lunch commodity subsidy in the form of cash for processing and handling expenses (per program regulations at 7 C.F.R. 240.5). In CACFP, states may request any amount of cash-in-lieu of commodities per Section 17(h)(1)(D) of the NSLA (codified at 42 U.S.C. 1766(h)(1)(D)). Approximately 20% of CACFP centers requested USDA Foods in 2019.

[24] Section 6(e) of the NSLA (codified at 42 U.S.C. 1755(e)). Not less than 12% of the assistance provided under Section 6 (commodity assistance) and Section 4 and Section 11 (NSLP cash reimbursements) of the NSLA must be provided as Section 6 commodity assistance. Prior to FY2018, bonus commodity assistance was allowed to count toward this requirement.

[25] Entitlement commodity assistance totaled $1.32 billion in NSLP, $153 million in CACFP, and $1.2 million in SFSP in FY2019. USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data.

[26] There was $5.7 million in bonus commodities delivered through child nutrition programs in FY2019. USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data.

[27] Section 7 of the Child Nutrition Act of 1966 (codified at 42 U.S.C. 1776).

[28] 7 C.F.R. 235.4.

[29] 7 C.F.R. 235.6.

In addition, states receive separate administrative payments through SFSP that equal at least 2.5% of their summer meal aid.[30] States may also retain a portion of FFVP aid for their administrative expenses.[31]

At the local level, schools and institutions may use per-meal reimbursements to cover their administrative costs.[32] In CACFP, institutions that oversee day care homes receive separate monthly payments for administrative expenses based on the number of day care homes under their jurisdiction.[33]

Other Federal Funding

A few child nutrition programs and activities have mandatory funding provided directly in the authorizing law. For example, FFVP receives mandatory funding from Section 32 and the Farm to School Grant Program receives mandatory funding under the NSLA.[34]

There are also a few child nutrition activities that are funded on a discretionary basis, including the Summer EBT demonstration, the Team Nutrition initiative, and school meals equipment grants.

Nonfederal Funding

Federal subsidies do not necessarily cover the full cost of meals and snacks prepared by schools and institutions. Child nutrition programs may also receive funds from participants, states, school districts, local governments, and other entities. NSLP is the only child nutrition program with a cost sharing requirement for states, which amounts to a contribution of roughly $200 million from all states combined annually.[35] Some states provide additional funding for NSLP and other child nutrition programs beyond the required amount, including some states that provide their own per-meal reimbursements.[36]

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[30] Section 13(k)(1) of the NSLA (codified at 42 U.S.C. 1761(k)(1)); 7 C.F.R. 225.5.

[31] Section 19 of the NSLA (codified at 42 U.S.C. 1769(i)(6)(B)).

[32] Section 13(b)(3)(B) of the NSLA (codified at 42 U.S.C. 1761(b)(3)(B)) and USDA FNS, "Summer Food Service Program; 2018 Reimbursement Rates," 83 *Federal Register* 4025, January 29, 2018. In SFSP, reimbursements are broken out into two components: an operating component and administrative component. Reimbursements in the other child nutrition programs do not make this distinction.

[33] Section 17(f)(3)(B) of the NSLA (codified at 42 U.S.C. 1766(f)(3)(B)); 7 C.F.R. 226.12.

[34] Other child nutrition activities with mandatory funding include Food Safety Education, Coordinated Review, Computer Support, Training and Technical Assistance, studies, payment accuracy, and Farm to School Team. See p. 32-13 of FY2020 USDA FNS Congressional Budget Justification, available at https://www.obpa.usda.gov/32fns2020notes.pdf.

[35] Section 7(a)(1) of the NSLA (codified at 42 U.S.C. 1756(a)(1)). The required contribution in NSLP equals 30% of Section 4 funds (the NSLP base reimbursement) made available to states in school year 1980-1981 (not inflation adjusted), which was $200 million according to U.S. Congress, Senate Committee on Agriculture, Nutrition, and Forestry, *Child Nutrition Programs: Description, History, Issues, and Options*, committee print, 98th Cong., 1st Sess., January 1983, S. Prt. 98-15 (Washington, DC: GPO, 1983), p. 8. States must also maintain level funding to the amount expended in FY1977 for state administrative expenses associated with NSLP, SBP, and SMP, per Section 7(f) of Child Nutrition Act (codified at 42 U.S.C. 1776(f)).

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

An FNS study of the school meals programs in school year 2014-2015 found that 63% of school food service revenues came from federal funds, 30% came from student payments for paid and reduced-price meals and other school foods, and 6% came from state and local funds.[37]

National School Lunch Program (NSLP) and School Breakfast Program (SBP)

The National School Lunch Program (NSLP) and School Breakfast Program (SBP) (the "school meals programs") provide federal support for meals served in approximately 94,300 public and private elementary and secondary schools nationwide in FY2019.[38] They also support meals in a smaller number of residential child care institutions.[39] Schools receive federal aid in the form of cash reimbursements for every meal they serve that meets federal nutritional requirements (limited to one breakfast and lunch per child daily). The largest subsidies are provided for free and reduced-price meals served to eligible students based on income eligibility and categorical eligibility rules. Schools also receive a certain amount of commodity assistance per lunch served (discussed previously). Schools participating in NSLP have the option of providing afterschool snacks through the program, and schools participating in NSLP or SBP have the option of providing summer meals and snacks through the Seamless Summer Option (discussed in the "After-School Meals and Snacks" and "Seamless Summer Option" sections).

Schools are not required by federal law to participate in NSLP or SBP; however, some states require schools to have a school lunch and/or breakfast program, and some states require schools to do so through NSLP and/or SBP. Some states also provide state funding for the school meals programs.[40] Approximately 91% of public schools participate in NSLP.[41] Schools that do not participate in the federal school meals programs may still operate locally funded meal programs.[42]

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[37] USDA FNS, *School Nutrition and Meal Cost Study, Final Report Volume 3: School Meal Costs and Revenues*, Office of Policy Support, April 2019, p. 43, https://www.fns.usda.gov/school-nutrition-and-meal-cost-study.

[38] In FY2019, 94,311 schools participated in NSLP and 88,019 schools participated in SBP (with substantial overlap). USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data. Of these schools, approximately 4,600 are private schools, according to CRS communication with FNS on July 1, 2019.

[39] In FY2019, 2,627 residential child care institutions (RCCIs) participated in NSLP. This report refers to "schools," but it should be understood that for NSLP and SBP, it means both schools and RCCIs. RCCIs are defined as follows in school meal program regulations: "The term 'residential child care institutions' 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." (7 C.F.R. 210.2). *Nonresidential* child care centers are eligible to participate in CACFP.

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

[41] This is a rough estimate applying the total number of public schools participating in NSLP in October 2018 (89,664) to the total number of public schools in the U.S. in school year 2016-2017 (98,158), the latest year for which data are available. U.S. Department of Education, National Center for Education Statistics. (2019). Digest of Education Statistics, 2018, Table 105.50. The 4,600 private schools in NSLP as of October 2018 represent a smaller proportion of the 34,576 private schools nationwide in school year 2015-2016 (the latest year for which data are available).

[42] There is limited research on schools that opt out of the federal school meals programs. An older (1993) GAO analysis found that smaller and wealthier schools were more likely to drop out of NSLP. GAO found that common reasons for departure included financial considerations and compliance with federal nutrition standards. See GAO, *Schools That Left the National School Lunch Program*, December 1993, https://www.gao.gov/assets/80/78774.pdf.

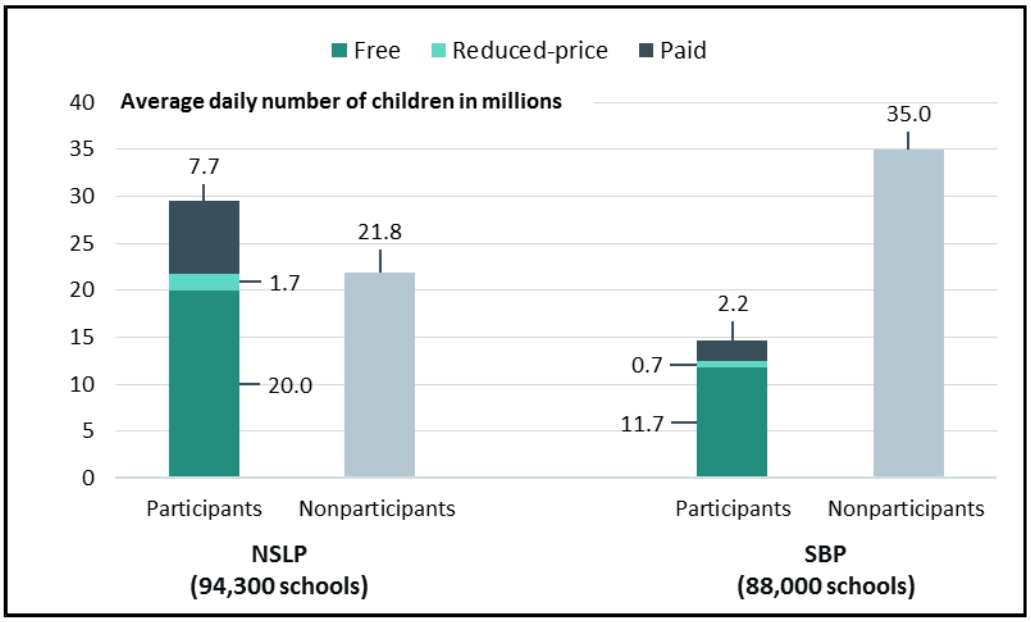
The Healthy, Hunger-Free Kids Act of 2010 (HHFKA; P.L. 111-296) made several changes to the school meals programs. Among those changes was a requirement that USDA update the nutrition standards for school meals and create new nutritional requirements for foods sold in NSLP and SBP schools within a certain timeframe. The law also created the Community Eligibility Provision, through which eligible schools can provide free meals to all students. These changes are discussed further within this section.

NSLP and SBP are two separate programs, and schools can choose to operate one and not the other. The programs are discussed together in this report because they share many of the same requirements. Differences between the programs are noted where applicable.

Figure 1 displays average daily participation in NSLP and SBP in participating schools. Participation in SBP tends to be lower for several reasons, including the traditionally required early arrival by students in order to receive a meal before school starts.

Figure 1. NSLP and SBP Participation, FY2019

Number of children participating in NSLP and SBP by eligibility category



Source: USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data.

Notes: Participation estimated by U.S. Department of Agriculture's Food and Nutrition Service based on average daily meals served. Figure reflects participation at schools and residential child care institutions operating the National School Lunch Program and/or School Breakfast Program. Children may participate in both SBP and NSLP in schools that operate both programs. All children in Community Eligibility Provision (CEP) schools are counted as free meal participants.

Administration

Locally, the school meals programs are usually administered by school districts. Statute and regulations designate "school food authorities" as the local authorities in charge of operating the school meal programs; typically, these are food service departments within school districts.[43]

[43] See definitions of school food authority and local educational agencies at 7 C.F.R. 210.2 and 7 C.F.R. 220.2.

Local educational agencies—the broader school district or school board—also play a role in administering the school meal programs.[44] This report sometimes uses the term "school district" to refer to the local administrative body of the school meals programs.

In general, school food authorities handle food service and accounting responsibilities, such as food preparation and tracking meals for reimbursement, while local educational agencies handle administrative duties, such as processing applications and certifying children for free and reduced-price school meals.

At the state level, the school meals programs are most often administered by state departments of education.[45] State administrative agencies are responsible for distributing federal reimbursements to school food authorities and overseeing school districts' administration of the school meal programs, including by conducting administrative reviews of school districts.[46]

At the federal level, FNS provides ongoing guidance and technical assistance to state agencies and school food authorities through seven regional offices. FNS also provides oversight of state agencies, including by conducting management evaluations.[47]

Figure 2 depicts the federal, state, and local roles in administering the school meals programs.

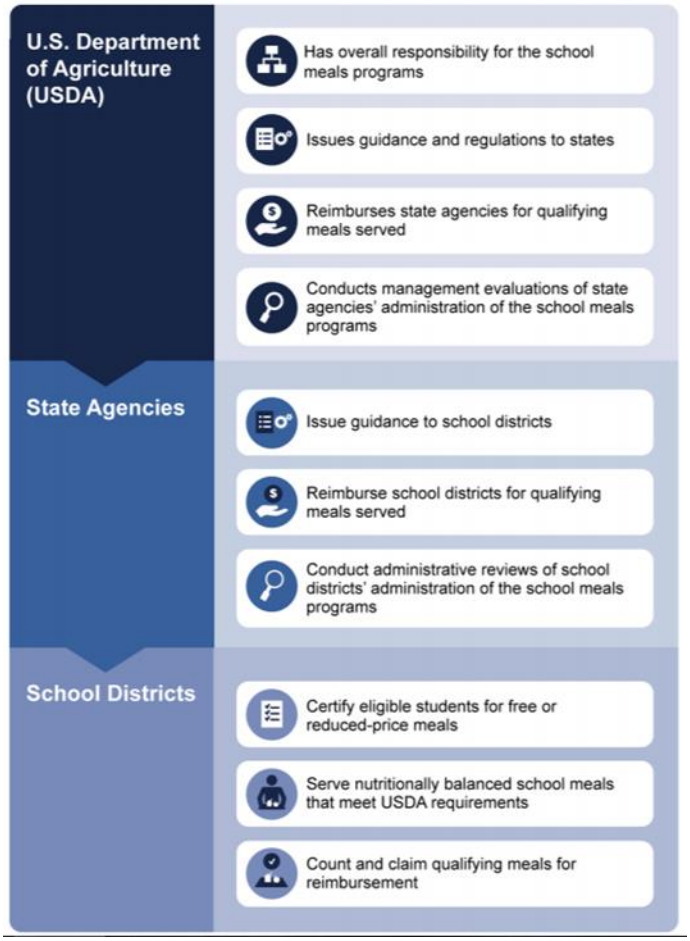
[44] Ibid.

[45] For a list of state administrative agencies, see https://www.fns.usda.gov/contacts.

[46] Section 22(b)(1)(C)(i) of the NLSA (codified at 42 U.S.C. 1769c(b)(1)(C)(i)). HHFKA required states to "conduct audits and reviews during a three-year cycle or other period prescribed by the Secretary." Regulations require reviews once every three years, with the potential for a one-year extension (a four-year cycle) (7 C.F.R. 210.18(c)). On February 22, 2019, USDA published a policy memorandum (SP 12-2019, *Flexibility for the Administrative Review Cycle Requirement*, https://www.fns.usda.gov/school-meals/flexibility-administrative-review-cycle-requirement) that allows state agencies to request a waiver to extend the review cycle for up to two additional years (a five-year cycle).

[47] U.S. Government Accountability Office (GAO), *USDA Has Reported Taking Some Steps to Reduce Improper Payments but Should Comprehensively Assess Fraud Risks*, GAO-19-389, May 2019, p. 7.

Figure 2. Federal, State, and Local Roles in the School Meals Programs



Source: U.S. Government Accountability Office (GAO), *USDA Has Reported Taking Some Steps to Reduce Improper Payments but Should Comprehensively Assess Fraud Risks*, GAO-19-389, May 2019, p. 4.

Eligibility and Reimbursement

The school meals programs do not exclusively serve low-income children. Any student in an NSLP or SBP participating school may purchase a school meal; however, children must meet program eligibility rules in order to receive a free or reduced-price meal.

In most schools (excluding schools that participate in the Community Eligibility Provision or other special options), children are certified for free or reduced-price school meals through one of two pathways: (1) income eligibility for *free and reduced-price* meals (information typically collected via household application) and (2) categorical eligibility for *free* meals (information collected via household application or direct certification). Each year, schools must verify a sample of household applications for accuracy. The pathways through which children are certified for free or reduced-price school meals are shown in **Figure 3**.

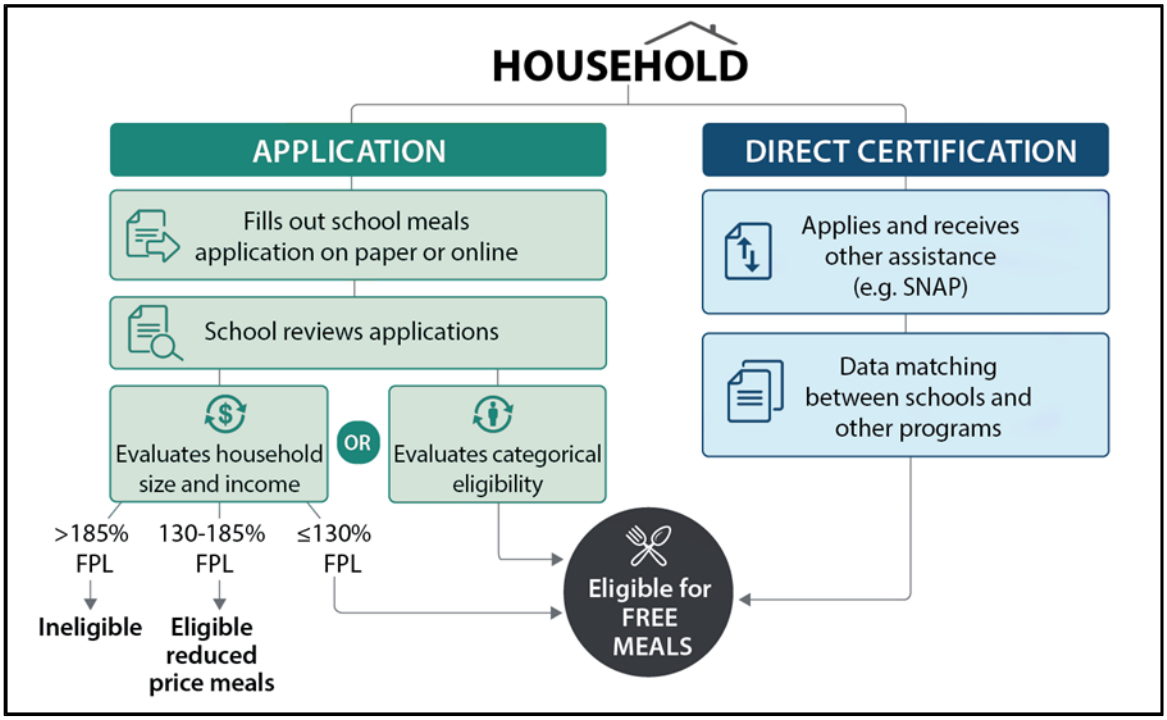
If children are certified for free meals, the school food authority (through the state agency) receives the free meal reimbursement for those meals. If children are certified for reduced-price meals, the school food authority receives a slightly lower reimbursement. School food authorities also receive a much smaller paid-rate reimbursement for meals served to children who pay for

"full price" meals. School food authorities must follow federal guidelines in setting the price of paid meals.[48]

Certain schools follow different eligibility and reimbursement procedures because they participate in the Community Eligibility Provision (CEP) or other special options (discussed below in the "Special Options" section).

Figure 3. Certification Pathways for Free and Reduced-Price School Meals

Household application and direct certification processes



Source: CRS adaptation of figure from U.S. Government Accountability Office (GAO), School Meals Programs: USDA Has Enhanced Controls, but Additional Verification Could Help Ensure Legitimate Program Access, GAO-14-262, May 2014, p. 13.

Notes: Direct certification of children in Medicaid demonstration states for reduced-price meals is not depicted in this graphic. SNAP = Supplemental Nutrition Assistance Program, FPL = Federal Poverty Level.

Income Eligibility

Children are eligible for free or reduced-price meals if their household's income falls within the following ranges:

- **Free meals:** household income at or below 130% of the federal poverty guidelines.[49]

[48] The HHFKA set requirements around the price of paid meals, amending Section 12(p) of the NSLA (codified at 42 U.S.C. 1760(p)). However, appropriations laws in FY2018 and FY2019 waived these requirements for many schools. For more information, see CRS Report R45486, *Child Nutrition Programs: Current Issues*, and FNS paid lunch equity guidance for school year 2018-2019, https://www.fns.usda.gov/school-meals/paid-lunch-equity-guidance-school-year-2018-19.

[49] For the purposes of school meal eligibility, household is defined as "a group of related or nonrelated individuals, who

- **Reduced-price meals** (charges of no more than 40 cents per lunch and 30 cents per breakfast): household income above 130% and less than or equal to 185% of the federal poverty guidelines.[50]

These thresholds are based on the annual federal poverty guidelines established by the U.S. Department of Health and Human Services, and are updated annually for inflation. FNS publishes the corresponding income limits by household size for free and reduced-price meals in the *Federal Register* on an annual basis.[51] **Table 4** provides an example of the income limits for free and reduced-price meals in school year 2019-2020 for a household of four.

To become income eligible for school meals, a parent or guardian must complete a paper or online application that includes the income of each household member, the household size, and other information.[52] Households only need to fill out one application if they have multiple children in the same school district. School district officials then determine if children in the household are eligible for free meals, reduced-price meals, or neither.

Table 4. School Meals Income Eligibility Guidelines for a Household of Four

For the 48 contiguous states and the District of Columbia, school year 2019-2020

Meal Type	Income Eligibility Threshold (% of the federal poverty level)	Annual Income for a Household of Four
Free	<130%	<$33,475
Reduced-price	130-185%	$33,475 - $47,638
Paid	N/A	N/A

Source: USDA FNS, "Child Nutrition Programs: Income Eligibility Guidelines," 84 *Federal Register* 10295, July 1, 2019.

Note: This school year is defined as July 1, 2019, through June 30, 2020. For other years, household sizes, Alaska, and Hawaii, see USDA FNS's website: http://www.fns.usda.gov/school-meals/income-eligibility-guidelines.

Categorical Eligibility

As an alternative to income eligibility, children can become eligible for free school meals if they fall into a certain category ("categorical eligibility"). Per statute, children are automatically eligible for free lunches and breakfasts (without consideration of household income) if they are

- in a household receiving benefits through the following programs:
  - SNAP (Supplemental Nutrition Assistance Program);

are not residents of an institution or boarding house, but who are living as one economic unit" (7 C.F.R. 245.2).

[50] Section 9(b)(1) of the NSLA (42 U.S.C. 1758(b)(1).

[51] USDA FNS, "Child Nutrition Programs: Income Eligibility Guidelines," 84 *Federal Register* 10295, July 1, 2019, https://www.federalregister.gov/documents/2019/03/20/2019-05183/child-nutrition-programs-income-eligibility-guidelines. This notice also explains how FNS defines income.

[52] There is a requirement that the adult household member filling out the application provide the last four digits of his/her Social Security number (Section 9(d)(1) of the NSLA), or, according to program regulations, indicate that they do not have one (7 C.F.R. 245.6(a)(6)). The law does not allow for citizenship eligibility restrictions; Section 742(a) of P.L. 104-193 states that individuals who are eligible for free public education benefits under state and local law shall remain eligible to receive school lunch and school breakfast benefits.

  - FDPIR (Food Distribution Program on Indian Reservations, a program that operates in lieu of SNAP on some Indian reservations); or
  - TANF (Temporary Assistance for Needy Families);
- enrolled in Head Start;
- in foster care;
- a migrant;
- a runaway; or
- homeless.[53]

Categorical eligibility for free meals may be determined via a household application (households provide a case number on the application) or through direct certification (discussed in the next section). As of school year 2014-2015, the vast majority of categorically eligible children were certified for free meals through direct certification.[54]

Categorical eligibility for free school meals with SNAP and TANF began in the 1980s (then, the Food Stamp and Aid to Families with Dependent Children programs, respectively).[55] Categorical eligibility enabled schools to make use of other programs' more in-depth certification processes and reduced the number of applications that families had to fill out.[56] Other programs and categories were added over time.

Direct Certification

Direct certification is a process through which state agencies and school districts automatically certify children for free meals based on documentation of the child's status in a program or category without the need for a household application.[57] States are required to conduct direct certification for SNAP and have the option of conducting direct certification for the other programs and categories that convey categorical eligibility.

For SNAP and other federal programs, the direct certification process typically involves state agencies (e.g., state SNAP and state educational agencies) cross-checking program rolls.[58] A list of matched children is sent to the school district, which certifies children for free meals without

[53] 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. SNAP, FDPIR, and TANF have income limits, but the other qualifications as defined in the statute are not limited by income.

[54] 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.

[55] USDA FNS, *Direct Certification in the National School Lunch Program: State Implementation Progress: Report to Congress*, December 2008, p. 3, https://fns-prod.azureedge.net/sites/default/files/DirectCert08.pdf.

[56] 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.

[57] Direct certification authority is in Section 9(b)(4)-(5) of the Russell National School Lunch Act (codified at 42 U.S.C. 1758(b)(4)-(5)). Direct certification is defined in NSLP/SBP program regulations at 7 C.F.R. 245.2.

[58] USDA FNS, Direct Certification in the National School Lunch Program: State Implementation Progress, School Year 2014–2015: Report to Congress, Office of Policy Support, Special Nutrition Programs Report No. CN-15-DC, December 2016, p. xiii, https://fns-prod.azureedge.net/sites/default/files/ops/NSLPDirectCertification2015.pdf.

the need for a household application.[59] For foster, homeless, migrant, and runaway children, direct certification typically involves school district communication with a local or state official who can provide documentation of the child's status in one of these categories.[60]

The 2004 child nutrition reauthorization act (P.L. 108-265) required states to conduct direct certification with SNAP, with nationwide implementation taking effect in school year 2008-2009. As of school year 2016-2017, USDA reported that 92% of children in SNAP households were directly certified for free school meals.[61]

The HHFKA made further policy changes to expand direct certification. One of those changes was the initiation of a demonstration project to test direct certification with Medicaid (see text box). The law also funded performance incentive grants for high-performing states and authorized corrective action plans for low-performing states in direct certification activities.[62]

Direct Certification with Medicaid Demonstration

The HHFKA initiated a demonstration project to conduct direct certification of children individually participating in Medicaid and children in Medicaid households. Unlike the other programs used to directly certify children for school meals, Medicaid does *not* convey categorical eligibility for free school meals, but rather identifies children in households that would meet the income eligibility thresholds for free or reduced-price school meals.[63]

Following the demonstration authority in the HHFKA as well as FNS's standing pilot authority, some states are currently directly certifying children based on Medicaid data. According to FNS, as of school year 2019-2020 there were 19 states operating direct certification with Medicaid. Four of the states (Illinois, Kentucky, New York, and Pennsylvania) used Medicaid to directly certify for free meals only (130% of the poverty level or below). Fifteen states (California, Connecticut, Florida, Indiana, Iowa, Massachusetts, Michigan, Nebraska, Nevada, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin) were operating under an expanded direct certification demonstration project to test direct certification with Medicaid for free and reduced-price meals (up to 185% of the poverty level).[64]

FNS published an evaluation in August 2019 of the first year of this demonstration project.[65] The evaluation found that in four states with available data, direct certification with Medicaid led to more children being certified through direct certification rather than application, and to some newly certified children.

Verification of Eligibility

Each fall, districts are required to verify a sample of approved household applications on file, with a focus on applications close to the eligibility threshold ("error-prone" applications).[66]

[59] However, parents and guardians are notified of the child's enrollment in free meals and are allowed to opt-out.

[60] USDA FNS, *Eligibility Manual for School Meals: Determining and Verifying Eligibility*, July 2017, https://www.fns.usda.gov/eligibility-manual-school-meals.

[61] USDA FNS, *Direct Certification in the National School Lunch Program Report to Congress: State Implementation Progress, School Year 2015-2016 and 2016-2017*, November 2018, https://www.fns.usda.gov/direct-certification-national-school-lunch-program-report-congress-state-implementation-progress-1.

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

[63] USDA FNS, "Request for Applications to Participate in Demonstration Projects to Evaluate Direct Certification with Medicaid," January 27, 2016, https://www.medicaid.gov/federal-policy-guidance/downloads/cib-02-12-16.pdf.

[64] CRS communication with FNS in November 2019.

[65] USDA FNS, *Final Report: Direct Certification with Medicaid for Free and Reduced-Price Meals (DCMF/RP) Demonstration, Year 1*, Mathematica Policy Research, August 2019, https://www.fns.usda.gov/cn/evaluation-direct-certification-medicaid-free-and-reduced-price-meals.

[66] In general, local educational agencies must review the smallest of 3,000 of all applications or 3% of error-prone applications. If the local educational agency has a nonresponse rate below 20% or has more than 20,000 children approved by application for free/reduced-price meals and a recently improved response rate, they may use alternative sampling approaches. See Section 9(b)(3)(D) of the NSLA or program regulations at 7 C.F.R. 245.6a.

School districts may also conduct verification of questionable applications. Verification is not required for children who are directly certified for free or reduced-price meals. (Note that districts participating in "Provisions 1, 2, and 3" must meet verification requirements for the years in which they administer household applications.)

Many districts employ "direct verification" (matching data from other low-income programs) to conduct their verification activities, but if data cannot be verified in this way, schools must contact households to verify the information provided on the application. A child's eligibility status may stay the same or change (e.g., from free meals to reduced-price meals or loss of eligibility) as a result of verification of household income, or if the household does not respond to verification outreach (in which case eligibility would be lost, though that decision can be appealed).

Reimbursement

School food authorities must keep track of the daily number of meals they serve in each category (free, reduced-price, and paid) that meet federal nutrition requirements. School food authorities then submit claims for reimbursement to the state agency, which submits the claims to FNS. Approved reimbursements are distributed to school food authorities by the state agency, usually on a monthly basis. Per statute, reimbursement rates are adjusted for inflation annually.[67] **Table 5** shows NSLP and SBP reimbursement rates in school year 2019-2020. (Note that school food authorities also receive a per-lunch commodity reimbursement, discussed previously.)

The law provides a higher reimbursement for meals meeting certain criteria. For example, school food authorities that are compliant with the updated federal nutrition standards for school meals receive an additional 7 cents per lunch.[68] School food authorities also receive an additional 2 cents per lunch if they serve 60% or more of their lunches at a free or reduced price. For breakfasts, school food authorities receive higher reimbursements if they serve 40% or more lunches at a free or reduced price (referred to as "severe need" schools).

Once school food authorities receive the cash reimbursements, they can be used to support almost any aspect of the school food service operation. However, federal cash reimbursements must go into a nonprofit school food service account that is subject to federal regulations.[69] Payments for non-program foods (e.g., vending machine sales) must also accrue to the nonprofit school food service account.[70]

FNS periodically studies the costs of producing a reimbursable meal. In April 2019, FNS released a *School Nutrition and Meal Cost Study*, which found that the average reported cost of producing a reimbursable lunch was $3.81 in school year 2014-2015 (reported costs were defined as those charged to the school food service account).[71] This exceeded the average federal cash reimbursement ($3.32) for lunches in school year 2014-2015. When unreported costs were included (costs outside of the food service account; for example, labor costs associated with

[67] See Section 4 and Section 11 of the NSLA for the lunch reimbursement rates and Section 4 of the Child Nutrition Act of 1966 for breakfast reimbursement rates.

[68] The Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) provided an additional 6 cents per-lunch reimbursement (adjusted annually for inflation) to schools meeting the updated nutritional guidelines requirements. The inflation-adjusted rate for school year 2019-2020 is 7 cents.

[69] 7 C.F.R. 210.14.

[70] Section 12(p) of the NSLA (codified at 42 U.S.C. 1760(q)).

[71] USDA FNS, *School Nutrition and Meal Cost Study, Final Report Volume 3: School Meal Costs and Revenues,* Office of Policy Support, April 2019, https://www.fns.usda.gov/school-nutrition-and-meal-cost-study.

processing applications), the cost of producing the average reimbursable lunch was $6.02. As noted previously, children's payments and state and local funds may also cover meal costs.

Table 5. Reimbursement Rates: NSLP and SBP

Per-meal reimbursements for the 48 contiguous states and the District of Columbia, school year 2019-2020

Lunch Rate	School Food Authorities (SFAs) That Served Less Than 60% of Lunches at F/RP	SFAs That Served 60%+ Lunches at F/RP	Bonus for SFAs Certified as Compliant with Nutrition Standards	Maximum Rate
Free	$3.41	$3.43	+$0.07	$3.65
Reduced-price	$3.01	$3.03	+$0.07	$3.25
Paid	$0.32	$0.34	+$0.07	$0.47

Breakfast Rate	SFAs That Served Less Than 40% of Lunches at F/RP	SFAs That Served 40%+ Lunches at F/RP
Free	$1.84	$2.20
Reduced-price	$1.54	$1.90
Paid	$0.31	$0.31

Source: USDA FNS, "National School Lunch, Special Milk, and School Breakfast Programs, National Average Payments/Maximum Reimbursement Rates," November 1, 2019, 84 *Federal Register* 58678, https://www.federalregister.gov/documents/2019/11/01/2019-23946/national-school-lunch-special-milk-and-school-breakfast-programs-national-average-paymentsmaximum (includes rates for Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands). For historical rates, see https://www.fns.usda.gov/school-meals/rates-reimbursement.

Notes: F/RP = free or reduced-price. The percentage of lunches/breakfasts served at F/RP is based on the percentage of meals served two school years prior. The federal per-meal reimbursement rates are averages. States can apportion funds among school food authorities above or below the average rates depending on need; however, in NSLP they can only do so up to the maximum rate. States may also supplement federal reimbursements with state funding.

Special Options

Community Eligibility Provision (CEP)

The HHFKA authorized the Community Eligibility Provision (CEP), an option that allows eligible schools, groups of schools, and school districts to offer free meals to all enrolled students. To participate in CEP, the school(s) must have an identified student percentage (ISP) of at least 40%. The ISP is the percentage of students in the school(s) who are certified for free meals without a household application (i.e., who are directly certified for free meals through SNAP or another program/category).[72] In addition, the school(s) must operate both NSLP and SBP in order to participate in CEP, and they must opt-in to CEP.

[72] A school's ISP is essentially the same as its direct certification rate, except that the ISP does not include students who are directly certified for reduced-price meals through the Medicaid demonstration. For the definition of "identified students" in regulations, see 7 C.F.R. 245.9(f)(1)(ii).

Based on the statutory parameters, FNS piloted CEP in various states over three school years, and expanded the option nationwide in school year 2014-2015. Eligible schools, groups of schools, and entire school districts may participate; if participation is as a group, the ISP is calculated on a group basis. Local educational agencies have until June 30 of each year to notify USDA of the schools in their jurisdiction that will participate in CEP.[73] According to a database maintained by the Food Research and Action Center, nearly 28,500 schools participated in CEP in school year 2018-2019, up from 18,220 schools in school year 2015-2016.[74]

Though CEP schools serve free meals to all students, they are not reimbursed at the free rate for every meal served. Instead, the law provides a funding formula: the 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.[75] The result is the percentage of meals served that will be reimbursed at the free-meal rate, with the remainder reimbursed at the much lower paid-meal rate. For example, if a CEP school has an ISP of 40%, then 64% of its meals served would be reimbursed at the free-meal rate and 36% would be reimbursed at the paid-meal rate. Schools that identify 62.5% or more students as eligible for free meals receive the free-meal reimbursement for all meals served (62.5% multiplied by 1.6 equals 100%). **Figure 4** provides a visual representation of the CEP eligibility criteria and reimbursement formula.

CEP participating schools must recalculate their ISP at least once every four years, but they can choose to do so more frequently if desired.[76] While eligibility determinations occur every four years, schools can drop out of CEP at any time.[77]

CEP is intended to reduce paperwork for families and schools and enable schools to provide more free meals. However, the option may or may not be financially beneficial for schools depending on their proportion of identified students.

[73] 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.

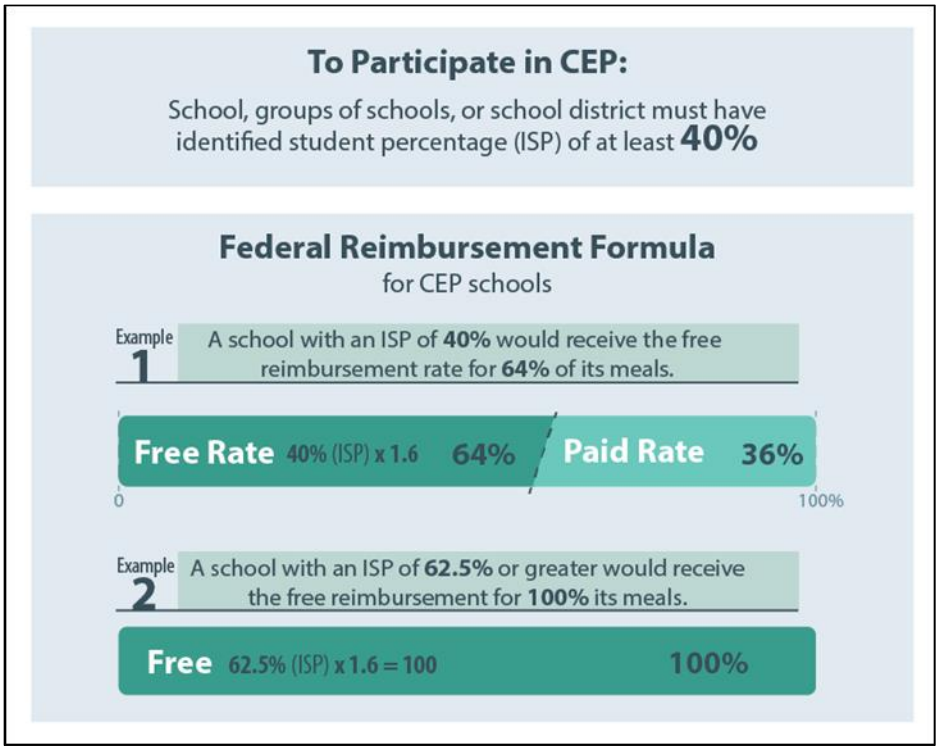
[74] Food Research and Action Center (FRAC), *Community Eligibility: The Key to Hunger-Free Schools: School Year 2018–2019*, May 2019, https://frac.org/wp-content/uploads/community-eligibility-key-to-hunger-free-schools-sy-2018-2019.pdf.

[75] Statute allows USDA to set the reimbursement multiplier between 1.3 and 1.6; USDA has set the multiplier at 1.6. 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.

[76] 7 C.F.R. 245.9(f).

[77] 7 C.F.R. 245.9(j).

Figure 4. Community Eligibility Provision (CEP): Eligibility and Reimbursement



Source: Graphic created by CRS based on current law formula.

Notes: The Identified Student Percentage (ISP) is the percentage of enrolled children who are certified for free meals without a household application.

Provisions 1, 2, and 3

Schools, groups of schools, and school districts can also use Provisions 1, 2, and 3 to establish alternative certification and reimbursement procedures. These options are intended to reduce paperwork for school administrators and families.[78] The options predate CEP, and unlike CEP, they still require some household applications. A school's decision to participate in a special option may depend on financial considerations.

Provision 1 allows schools with high proportions (80% or more) of students eligible for free and reduced-price meals to make free meal eligibility determinations that remain in effect for two school years. This reduces the number of applications they have to process (though they still have to process reduced-price meal applications annually).[79]

Provision 2 and **Provision 3** are open to all schools. Similar to CEP, schools, groups of schools, or school districts must agree to provide free meals (lunches *or* lunches/breakfasts) to all students in order to participate in Provision 2 or Provision 3. Under Provision 2, schools are reimbursed over a four-year period using the proportion of meals served at a free/reduced-price/paid rate during the first year. Eligibility determinations in the first year are based on direct certification *and* household applications (a difference from CEP). Under Provision 3, schools are similarly

[78] USDA FNS, "Provisions 1, 2, and 3," May 6, 2014, https://www.fns.usda.gov/school-meals/provisions-1-2-and-3.

[79] Section 11(a)(1) of the NSLA (codified at 42 U.S.C. 1759a(a)(1)); 7 C.F.R. 245.9; USDA FNS, "Provisions 1, 2, and 3," May 6, 2014, https://www.fns.usda.gov/school-meals/provisions-1-2-and-3.

required to make eligibility determinations in the first year of a four-year period. However, in this case, schools receive the same level of federal assistance over the next three years, which is adjusted for enrollment and inflation (there are no separate payments for free/reduced-price/paid meals).[80]

Nutrition Standards and Food Service

Nutrition Standards for School Meals

Nutritional requirements for school meals have changed throughout the history of the school meal programs.[81] The most recent child nutrition reauthorization, the HHFKA in 2010, required USDA to update the nutrition standards for school meals within 18 months of the law's enactment based on recommendations from the Food and Nutrition Board at the National Academies of Sciences, Engineering, and Medicine.[82] The law also provided a "performance-based" bonus reimbursement of 6 cents per lunch (adjusted annually for inflation) for schools certified as compliant with the updated standards (the rate was 7 cents in school year 2019-2020).

USDA published the updated nutrition standards for school meals in 2012.[83] They were based on the 2010 Dietary Guidelines for Americans (per an existing statutory requirement) as well as the recommendations from the National Academies of Sciences, Engineering, and Medicine.[84] The standards required increased servings of fruits, vegetables, whole grains, and meats/meat alternates in lunches and breakfasts. They also restricted milk to unflavored low-fat (1%) and flavored and unflavored fat-free varieties, set limits on calories and sodium in school meals, and prohibited trans fats in school meals, among other changes. Separate from the final rule, USDA also implemented a requirement in the HHFKA that schools make water available to children during meal service in the cafeteria.[85]

The revised nutrition standards largely took effect in school year 2012-2013 for lunches and in school year 2013-2014 for breakfasts. A few requirements phased in over multiple school years.[86] Some schools experienced difficulty implementing the new standards, and subsequent changes to the whole grain, sodium, and milk requirements were made through appropriations acts and USDA rulemaking.[87] For school year 2019-2020 and onwards, schools are operating under the

[80] Ibid.

[81] The current nutrition standards for school meals are located at 7 C.F.R. 210.10.

[82] Section 201 of P.L. 111-296. Institute of Medicine, National Academies of Sciences, Engineering, and Medicine, *School Meals: Building Blocks for Healthy Children*, Washington, DC, 2010.

[83] USDA FNS, "Nutrition Standards in the National School Lunch and School Breakfast Programs," 77 *Federal Register* 17, January 26, 2012, https://www.federalregister.gov/documents/2012/01/26/2012-1010/nutrition-standards-in-the-national-school-lunch-and-school-breakfast-programs. For related resources, see USDA FNS website at http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals.

[84] The 1994 child nutrition reauthorization (P.L. 103-448) required schools to serve meals consistent with the Dietary Guidelines for Americans. The Dietary Guidelines for Americans are food-based recommendations developed jointly by USDA and the U.S. Department of Health and Human Services and updated every five years. For more information, see CRS Report R44360, *Dietary Guidelines for Americans: Frequently Asked Questions*.

[85] USDA FNS, "Revised Child Nutrition Reauthorization 2010: Water Availability During National School Lunch Program Meal Service," SP-28-2011, July 12, 2011. Also see USDA FNS, "Clarification on the Milk and Water Requirements in the School Meal Programs," SP 39-2019, September 23, 2019.

[86] For the original implementation schedule based on the January 2012 final rule, see USDA FNS Implementation Timeline, http://www.fns.usda.gov/sites/default/files/implementation_timeline.pdf.

[87] For further discussion, see CRS Report R45486, *Child Nutrition Programs: Current Issues*.

regulations as amended by a final rule published by FNS on December 12, 2018, which allows flavored 1% milk, requires at least 50% of grains offered weekly in school meals to be whole grain-rich, and delays the implementation of stricter sodium limits for school meals.[88] **Table 6** provides an overview of the nutrition standards for school lunches as of September 2019.

States and school districts are allowed to implement additional nutritional requirements for school meals, as long as they meet the federal standards.

Table 6. Summary of the Nutrition Standards for School Lunches

Adapted from 7 C.F.R. 210.10 and USDA FNS guidance as of September 2019

	Grades K-5	Grades 6-8	Grades 9-12
Required offerings per week (minimum per day)[a]			
Fruits (cups)	2.5 (0.5)	2.5 (0.5)	5 (1)
Vegetables (cups) (subgroup requirements not shown)[b]	3.75 (0.75)	3.75 (0.75)	5 (1)
Grains (ounce equivalents)[c]	8-9 (1)	8-10 (1)	10-12 (2)
Meats/meat alternates (ounce equivalents)	8-10 (1)	9-10 (1)	10-12 (2)
Fluid milk (cups)[d]	5 (1)	5 (1)	5 (1)
Daily amount based on average weekly requirement			
Minimum-maximum calories (kcal)[e]	550-650	600-700	750-850
Saturated fat (percentage of total calories)	<10%	<10%	<10%
Sodium Target 1 (mg)[f]	≤1,230	≤1,360	≤1,420
Trans fat	Nutrition label or manufacturer specifications must indicate zero grams of trans fat (less than 0.5 grams) per serving.		

Source: Table adapted from 7 C.F.R. §210.10 as of September 2019 and USDA FNS, "Meal Requirements under the National School Lunch Program and School Breakfast Program: Questions and Answers for Program Operators," SP 38-2019, September 23, 2019, https://www.fns.usda.gov/school-meals/meal-requirements-under-national-school-lunch-program-and-school-breakfast-program.

a. School food authorities must allow high school students and can optionally allow students at the middle and elementary school levels to decline up to two components at lunch, except that the students must select at least a 0.5 cup of the fruit or vegetable component.

b. Requirements related to vegetable subgroups (dark green, red/orange, legumes, starchy, other) are not shown. Up to half of the fruit or vegetable offerings may be in the form of 100% juice.

c. At least half of the grains offered weekly must be whole grain-rich (defined as containing at least 50% whole-grains, and the remaining grain, if any, must be enriched). The remaining grain items offered must be enriched.

[88] "Whole grain-rich" products must contain at least 50% whole-grains, and the remaining grain, if any, must be enriched. USDA FNS, "Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements: Final Rule," 83 *Federal Register* 63775, December 12, 2018, https://www.federalregister.gov/documents/2018/12/12/2018-26762/child-nutrition-programs-flexibilities-for-milk-whole-grains-and-sodium-requirements.

d. All fluid milk must be fat-free (skim) or low-fat (1% fat or less). Milk may be unflavored or flavored provided that unflavored milk is offered at each meal service. With milk and with other foods, schools *must* make substitutions for students who are considered to have a disability and whose disability restricts their diet, and *may* make substitutions for medical or special dietary needs.

e. Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, trans fat, and sodium.

f. Sodium Target 1 is effective from school year 2014-2015 through school year 2023-2024. Sodium Target 2 is scheduled to take effect in school year 2024-2025.

Nutrition Standards for Competitive Foods

The HHFKA also required USDA to develop nutrition standards for other foods sold in NSLP- and SBP-participating schools on campus during the school day. These foods are known as "competitive foods" (i.e., foods sold in competition with school meals). Competitive foods include foods and drinks sold in vending machines, a la carte lines, snack bars and concession stands, and school fundraisers. These foods do not receive a federal reimbursement. The HHFKA required USDA to publish proposed nutrition standards for competitive foods within one year of the law's enactment and align the standards with the most recent Dietary Guidelines for Americans.

Relying on recommendations made by the National Academies of Sciences, Engineering, and Medicine, FNS promulgated a proposed rule in April 2013 and then an interim final rule in June 2013, which went into effect in school year 2014-2015.[89] The interim final rule created nutrition standards for all non-meal foods and beverages that are sold during the school day (defined as midnight until 30 minutes after dismissal). The final rule, published in July 2016, maintained the interim final rules with minor changes.[90] Under the final standards, competitive foods must have certain primary ingredients, meet whole-grain requirements, and comply with calorie, sugar, sodium, and fat limits, among other criteria. Schools are also limited to a list of zero- and low-calorie beverages they may sell (with larger portion sizes and caffeine allowed in high schools).

Fundraisers held outside of the school day and fundraisers in which the food sold is clearly not intended for consumption on campus during the school day are not subject to the competitive food nutrition standards. In addition, the law and the final rule provided states with discretion to exempt infrequent fundraisers selling foods or beverages that do not meet the nutrition standards.

The rule did not limit foods brought from home—only foods sold at school during the school day. The federal standards are minimum standards, and states and school districts are permitted to issue more stringent policies. Many districts already had local competitive food standards in place prior to the HHFKA because of the 2004 child nutrition reauthorization law (P.L. 108-265), which required local educational agencies to implement local school wellness policies that included

[89] Institute of Medicine, National Academies of Sciences, Engineering, and Medicine, *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; USDA FNS, "Interim Rule: NSLP and SBP Nutrition Standards for All Foods Sold in Schools as Required by the Healthy, Hunger-Free Kids Act of 2010," 78 *Federal Register* 79567, December 31, 2013, https://www.federalregister.gov/documents/2013/12/31/2013-31350/national-school-lunch-program-and-school-breakfast-program-nutrition-standards-for-all-foods-sold-in.

[90] USDA FNS, "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, https://www.federalregister.gov/documents/2016/07/29/2016-17227/national-school-lunch-program-and-school-breakfast-program-nutrition-standards-for-all-foods-sold-in. Related resources are available at the USDA FNS website, https://www.fns.usda.gov/school-meals/tools-schools-focusing-smart-snacks.

nutritional guidelines for foods sold in schools (local school wellness policies are discussed in the "Other Child Nutrition Activities" section).

Local School Wellness Policies

Local educational agencies participating in the school meals programs are required to have a local school wellness policy, which sets nutrition and health-related goals and guidelines for schools within the jurisdiction.[91] Local school wellness policies must include goals related to nutrition and physical activity, nutrition standards for school foods that meet or exceed federal nutrition standards (discussed previously), and an implementation plan, among other content. Local educational agencies must provide opportunities for input from parents, students, school nutrition professionals, physical education teachers, school health professionals, school administrators, and the general public in developing and updating local school wellness policies.

Other Food Service Topics

This section discusses food procurement and service topics specific to the school meals programs. Other food service topics relevant to child nutrition programs more broadly, including NSLP and SBP (e.g., the farm to school initiative), are discussed in the "Other Child Nutrition Activities" section.

Food Procurement and Preparation

The majority of foods used in the school meal programs are purchased by school food authorities using federal cash reimbursements or other school district funds. School food authorities also receive USDA Foods (as discussed previously). School food authorities must comply with federal procurement rules when purchasing foods for the school meals programs.[92] In addition, there is a "Buy American" requirement in statute that requires schools participating in the school meal programs to purchase domestic commodities and products "to the maximum extent practicable."[93] Purchases may include local foods, as long as they comply with federal, state, and local procurement regulations.[94]

Many school food authorities purchase and prepare their own meals, either at a centralized district kitchen or onsite at individual schools.[95] Alternatively, school food authorities may contract with a private food service management company to contract out procurement and/or meal

[91] The 2004 child nutrition reauthorization created the requirement that local educational agencies establish school wellness policies, and the HHFKA expanded requirements around local school wellness policies. Section 9A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758b); 7 C.F.R. 210.31.

[92] 7 C.F.R. 210.21.

[93] Section 12(n) of the NSLA (42 U.S.C. 1760(n)). USDA has issued guidance on the implementation of this provision; see USDA FNS, "Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program," SP 38-2017, June 2017, https://www.fns.usda.gov/school-meals/compliance-enforcement-buy-american. For further discussion, see CRS Report R45486, *Child Nutrition Programs: Current Issues*.

[94] For more information, see CRS Report R43950, *Local Food Systems: Selected Farm Bill and Other Federal Programs*.

[95] In school year 2011-2012, "55 percent of school food authorities have only onsite kitchens at the individual schools, while 17 percent have only centralized (offsite) kitchens, and the remaining 29 percent have a mixture. Similarly, 21 percent of school food authorities used Food Service Management Companies (FSMCs) to manage the food service operations in at least some of their schools." USDA FNS Office of Policy Support, *Special Nutrition Program Operations Study: State and School Food Authority Policies and Practices for School Meals Programs School Year 2011-12*, March 2014, https://fns-prod.azureedge.net/sites/default/files/SNOPSYear1.pdf.

preparation. The contracted company must comply with all school meal regulations and the school food authority must retain general control over the operation of the school meals programs, including financial oversight and compliance with nutrition standards.[96]

School Meal Equipment Grants

At different points in the school meals programs' history, specific funds have been provided for cafeteria equipment purchases (per-meal reimbursements may also cover equipment costs). Since FY2013, annual appropriations acts have provided funding for school meal equipment assistance grants to help schools prepare meals that comply with updated nutrition standards, improve food safety, and support the establishment, maintenance, or expansion of school breakfast programs.[97] These grants are awarded by FNS to state agencies, which distribute funds to school food authorities on a competitive basis and prioritize schools in which at least half of students are eligible for free or reduced-price meals.

Food Safety

Foods served in any child nutrition program must comply with state or local health, safety, and sanitation standards for food storage, preparation, and service. Schools participating in the school meals programs must obtain food safety inspections by a state or local government agency at least twice a year.[98] There are also food safety inspections for USDA Foods.[99] School food authorities may allow children to place leftover whole food or beverage items on a "share table" in schools operating NSLP and other child nutrition programs, as long as such sharing complies with food safety standards.[100]

Meal Time and Setting

In general, lunches and breakfasts are intended to be consumed onsite during the school day.[101] Surveys have found that schools typically provide roughly 20 minutes for breakfast and 25-30 minutes for lunch.[102]

Under SBP, students were traditionally required to arrive early for breakfast and eat it in the cafeteria. However, in recent years, schools and states have increasingly adopted alternative models of breakfast service such as breakfast in the classroom, grab-and-go carts, and breakfast during morning breaks. Anti-hunger advocacy groups have encouraged the adoption of new models of breakfast service as a way to increase SBP participation.[103] According to a 2018 survey

[96] USDA FNS, "Contracting with Food Service Management Companies: Guidance for School Food Authorities," SP40, CACFP12, SFSP14-2016, May 2016, https://www.fns.usda.gov/updated-guidance-contracting-food-service-management.

[97] The American Recovery and Reinvestment Act (P.L. 111-5) provided $100 million for school meals equipment assistance grants, which was spent in FY2009-FY2011. Appropriations acts in FY2010 and from FY2013 to FY2019 have provided subsequent funding for these grants.

[98] Section 9(h) of the NSLA (42 U.S.C. 1758(h)).

[99] Section 29 of the NSLA (42 U.S.C. 1769j).

[100] USDA FNS, "The Use of Share Tables in Child Nutrition Programs," SP 41-2016, CACFP 13-2016, SFSP 15-2016, June 22, 2016, https://www.fns.usda.gov/use-share-tables-child-nutrition-programs.

[101] USDA FNS, "Clarification of the Policy on Food Consumption Outside of Foodservice Area, and the Whole Grain-Rich Requirement," April 2014, https://fns-prod.azureedge.net/sites/default/files/cn/SP41-2014os.pdf.

[102] USDA FNS Office of Policy Support, *Special Nutrition Program Operations Study: State and School Food Authority Policies and Practices for School Meals Programs School Year 2011-12*, March 2014, https://fns-prod.azureedge.net/sites/default/files/SNOPSYear1.pdf; and School Nutrition Association, *School Nutrition Operations Report: The State of School Nutrition 2018*, August 2018.

[103] For example, see Food Research and Action Center (FRAC), "School Breakfast Expansion Strategies,"

by the School Nutrition Association (SNA), a member and advocacy organization, more than half of surveyed school districts offered both a traditional cafeteria line and alternative modes of breakfast service, while 43% of schools offered a cafeteria line only. Common alternatives were grab-and-go stations (particularly in middle and high schools) and breakfast in the classroom (particularly in elementary schools).[104]

Child and Adult Care Food Program (CACFP)

CACFP provides federal reimbursements for meals and snacks served in nearly 156,500 child care centers, day care homes, and adult day care centers nationwide in FY2019 (see **Table 7** for participation by type of institution).[105] In these settings, reimbursements are limited to meals and snacks served to children ages 12 and under, children of any age with disabilities, and chronically disabled and elderly adults.[106] CACFP also supports free meals and snacks for children ages 18 and under in emergency shelters and afterschool programs in low-income areas (discussed in the "After-School Meals and Snacks" section).[107]

In general, CACFP provides cash reimbursements for up to two meals and one snack or one meal and two snacks per participant daily (a meal may be a breakfast, lunch, or supper).[108] A smaller share of federal aid takes the form of commodity assistance or cash in lieu of commodities and funds for administrative costs (discussed previously).[109] The eligibility and funding rules of CACFP differ for centers (facilities or institutions) and day care homes (private homes). Day care homes must be overseen by sponsoring organizations, which handle the financial and administrative functions of the program for a number of local providers. Centers have the option of operating independently or under a sponsor.

Both centers and day care homes must comply with government-established standards for other child care programs and meet federal CACFP nutrition standards.[110]

http://www.frac.org/programs/school-breakfast-program/school-breakfast-expansion-strategies; and Share Our Strength, "2017-2018 State-level Policy and Legislative Trends," http://bestpractices.nokidhungry.org/policy-and-advocacy/school-breakfast.

[104] School Nutrition Association, *School Nutrition Operations Report: The State of School Nutrition 2018*, August 2018.

[105] USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data.

[106] Reimbursements are also available for meals/snacks served to migrant children ages 15 or under and children with disabilities of any age. "Elderly" is defined as individuals age 60 or older. 7 C.F.R. 226.2.

[107] For more information on CACFP for emergency shelters, see https://www.fns.usda.gov/participation-emergency-shelters-child-and-adult-care-food-program-cacfp—questions-and-answers.

[108] Section 17(f)(2)(B) of the NSLA (42 U.S.C. 1766(f)(2)(B)). Emergency shelters can receive reimbursement for up to three meals per day per child.

[109] In CACFP, states may request any amount of cash-in-lieu of commodities per Section 17(h)(1)(D) of the NSLA (codified at 42 U.S.C. 1766(h)(1)(D)).

[110] Section 17(a)(5) of the NSLA (codified at 42 U.S.C. 1766(a)(5)); 7 C.F.R. 226.6(d). All CACFP-participating child care centers and homes must be licensed child care providers. If federal, state, or local licensing is not available, the institution must comply with federal, state, or local child care standards. Emergency shelters are not subject to this requirement but they must meet state or local health and safety standards.

Table 7. CACFP Participation: Centers and Day Care Homes, FY2019

	Number of Outlets	Total Number of Participants	Average Number of Participants Per Institution
Day care homes	89,900	666,300	7
Child care centers	63,900	3,799,400	59
Adult day care centers	2,700	135,200	50

Source: USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data.

Notes: Total number of outlets and participants are rounded to the nearest hundreds.

Administration

At the local level, sponsor organizations administer CACFP for all participating day care homes and centers that elect to have a sponsor.[111] Sponsors are responsible for conducting audits of providers, distributing federal reimbursements, and in some instances, preparing and distributing meals.[112] They can be public or nonprofit institutions or, in some cases, for-profit institutions.[113] Centers that choose to handle their own administrative responsibilities are referred to as independent centers.

Unlike centers, day care homes are required to have a sponsor organization. Sponsors receive monthly federal administrative payments based on the number of homes for which they are responsible (sponsors, on average, have more than 100 day care homes under their supervision).[114] They may also receive a portion of the per-meal reimbursement if they have an agreement with the day care home to prepare meals.[115] If a center opts to have a sponsor, the sponsor may retain a portion of the per-meal reimbursements for its administrative expenses.[116]

[111] As an example of the role that sponsors and homes play in CACFP, in Allentown, PA, 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.

[112] Per statute, sponsors must make at least one scheduled visit to sponsored day care homes and centers each year and periodic unannounced site visits at not less than three-year intervals (Section 17(d)(2) of the NSLA [codified at 42 U.S.C. 1766(d)(2)]). Per regulations, sponsors must make at least three site visits each year, two of which must be unannounced, with limited exceptions (7 C.F.R. 226.16(d)(4)(iii)). CACFP has a "serious deficiency" process that outlines the procedures involved in terminating an institution or provider from CACFP, which involves corrective action plans and hearings (Section 17(d)(5) of the NSLA [codified at 42 U.S.C. 1766(d)(5)]).

[113] For-profit institutions may be sponsors of for-profit centers if they are part of the same legal entity. Section 17(a)(2)(D) of the NSLA (codified at 42 U.S.C. 1766(a)(2)(D)).

[114] The number of day care homes divided by the number of sponsors of day care homes. USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data.

[115] See program regulations at 7 C.F.R. 226.13.

[116] Sponsors of centers may retain up to 15% of the per-meal reimbursements for administrative expenses. They may also request a state waiver to exceed this limit. See program regulations at 7 C.F.R. 226.7(g).

In CACFP, the state administering agency is typically the state department of education or department of health and/or human services.[117] The state agency distributes federal funds and conducts reviews of CACFP sponsor organizations and independent centers.[118]

Similar to the school meals programs, FNS provides oversight of state agencies and issues guidance and regulations to states and providers.

Eligibility and Reimbursement

CACFP Centers

The following institutions are eligible to participate as centers in CACFP:

- public or private *nonprofit* (tax exempt) organizations providing nonresidential child care or adult day care (including school food authorities and Head Start centers),[119]
- private *for-profit* organizations providing nonresidential child care or adult day care that enroll a certain proportion of low-income participants,[120] and
- emergency shelters for homeless families.[121]

Adult day care centers and outside school hour centers fall under the first two categories, but they are subject to specific federal regulations.[122]

Income eligibility rules for CACFP centers are the same as the school meals programs: participants in households at or below 130% of the poverty line qualify for free meals and snacks and those between 130% and 185% of the poverty line qualify for reduced-price meals and snacks (a charge of no more than 40 cents for a lunch or supper, 30 cents for a breakfast, and 15 cents for a snack).[123] CACFP centers also use similar categorical eligibility criteria, including participation in Head Start, foster child status, and household participation in SNAP, FDPIR, or TANF assistance. Adults are categorically eligible if they participate in SNAP, FDPIR, Supplemental Security Income (SSI), or Medicaid.[124] Eligibility is determined through paper applications or, in some states, direct certification-like processes.

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[117] For a list of CACFP state administering agencies, see USDA FNS, "CACFP: Contacts," https://www.fns.usda.gov/contacts.

[118] State agencies must annually review at least one-third of sponsors/independent centers. Further rules are specified at 7 C.F.R. 226.6(m).

[119] Section 17(a)(2) of the NSLA (codified at 42 U.S.C. 1766(a)(2)). Private nonprofit institutions must have tax-exempt status under the Internal Revenue Code of 1986 per program regulations (7 C.F.R. 226.15).

[120] Section 17(a)(2) and Section 17(d)(1)(B) of the NSLA (codified at 42 U.S.C. 1766(a)(2), (d)(1)(B)). Private for-profit institutions qualify if at least 25% of enrolled children meet the income eligibility criteria for free or reduced-price school meals, if the institution receives compensation under the Social Services Block Grant for at least 25% of its enrolled children, or if at least 25% of enrolled adults are Medicaid or Social Services Block Grant beneficiaries.

[121] Section 17(a)(2) and Section 17(t) of the NSLA (codified at 42 U.S.C. 1766(a)(2), (t)). Emergency shelters are facilities that provide temporary housing as defined in the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11351).

[122] 7 C.F.R. 226.19; 7 C.F.R. 226.19a.

[123] Section 17(c)(4) of the NSLA (codified at 42 U.S.C. 1766(c)(4)); 7 C.F.R. 226.2.

[124] See definition of "free meal" at 7 C.F.R. 226.2. Statute provides categorical eligibility for adults who are members of a household receiving assistance under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) and recipients of SSI or Medicaid. Section 17(o)(5) of the NSLA (codified at 42 U.S.C. 1766(o)(5)). Also see a summary of CACFP

For CACFP centers, the reimbursement rates for breakfasts and lunches/suppers are the same as the SBP breakfast reimbursement rate and NSLP lunch reimbursement rate, respectively. The largest subsidies are provided for free and reduced-price meals and snacks, while paid meals receive a lower reimbursement.[125] Unlike the school meals programs, CACFP allows centers certain flexibilities for tracking meal counts and submitting claims for reimbursement.[126]

Compared to school meals, CACFP centers are also less likely to collect meal payments from participants and more likely to incorporate meal costs into tuition. Centers are not required to adjust tuition and fees to account for CACFP funding. Centers are also allowed to charge families separately for meals and snacks, as long as there are no charges for children who qualify for free meals and limited charges for those who qualify for reduced-price meals.[127]

CACFP Day Care Homes

Day care homes are private homes that provide nonresidential child care services. In general, any day care home that meets local, state, or federal child care standards may participate in CACFP.

Unlike centers, day care homes generally do not make eligibility determinations and receive the same reimbursement rate for every meal served. Day care homes located in a low-income area or with a low-income provider receive a higher, Tier I reimbursement rate (shown in **Table 8**). To receive the Tier I rate, the home must be located in an area in which at least 50% of children are eligible for free or reduced-price meals or be operated by a provider whose household income level meets the free or reduced-price income standards.[128] Day care homes that do not qualify for Tier I rates receive Tier II (lower) rates. However, Tier II providers may seek the higher Tier I subsidies for individual low-income children for whom household income information is collected and verified.

Like centers, day care homes may incorporate meal costs into tuition. Unlike centers, federal rules prohibit any separate meal charges.[129]

eligibility rules at the USDA FNS website, http://www.fns.usda.gov/cacfp/why-cacfp-important.

[125] Section 17(c) of the NSLA (codified at 42 U.S.C. 1766(c)). For inflation-adjusted CACFP reimbursement rates for school year 2019-2020, see 84 *Federal Register* 38594, https://www.federalregister.gov/documents/2019/08/07/2019-16907/child-and-adult-care-food-program-national-average-payment-rates-day-care-home-food-service-payment.

[126] 7 C.F.R. 226.9. Also see USDA FNS, *Independent Child Care Centers Handbook: A CACFP Handbook*, May 2014, pp. 46-51, https://www.fns.usda.gov/cacfp/cacfp-handbooks.

[127] 7 C.F.R. 226.6(f)(1)(i). Also see USDA FNS, *Independent Child Care Centers Handbook: A CACFP Handbook*, May 2014, pp. 18-19, https://www.fns.usda.gov/cacfp/cacfp-handbooks.

[128] Section 17(f)(3)(A)(ii)(I) of the NSLA (codified at 42 U.S.C. 1766(f)(3)(A)(ii)(I)). Sponsoring organizations may use school data (provided by the state agency) to demonstrate that at least 50% of children in the day care home's area are eligible for free/reduced-price meals, or use Census data (provided by FNS) to demonstrate that at least 50% of children in the area are members of households that meet the income standards for free or reduced-price meals. See USDA FNS, *Area Eligibility in Child Nutrition Programs*, CACFP04-2017, December 1, 2016, https://www.fns.usda.gov/area-eligibility-child-nutrition-programs.

[129] 7 C.F.R. 226.18(d).

Table 8. Reimbursement Rates: CACFP Centers and Day Care Homes

Per-meal/snack reimbursement for the 48 contiguous states and the District of Columbia, school year 2019-2020

	Breakfast	Lunch/Supper	Snack
Centers			
Free	$1.79	$3.31	$0.91
Reduced-price	$1.49	$2.91	$0.45
Paid	$0.31	$0.31	$0.08
Day Care Homes			
Tier I	$1.33	$2.49	$0.74
Tier II	$0.48	$1.50	$0.20

Source: USDA FNS, "CACFP: 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, 2019 Through June 30, 2020," 84 *Federal Register* 38594, August 7, 2019, https://www.federalregister.gov/documents/2019/08/07/2019-16907/child-and-adult-care-food-program-national-average-payment-rates-day-care-home-food-service-payment (includes rates for Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands). For historical program reimbursement rates, see http://www.fns.usda.gov/cacfp/reimbursement-rates.

Notes: CACFP centers receive the base reimbursement provided for breakfasts and lunches as SBP and NSLP. Table does not show monthly administrative payments to sponsoring organizations of day care homes.

Nutrition Standards and Food Service

Nutrition Standards

In addition to nutrition standards for school foods, the HHFKA required the Secretary of Agriculture to update CACFP's meal patterns. USDA's final rule, effective October 1, 2017, revised the meal patterns for meals and snacks served in centers and day care homes.[130] It also aligned nutrition standards for meals served to preschool-aged children through NSLP and SBP.

For infants (under 12 months of age), the new meal patterns eliminated juice, encouraged breastfeeding, and set guidelines for the introduction of solid foods, among other changes. For children ages one and older and adult participants, the new meal patterns increased whole grains, fruits, and vegetables, limited milk to unflavored 1% and unflavored or flavored fat-free varieties, limited sugar in cereals and yogurts, and prohibited deep-fried foods. They also required that potable water be available to children throughout the day. Subsequent rulemaking by USDA allowed flavored 1% milk to be served to children ages six and older in CACFP in school year 2018-2019 and forward.[131]

[130] 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.

[131] USDA FNS, "Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements: Final Rule," 83 *Federal Register* 63775, December 12, 2018, https://www.federalregister.gov/documents/2018/12/12/2018-26762/child-nutrition-programs-flexibilities-for-milk-whole-grains-and-sodium-requirements.

Procurement and Meal Service

CACFP institutions may purchase their own foods and prepare their own meals, or they may contract with a school or a food service management company that prepares meals for them. In either case, institutions must comply with federal, state, and local procurement regulations.[132] As noted previously, CACFP institutions also receive a certain amount of USDA Foods.

Meals must comply with state or local health, safety, and sanitation requirements for storing, preparing, and serving food, and institutions must acquire annual food safety inspections. Family-style meal service is encouraged in CACFP.[133]

Summer Meals

The Summer Food Service Program (SFSP) and the Seamless Summer Option provide federal reimbursements for summer meals. SFSP is open to school food authorities, local public agencies, and private nonprofit organizations, while the Seamless Summer Option is specifically for school food authorities, allowing them to continue operating under certain NSLP/SBP requirements into the summer. Both programs require children to consume meals onsite (known as the "congregate feeding" requirement).[134] In recent years, the federal government has tested alternatives to congregate feeding through the Summer Electronic Benefits Transfer for Children (Summer EBT) demonstration in select states.

Summer Food Service Program (SFSP)

The Summer Food Service Program (SFSP) provides federal aid to school food authorities and other local public and nonprofit organizations that serve meals and snacks to children during the summer months.[135] Federal aid is provided in the form of per-meal cash reimbursements and a smaller amount of commodity foods and administrative funds (discussed previously). The program serves roughly 2.7 million children annually at nearly 46,600 meal sites.[136]

Similar to CACFP, SFSP is administered at the local level by sponsor organizations that operate the program at one or more meal sites (the physical location where food is served and eaten). All SFSP meal sites are required to have a sponsor. Sponsors may operate meal sites at a variety of locations, including schools, recreation centers, parks, churches, and public libraries.

Unlike the other child nutrition programs, SFSP participation is generally limited (with the exception of camps) to meal sites that serve children from "areas in which poor economic

[132] 7 C.F.R. 226.22; USDA FNS, *Independent Child Care Centers Handbook: A CACFP Handbook*, May 2014, pp. 38-39, https://www.fns.usda.gov/cacfp/cacfp-handbooks.

[133] Ibid, p. 37.

[134] 7 C.F.R. 225.6(e)(15).

[135] Sponsors may operate SFSP from May through September for children on school vacation. Sponsors may also receive SFSP reimbursements for meals during unanticipated school closures, and sponsors administering SFSP under a continuous school calendar system may operate SFSP at any time (7 C.F.R. 225.6(e)).

[136] According to a May 2018 GAO report, estimates of participation in SFSP may be unreliable 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. Participation data from USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data.

conditions exist"—defined as areas or sites in which at least 50% of children are eligible for free and reduced-price school meals (discussed further below).[137]

Administration

The following public and private nonprofit institutions are eligible to participate in SFSP as sponsors:

- nonprofit organizations,
- school food authorities,
- state and local governments (including tribal governments),
- public or nonprofit summer camps (overnight and day camps), and
- public or nonprofit colleges and universities participating in the National Youth Sports Program.[138]

Eligible sponsors must also provide year-round services to the community, with limited exceptions.[139] According to statute, when selecting sponsors, states must give priority to school food authorities, public and nonprofit organizations that have demonstrated successful program performance in a prior year, new public sponsors, and new nonprofit sponsors (in that order). States must also prioritize sponsors located in rural areas.[140]

Sponsors are responsible for selecting meal sites, distributing meals to sites, and monitoring sites.[141] Officials at meal sites are responsible for distributing meals to children, monitoring the food service, and keeping track of meals served for reimbursement. At times, a sponsor may also be a site (for example, camps are both sponsors and meal sites).

An FNS analysis of a nationally representative sample of SFSP sponsors and meal sites in summer 2015 found that the majority of sponsors were school food authorities and nonprofit organizations, and common meal sites included schools, recreation centers, and parks/playgrounds.[142]

State administering agencies (often state departments of education) approve sponsors, distribute federal funds, and conduct reviews of sponsors and sites.[143] State agencies receive SFSP funds for

[137] Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)).

[138] Section 13(a)(7) of the NSLA (codified at 42 U.S.C. 1761(a)(7)). "Nonprofit" means tax exempt under Section 501(a) of the Internal Revenue Code of 1986 (7 C.F.R. 225.2). While SFSP sponsors are limited to nonprofit or public institutions, state agencies may approve open meal sites located at a for-profit institution.

[139] Residential camps are not subject to this requirement. Section 13(a)(3)(D) of the NSLA (codified at 42 U.S.C. 1761(a)(3)(D)).

[140] Section 13(a)(4) of the NSLA (codified at 42 U.S.C. 1761(a)(4)).

[141] Sponsors managed an average of seven sites according to USDA FNS, "The Summer Food Service Program (SFSP) Characteristics Study," June 18, 2019, https://www.fns.usda.gov/sfsp/summer-food-service-program-characteristics-study. Sponsors must conduct at least one site visit during the first week of program operation; review food service operations at least once during the first four weeks of program operation; and then maintain "a reasonable level of site monitoring" (7 C.F.R. 225.15(d)).

[142] USDA FNS, "The Summer Food Service Program (SFSP) Characteristics Study," June 18, 2019, https://www.fns.usda.gov/sfsp/summer-food-service-program-characteristics-study.

[143] State agencies must review sponsors at least once every three years, with more frequent reviews of certain sponsors. Further details are available at 7 C.F.R. 225.7(d)(2)(ii).

administrative costs in addition to general child nutrition program administrative funds (discussed previously in the "Administrative Funds" section).

FNS distributes funds and commodities to state agencies, oversees states' implementation of SFSP, and provides guidance and technical assistance to states and participating institutions.

Eligibility and Reimbursement

According to statute, all sponsors except camps must "conduct a regularly scheduled food service for children from areas in which poor economic conditions exist."[144] SFSP regulations establish different eligibility rules for different types of meal sites.

Open sites are meal sites that are open to all children in the community.[145] In order to participate in SFSP, open sites must be located in an area in which at least 50% of the children would be eligible for free or reduced-price school meals as demonstrated through school data, Census data, or other approved data sources.[146] Meals must be served free to all children at these sites, and the sponsor of the site receives reimbursement for every meal served (up to two meals or one meal and one snack per child daily).

Closed enrolled sites are meal sites (other than camps) that only serve enrolled children. In order for the site to participate in SFSP, at least 50% of the enrolled children must qualify for free or reduced-price school meals based on the submission of a household application or other documentation.[147] Like open sites, meals are served free to all children and the sponsor receives reimbursement for every meal served (up to two meals or one meal and one snack per child daily).

Camps include residential and day camps that provide organized programs for enrolled children. Unlike open and closed enrolled sites, camps do not have to demonstrate that a certain percentage of children meet the free and reduced-price eligibility standards in order to participate in SFSP. Instead, eligibility works like NSLP and SBP: camps make eligibility determinations using similar income and categorical eligibility criteria for free and reduced-price meals. However, unlike the school meals programs, camps receive the same reimbursement rate for free and reduced-price meals. Camps may receive reimbursement for up to three meals or two meals and one snack per eligible child daily. Camps are not required to serve meals for free to all children, and there is no paid reimbursement provided for full-price meals.

National Youth Sports Program (NYSP) sites, run by the National Collegiate Athletic Association, are enrolled sites; however, like open sites, they qualify for SFSP based on area eligibility data showing that at least half of the children in the area would qualify for free or reduced-price school meals. Sponsors of NYSP sites serve meals free to all enrolled children and receive reimbursement for all meals served (up to two meals or one meal and one snack per child daily).

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[144] Section 13(a)(3)(C) of the NSLA (codified at 42 U.S.C. 1761(a)(3)(C)).

[145] Open sites may become "restricted open sites" if they need to restrict attendance for reasons related to security, safety, or control (7 C.F.R. 225.2). According to USDA guidance, sponsors of restricted open sites must publicly announce the restriction. USDA FNS, *Administration Guide: Summer Food Service Program,* September 2016, p. 12, https://www.fns.usda.gov/sfsp/handbooks.

[146] Section 13(a)(1)(A) of the NSLA (42 U.S.C. 1761(a)(1)(A)). For more information on area eligibility, see USDA FNS, "Area Eligibility in Child Nutrition Programs," SP 08-2017, CACFP 04-2017, SFSP 03-2017, December 1, 2016, https://fns-prod.azureedge.net/sites/default/files/cn/SP08_CACFP04_SFSP03-2017os.pdf.

[147] 7 C.F.R. 225.15(f).

Migrant sites must demonstrate that they predominantly serve migrant children as certified by a migrant organization or a sponsor. They follow the same eligibility and reimbursement rules as open sites, except that they may receive reimbursement for up to three meals or two meals and one snack per child daily.

According to the FNS study of SFSP sites, in summer 2015 the majority (59%) of sites were open sites, 29% were closed enrolled sites, 9% were camps, and 4% were another type of site.[148]

The SFSP reimbursement rate (the total rate displayed in **Table 9**) is composed of two parts: an operating cost (food, storage, labor) reimbursement and an administrative cost (planning, organizing, and managing) reimbursement.[149] While operating and administrative rates are calculated separately, once sponsors receive the funds they can use them for any allowable program cost. Higher administrative reimbursements are provided for sponsors of rural meal sites and "self-preparation" sites (meal sites in which a sponsor rather than vendor prepares food).

Table 9. Reimbursement Rates: SFSP

Per-meal/snack reimbursement for the 48 contiguous states and the District of Columbia, calendar year 2019

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

Source: For program reimbursement rates as well as Alaska's and Hawaii's rates, see USDA FNS, "Summer Food Service Program: 2019 Reimbursement Rates," 83 *Federal Register* 4025, January 29, 2018, https://www.federalregister.gov/documents/2019/03/20/2019-05184/summer-food-service-program-2019-reimbursement-rates (includes rates for Alaska and Hawaii).

Note: Per authorizing law, the administrative component is calculated to the nearest quarter-cent. This table rounds to the nearest cent. "Rural" means "(a) any area in a county which is not a part of a Metropolitan Statistical Area or (b) any 'pocket' within a Metropolitan Statistical Area" that is geographically isolated from urban areas (7 C.F.R. 225.2). "Self-Prep" means that meals are prepared by the sponsor (and not by a vendor).

Nutrition Standards

Meals and snacks served through SFSP must meet federal nutrition standards. In contrast to the child nutrition programs discussed thus far, SFSP's nutrition standards are not required to align with the Dietary Guidelines for Americans, but are "prescribed by the Secretary on the basis of tested nutritional research."[150] Program regulations outline the nutrition standards for breakfasts,

[148] USDA FNS, "The Summer Food Service Program (SFSP) Characteristics Study," June 18, 2019, https://www.fns.usda.gov/sfsp/summer-food-service-program-characteristics-study.

[149] The authority for operating cost reimbursements is provided in Section 13(b)(1) of the NSLA (42 U.S.C. 1761(b)(1)), and the authority for the administrative cost reimbursement is provided in Section 13(b)(3) of the NSLA (42 U.S.C. 1761(b)(3)).

[150] Section 13(f) of the NSLA (codified at 42 U.S.C. 1761(f)).

lunches/suppers, and snacks.[151] The standards prescribe minimum servings of fruits and vegetables, meats/meat alternatives, breads/bread alternatives, and milk. Unlike school meals and CACFP, there are no limits on calories, saturated and trans fats, and milk varieties in SFSP. Participating school food authorities may choose instead to use the NSLP and/or SBP nutrition standards for SFSP.[152]

Procurement and Meal Service

As noted, children are required to consume meals onsite in SFSP. There are also requirements around the timing of meals in SFSP: there must be at least three hours between meal or snack services and four hours between lunch and dinner if there is no snack served.[153] Like the other child nutrition programs, SFSP sponsors must comply with local or state health and sanitation requirements.

Seamless Summer Option

School food authorities may participate in SFSP, or they can choose to offer summer meals through the Seamless Summer Option. The Seamless Summer Option allows school food authorities to continue operating under certain NSLP/SBP requirements into the summer. For example, it allows them to use the school meals programs' nutrition standards, administrative review process, and reimbursement rates (see **Table 5** for NSLP/SBP reimbursement rates). Other requirements are the same as SFSP, including site eligibility rules.[154] School food authorities are the only eligible sponsor in the Seamless Summer Option, but they can operate the program at a variety of meal sites (e.g., parks, recreation centers, libraries).

The school lunch and breakfast reimbursement rates used in the Seamless Summer Option are slightly lower than SFSP's reimbursement rates. However, school food authorities participating in the Seamless Summer Option also receive the NSLP commodity reimbursement (discussed in the "Commodity Assistance" section). School food authorities may also have a reduced administrative burden under the Seamless Summer Option.

Summer EBT and Other Demonstration Projects

Beginning in summer 2011 and each summer since (as of the date of this report), USDA has operated Summer Electronic Benefit Transfer for Children (Summer EBT) demonstration projects in a limited number of states and Indian Tribal Organizations. The project provides electronic food benefits 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 on an EBT card. States and jurisdictions may apply to administer the project through SNAP or WIC. Participants in jurisdictions providing benefits through SNAP can redeem benefits for SNAP-eligible foods at any SNAP-authorized retailer, while participants in the WIC EBT jurisdictions are limited to a smaller set of eligible foods at WIC-authorized retailers.

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[151] 7 U.S.C. 225.16(d).

[152] 7 U.S.C. 225.16(f).

[153] In addition, suppers cannot be served after 7 p.m. without a waiver from the state agency. 7 C.F.R. 225.16(c).

[154] Section 13(a)(8) of the NSLA (codified at 42 U.S.C. 1761(a)(8)). For a comparison of SFSP and SSO, see USDA FNS, "Comparison of Programs: SFSP/NSLP/Seamless Option," January 22, 2015, https://fns-prod.azureedge.net/sites/default/files/SFSP_SeamlessComparisonChart.pdf.

Summer meal demonstration projects were first authorized and funded by the FY2010 appropriations law (P.L. 111-80).[155] Although a number of approaches were tested, findings from Summer EBT were among the most promising, showing significant impacts on reducing food insecurity and improving nutrient intake.[156]

Summer EBT grantees in prior years include Connecticut, the Cherokee and Chickasaw nations, Delaware, Michigan, Missouri, Nevada, Oregon, Tennessee, Texas, Virginia, and Washington.[157] In October 2018, FNS announced a new strategy for determining grant recipients in FY2019 that prioritized states that had not participated before, statewide projects, and projects that could operate in the summers of 2019 through 2021.[158]

Other summer demonstrations projects have included food backpacks, food boxes, and meal delivery for children in rural areas.[159] In addition, since summer 2015 there has been a demonstration project to provide exemptions from the congregate feeding requirement to SFSP and Seamless Summer Option outdoor meal sites experiencing excessive heat.[160]

Special Milk Program (SMP)

The Special Milk Program (SMP) subsidized milk in approximately 3,000 schools, child care institutions, summer camps, and other institutions in FY2019.[161] Generally, schools and other participating institutions may not participate in another child nutrition meal service program along with SMP. However, schools may administer SMP for pre-kindergartners and kindergartners who are in part-day sessions and do not have access to the school meals programs.[162]

In SMP, participating institutions provide milk to children for free and/or at a subsidized paid price. Institutions are reimbursed differently based on whether they decide to provide milk for

[155] Section 749(g) of P.L. 111-80. The FY2010 appropriation was $85 million, which funded demonstration activities in summers 2011 to 2014. Additional appropriations for summer demonstration projects have been provided in each of FY2015 through FY2019. For more information, see CRS Report R45486, *Child Nutrition Programs: Current Issues*.

[156] 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 FNS, 2013), p. 105. Improvements in food insecurity varied significantly between Summer EBT sites. For evaluations of other approaches tested through the Enhanced Summer Food Service Program (eSFSP), see USDA FNS, "Enhanced Summer Food Service Program," November 8, 2013, https://www.fns.usda.gov/ops/enhanced-summer-food-service-program-esfsp.

[157] USDA FNS, "USDA Announces Summer EBT Grants; Includes New States, Rural Communities," June 28, 2017, https://www.fns.usda.gov/pressrelease/2017/006617; and USDA FNS, *Summer Electronic Benefit Transfer for Children (SEBTC) Demonstration: Summary Report*, prepared by Abt Associates Inc., May 2016, p. 7, https://www.fns.usda.gov/sfsp/summer-electronic-benefit-transfer-children-sebtc-demonstration-summary-report.

[158] As of the date of this report, USDA FNS has not announced the FY2019 grantees. Grants.gov, *Summer Electronic Benefit Transfer for Children (Summer EBT) Grant Program: Fiscal Year 2019 Request for Applications*, USDA FNS, October 31, 2018, https://www.grants.gov/web/grants/view-opportunity.html?oppId=310059.

[159] USDA FNS, "Enhanced Summer Food Service Program (eSFSP)," https://www.fns.usda.gov/ops/enhanced-summer-food-service-program-esfsp; and USDA FNS, "USDA Highlights Success of Rural Summer Meals Delivery Project in Texas," August 13, 2019, https://www.fns.usda.gov/pressrelease/fns-001119.

[160] USDA FNS, "Demonstration Project for Non-Congregate Feeding for Outdoor Summer Meal Sites Experiencing Excessive Heat with Q&As," SP 28-2019, SFSP 13-2019, May 29, 2019, https://www.fns.usda.gov/school-meals/demonstration-project-non-congregate-feeding-outdoor-summer-meal-sites-experiencing.

[161] USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data.

[162] Section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772).

free to all children, sell milk to all children, or combine these options (providing free milk to eligible children and selling milk to other children) (see **Table 10**). If institutions choose the combined option, they must establish eligibility rules for free milk.[163]

USDA updated the nutritional requirements for milk served in SMP alongside changes to the CACFP nutrition standards.[164] The final rule, which took effect on October 1, 2017, required unflavored whole milk for one-year-olds, unflavored low-fat (1%) or unflavored fat-free milk for children ages 2-5, and unflavored low-fat (1%) or flavored/unflavored fat-free milk for children ages six and older. The regulations also allowed for reimbursement of non-dairy milk substitutes in cases of medical or special dietary needs. In 2017, USDA changed the milk requirements for six-year-olds in SMP alongside corresponding changes to milk in school meals programs and CACFP.[165] The change allowed the option of flavored low fat (1%) milk for children ages six and older in SMP for school year 2018-2019 forward.[166]

Table 10. Reimbursement Rates: SMP

Per half-pint reimbursement for 48 states and the District of Columbia, school year 2019-2020

	All Milk Served	Paid Milk	Free Milk to Low-Income Children
Schools that only sell milk	$0.215	N/A	N/A
Schools that provide only free milk	$0.215	N/A	N/A
Schools that sell milk and provide free milk	N/A	$0.215	Average cost per half-pint of milk

Source: USDA FNS, "National School Lunch, Special Milk, and School Breakfast Programs, National Average Payments/Maximum Reimbursement Rates," November 1, 2019, 84 *Federal Register* 58678, https://www.federalregister.gov/documents/2019/11/01/2019-23946/national-school-lunch-special-milk-and-school-breakfast-programs-national-average-paymentsmaximum.

Note: The average cost per half-pint of milk is determined based on receipts submitted by the institution.

After-School Meals and Snacks

CACFP and NSLP both provide federal support for snacks and meals served during after-school programs.[167] The CACFP At-Risk Afterschool component provides reimbursement for up to one

[163] Institutions can set eligibility at or below the income threshold for free school meals (130% of the poverty line) (7 C.F.R. 215.13a).

[164] 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* 24347, 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.

[165] USDA FNS, *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.

[166] See interim final rule (above) and USDA FNS, *Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements*, Final Rule, 83 *Federal Register* 63775, December 12, 2018, https://www.federalregister.gov/documents/2018/12/12/2018-26762/child-nutrition-programs-flexibilities-for-milk-whole-grains-and-sodium-requirements. Also see 7 C.F.R. 215.7a for current nutritional requirements in SMP.

[167] The CACFP At-Risk Afterschool snack/meal program is authorized in Section 17(r) of the NSLA (42 U.S.C.

snack and one meal (usually supper) per child daily, whereas the NSLP Afterschool Snack option provides reimbursement for snacks only. Reimbursement rates for CACFP At-Risk Afterschool meals/snacks and NSLP afterschool snacks are the same as CACFP reimbursement rates (listed in **Table 8**).

CACFP At-Risk Afterschool Meals and Snacks

The CACFP At-Risk Afterschool component was authorized as a demonstration project in 1994 (P.L. 103-448), expanded over time, and made available to all states by the HHFKA.[168] The institutional eligibility rules are the same for At-Risk Afterschool providers as CACFP centers (see the "CACFP Centers" section); additionally, CACFP At-Risk Afterschool providers must be located in areas where at least 50% of children in the community are eligible for free or reduced-price school meals.[169] The afterschool program must have "an educational or enrichment purpose."[170]

Participating institutions receive reimbursement for up to one snack and one meal (e.g., supper) per child daily, and meals and snacks are provided for free to all children. Meals and snacks must meet federal nutrition standards.[171] Institutions may operate the At-Risk Afterschool program in the after-school hours and on weekends, holidays, and breaks during the school year.

Unlike the traditional CACFP, which is only available to children ages 12 and under, the At-Risk Afterschool component allows participation through age 18. In FY2019, the CACFP At-Risk Afterschool component served a daily average of 2.2 million children.[172]

NSLP Afterschool Snacks

The NSLP Afterschool Snack option was authorized in the 1998 child nutrition reauthorization act (P.L. 105-336). It allows NSLP-participating schools to receive federal reimbursement for one snack per child daily in eligible afterschool programs during the school year.[173] According to USDA guidance, eligible afterschool programs must provide "organized, regularly scheduled activities in a structured and supervised environment," including an educational or enrichment activity.[174]

Schools that choose to operate the NSLP Afterschool Snack component may do so in one of two ways: (1) like the CACFP At-Risk Afterschool component, if at least 50% of children are eligible for free and reduced-price meals, the schools may provide free snacks to all children, or (2) if this criterion is not met, the schools may offer free, reduced-price, or full price snacks, based on household income eligibility (like the school meals programs). The vast majority of snacks

1766(r)); the NSLP snack program is authorized in Section 17A of the NSLA (42 U.S.C. 1766a).

[168] Prior to HHFKA, 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. S.Rept. 111-178, p. 7.

[169] Emergency shelters do not need to meet this requirement.

[170] Section 17(r) of the NSLA (42 U.S.C. 1766(r)).

[171] 7 C.F.R. 226.20.

[172] CRS communication with FNS on January 2, 2019.

[173] Schools may also operate the NSLP Afterschool Snack component in the hours after summer school sessions.

[174] USDA FNS, "NSLP Afterschool Snack Service – FAQs," November 2013, https://www.fns.usda.gov/school-meals/afterschool-snacks-faqs.

provided through this program represent the first option.[175] Snacks served through the NSLP Afterschool Snack component must comply with federal nutrition standards.[176]

In FY2019, the NSLP Afterschool Snack component served a daily average of 1.2 million children.[177]

Fresh Fruit and Vegetable Program (FFVP)

The Fresh Fruit and Vegetable Program (FFVP) provides formula grants to states to fund fresh fruit and vegetable snacks in selected elementary schools.[178] Under a statutory formula, about half the funding is distributed equally to each state and the remainder is allocated by state population. States must prioritize funding for schools with high proportions of students who are eligible for free or reduced-price meals. Schools must participate in NSLP in order to receive a FFVP grant. States set annual per-student grant amounts (between $50 and $75). Schools may provide fresh fruit and vegetable snacks to students at any time of day outside of the breakfast or lunch service.[179] Schools offer snacks to all children in attendance (regardless of family income).

As noted previously, FFVP's funding structure differs from the other child nutrition programs. FFVP is funded by a mandatory transfer of funds from Section 32. The authorizing law provided $150 million for school year 2011-2012, which is adjusted annually for inflation.[180] In FY2019, FNS allocated approximately $171.5 million in FFVP funds to states.[181]

FFVP has been amended over time by both farm bills and child nutrition reauthorization bills. FFVP was created by the 2002 farm bill (P.L. 107-171) as a pilot project. The 2004 child nutrition reauthorization act (P.L. 108-265) made the program permanent and provided funding for a limited number of states and Indian reservations. The 2008 farm bill (P.L. 110-246) expanded FFVP's mandatory funding 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 FFVP but provided $5 million for a demonstration project to test offering frozen, canned, and dried fruits and vegetables in the program. Four states (Alaska, Delaware, Kansas, and Maine) participated in the pilot in school year 2014-2015 and an evaluation was published in 2017.[182]

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[175] J. 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.

[176] 7 C.F.R. 210.10(o).

[177] USDA FNS, "November Keydata Report (September 2019 data)," December 13, 2019, https://www.fns.usda.gov/data/november-keydata-report-september-2019-data.

[178] Section 19 of the NSLA (42 U.S.C. 1769a). FFVP currently operates according to statute and USDA guidance. USDA-FNS issued a proposed rule in 2012 to codify statutory requirements in regulations, but a final rule has not been published.

[179] USDA FNS, *Fresh Fruit and Vegetable Program: A Handbook for Schools*, December 2010, https://fns-prod.azureedge.net/sites/default/files/handbook.pdf.

[180] Section 19(i) of the NSLA (42 U.S.C. 1769a(i)).

[181] USDA FNS, "Fresh Fruit and Vegetable Program (FFVP): Allocation of Funds for FY2019," May 25, 2018, https://www.fns.usda.gov/fresh-fruit-and-vegetable-program-allocation-funds-fiscal-year-2019.

[182] 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 FNS, January 2017), https://fns-prod.azureedge.net/sites/default/files/ops/FFVP-CFD.pdf. For more information on proposals to include frozen, canned, and dried fruits and vegetables in FFVP, see CRS Report R45486, *Child Nutrition Programs: Current Issues*.

Other Child Nutrition Activities

Federal child nutrition laws authorize and child nutrition funding supports several additional initiatives and activities, such as studies and evaluations, training and technical assistance, technology improvements, and food safety initiatives.[183] Selected initiatives and activities are discussed below.

Farm to School Program

The farm to school program, which includes the Farm to School Grant Program, was authorized by the HHFKA.[184] It expanded upon FNS's existing farm to school efforts, defined broadly as "efforts that bring regionally and locally produced foods into school cafeterias," with a focus on enhancing child nutrition.[185] 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. One component of the farm to school program is farm to school grants, which have annual mandatory funding of $5 million.[186] The grants are awarded by FNS on a competitive basis to schools, nonprofit entities, and agricultural producers/processors for the purpose of establishing programs that improve schools' access to locally produced foods. They may be used for training, supporting operations, planning, purchasing equipment, developing school gardens, nutrition education, developing partnerships, and other activities.[187]

Institute of Child Nutrition

The Institute of Child Nutrition provides technical assistance, instruction, and materials for nutrition and food service professionals and other local administrators of child nutrition programs on a variety of topics. The institute receives $5 million a year in mandatory funding appropriated in statute.[188] The institute is currently located at the University of Mississippi.

Team Nutrition

The Team Nutrition initiative supports federally and state-developed nutrition education and promotion initiatives. This includes grants for state agencies to develop programs to improve school meal quality, such as by training school nutrition professionals. From 2004 to 2018, Team Nutrition also included the HealthierUS Schools Challenge, which was a voluntary certification initiative designed to recognize schools that create a healthy school environment through the promotion of nutrition and physical activity.[189]

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[183] This section does not list all related child nutrition activities. For further details on these and other functions funded by the "child nutrition programs" account, see discussion starting on p. 32-28 of the FY2020 USDA FNS Congressional Budget Justification, https://www.obpa.usda.gov/32fns2020notes.pdf.

[184] Section 243 of P.L. 111-296, adding Section 18(g) of the NSLA (42 U.S.C. 1769(g)).

[185] USDA FNS, *The Farm to School Program—2012-2015: Four Years in Review*, p. 3.

[186] Section 18(g)(8)(A) of the NSLA (42 U.S.C. 1769(g)(8)(A)).

[187] For more information, see USDA FNS's Office of Community Food Systems website: http://www.fns.usda.gov/farmtoschool/farm-school.

[188] Section 21(e)(1)(A) of the NSLA (42 U.S.C. 1769b-1(e)(1)(A)).

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

Further Information

CRS reports:

- CRS In Focus IF10266, *An Introduction to Child Nutrition Reauthorization*
- CRS Report R45486, *Child Nutrition Programs: Current Issues*
- 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 Child Nutrition Reauthorization in the 114th Congress: An Overview*
- CRS Report R45743, *USDA Domestic Food Assistance Programs: FY2019 Appropriations*
- CRS Report RL34081, *Farm and Food Support Under USDA's Section 32 Program*
- CRS Report RL33299, *Child Nutrition and WIC Legislation in the 108th and 109th Congresses* (summarizes the Child Nutrition and WIC Reauthorization Act of 2004)

Other resources:

- USDA FNS website, https://www.fns.usda.gov/
- USDA FNS 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
- USDA FNS Congressional Budget Justifications, https://www.obpa.usda.gov/explan_notes.html

Appendix. A Brief History of Federal Child Nutrition Programs

The Emergence of School Lunches and the National School Lunch Program

When the first federal aid for school lunches was provided in the 1930s, local school lunch programs were already operational in many cities and localities across the United States.[190] Many of these early lunch programs were started by charitable women's organizations at the turn of the century in an effort to feed hungry children. Over time, they transitioned to school boards and school districts. These programs received a combination of private, local, and state funding.[191]

The federal government became involved in school lunch programs during the Great Depression both as a way to feed hungry children and support the farm economy. Initially, federal aid was provided in the form of cafeteria equipment and labor. In 1932, the Reconstruction Finance Corporation began providing loans to states and school districts to cover the cost of cafeteria space and equipment for school lunch programs.[192] In 1935, the Works Progress Administration, a New Deal agency, began sponsoring women's employment in school lunchrooms. Federal food support for school lunches began that same year, when Section 32 of the Act of August 24, 1935 (P.L. 74-320) was enacted. The act provided 30% of customs receipts to USDA to purchase surplus commodities from farmers impacted by the depression. These commodities were donated through various outlets for domestic consumption, including school lunch programs.

With commodity aid came the first federal regulations for school lunch programs. USDA required recipient organizations, through their agreements with state agencies, to operate school lunch programs on a nonprofit basis, maintain any existing local funding for school lunches, keep records of foods received, serve meals free to poor children, and ensure that such children would not be identified to their peers, among other requirements.[193]

The availability of federal aid contributed to a rapid increase in the number of school lunch programs. However, in 1943, federal commodity aid declined as Section 32 surplus commodities were diverted to feed U.S. armed forces in World War II. In addition, federal support for lunchroom labor disappeared with the elimination of the Works Progress Administration.[194] In the midst of declining aid, Congress provided the first cash assistance—$50 million in Section 32 funds—for "a school milk and lunch program" in the 1944 Department of Agriculture Appropriation Act (P.L. 78-129). The introduction of cash assistance marked a shift in the lunch

[190] The first cities to institute school lunch programs included Boston, Chicago, Cleveland, Cincinnati, Los Angeles, Milwaukee, New York, Philadelphia, and St. Louis. G.W. Gunderson, *The National School Lunch Program: Background and Development*, USDA FNS, 1971, https://www.fns.usda.gov/nslp/history (hereinafter, Gunderson 1971); A.R. Ruis, *Eating to Learn, Learning to Eat: The Origins of School Lunch in the United States* (New Brunswick: Rutgers University Press, 2017), pp. 22-27; Susan Levine, *School Lunch Politics: The Surprising History of America's Favorite Welfare Program* (Princeton, NJ: Princeton University Press, 2008), p. 22 (hereinafter, Levine 2008).

[191] Ibid.

[192] Levine 2008, p. 44.

[193] Gunderson 1971; The Bureau of Agricultural Economics, USDA, "The School Lunch Program and Agricultural Surplus Disposal," Miscellaneous Publications No. 467, October 1941.

[194] Gunderson 1971.

program.[195] For the first time, schools could purchase their own foods in addition to receiving federally purchased commodities.

Annual appropriations acts continued cash support for school lunches until 1946, when the National School Lunch Act (P.L. 79-396) was enacted. Signed into law on June 4, 1946, by President Truman, the National School Lunch Act permanently authorized appropriations of "such sums as may be necessary" for the National School Lunch Program. (The act would later be renamed the "Richard B. Russell National School Lunch Act," recognizing Senator Russell's role in the passage of the legislation and his earlier support for the school lunch program within New Deal programs and during his tenure as the Chairman of the Agriculture Appropriations subcommittee.[196]) The law required participating schools to serve lunches for free or at a reduced price to students who were deemed by local school authorities as unable to pay the full cost of a lunch. Funds were to be distributed to states based on the number of school-aged children in the state and the state's need, as measured by per-capita income, and states were to match federal funds dollar-for-dollar. States were to distribute funding on a monthly basis to schools based on the number of meals served that met "minimum nutritional requirements prescribed by the Secretary on the basis of tested, nutritional research" (P.L. 79-396).[197] Cash assistance could not be used for cafeteria equipment, and separate funds were authorized for this purpose ($10 million annually); however, Congress subsequently prohibited appropriations for equipment assistance from FY1948 to FY1967.[198]

NSLP remained relatively unchanged from 1946 to 1960. However, during this timeframe, concerns emerged over the funding formula. One concern was that the formula prioritized funding for schools with large numbers of school-aged children rather than actual participants in the program. There was also concern that schools with high proportions of needy children received the same amount of aid as those with wealthier families, even though they had to serve a larger number of meals for free or at a reduced-price.[199] In 1962, P.L. 87-823 changed the funding formula to be based on the number of school lunches served in the state in the preceding school year instead of the number of school-aged children. The law also authorized additional "special assistance" for state-selected schools in poor economic areas (however, special assistance was not funded until 1966).[200]

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[195] However, commodity assistance continued to make up a large share of federal support for school lunches, and exceeded cash assistance until 1970. J.Y. Jones, "Appendix A: Child Nutrition Programs: A Narrative Legislative History and Program Analysis" in U.S. Congress, House Committee on Education and Labor, *Child Nutrition Programs: Issues for the 103d Congress,* 103rd Cong., 2nd sess., Serial No. 103-H (Washington: U.S. GPO: 1994) (hereinafter, Jones 1994).

[196] J.T. Gay, "Richard B. Russell and the National School Lunch Program," *The Georgia Historical Quarterly*, 80(4), 1996, pp. 860-863.

[197] Jones 1994, p. 41. USDA provided the highest reimbursement (up to 9 cents) for a "complete" Type A meal that was designed to provide one-third to one-half of a child's daily nutritional intake; up to 6 cents was provided for an "incomplete" Type B meal; and up to 2 cents for a Type C meal, which was simply a half-pint of milk. To see the original nutritional requirements for each type of meal, see Gunderson 1971.

[198] Jones 1994, pp. 59-61.

[199] Jones 1994, pp. 41, 63-64; Levine 2008, p. 128.

[200] CRS DL741517, "Brief History of Child Nutrition Legislation," by Kathryn Michelman and Joe Richardson, 1974. According to Gunderson (1971), "The selection of the schools for receiving the special reimbursement from Section 11 funds was to be based upon five factors: The economic condition of the area from which the schools draw attendance; The need for free or reduced-price lunches; The percent of free or reduced-price lunches being served in such schools; The price of the lunch in such schools as compared with the average price of lunches served in the State; [and] The need for additional assistance as evidenced by the financial position of the lunch program in such schools."

Other notable changes to NSLP occurred in the 1970s. In 1970, P.L. 91-248 extended special assistance to all schools participating in NSLP.[201] The law also reduced the state matching requirement and established the first national eligibility guidelines for free and reduced-price meals at 100% of the federal poverty level (later in the decade increased to 125% for free lunches and 195% for reduced-price lunches). In 1971, another significant change occurred with the enactment of P.L. 92-153, which guaranteed states a certain level of federal cash assistance by specifying average per-meal reimbursement rates for free, reduced-price, and paid lunches.[202]

The Addition of Other Child Nutrition Programs

In the 1960s, federal child nutrition efforts expanded beyond school lunches.[203] On October 11, 1966, the Child Nutrition Act of 1966 (P.L. 89-642) was enacted.[204] It formally authorized the Special Milk Program (SMP) and authorized the School Breakfast Program (SBP) as a pilot program. The SMP was based on predecessor USDA school milk programs that had operated since the 1940s.[205] SBP was a newer concept that USDA had piloted in the 1965-1966 school year.[206] In a House Agriculture Committee hearing on the Child Nutrition Act, then-Secretary of Agriculture Orville L. Freeman testified that

> These proposals will permit us to begin a comprehensive effort to broaden child nutrition programs in this country. They are based on what we have learned in 20 years of administration of the National School Lunch Act, and they reflect a careful assessment of gaps which now exist in the nutritional needs of children in this country.[207]

The SMP provided reimbursements for milk in schools, nonprofit child care centers, summer camps, and other nonprofit institutions. At the time, schools and institutions could participate in both SMP and NSLP. Meanwhile, SBP was authorized for two fiscal years and required states to prioritize funds for "schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial proportion of the children enrolled must travel long distances daily" (P.L. 89-642).[208] (Congress later expanded priority to include "schools in which there is a special need for improving the nutrition and dietary practices of children of working mothers and children from low-income families" (P.L. 92-32).) The Child Nutrition Act of 1966 also gave the Secretary the authority to provide higher reimbursements to schools with "severe need." Like NSLP, the law specified that breakfasts "meet minimum nutritional

[201] CRS Memorandum 831481, Chronology of Major Federal Food Assistance Legislation (Food Stamps, Child Nutrition Programs and Elderly Nutrition) 1932-1983, by Jean Yavis Jones, November 1983.

[202] CRS Memorandum 83.1481 (1983); Jones 1994, p. 43.

[203] Levine 2008, p. 127; Jones 1994, p. 64.

[204] Section 2 provided the purpose of the act: "In recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, based on the years of cumulative successful experience under the National School Lunch Program with its significant contributions in the field of applied nutrition research, it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting States, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children."

[205] Gunderson 1971.

[206] U.S. Congress, House Committee on Agriculture, *Hearing on H.R. 13361 and Bills to Amend and Make Permanent the Special Milk Program for Children*, committee print, 89th Cong., 2nd Sess., June 23 and June 24, 1966, H. Prt. 66-126 (Washington, DC: GPO, 1966), p. 16.

[207] Ibid, p. 12.

[208] USDA FNS, "School Breakfast Program: Program History," July 2013, https://www.fns.usda.gov/sbp/program-history.

requirements prescribed by the Secretary on the basis of tested nutritional research," and be served for free or at a reduced price to children unable to pay the full price of a meal, as determined by local school authorities (P.L. 89-642).

In 1968, child nutrition efforts were further expanded with the authorization of the Special Food Service Program for Children (SFSPC), a pilot program to fund meals in summer and child care settings (P.L. 90-302). SFSPC provided the first federal assistance for summer meals for children and the first dedicated assistance for meals served in child care settings.[209] Similar to SBP, SFSPC was targeted to areas with poor economic conditions and a high number of working mothers.

In 1975, the program was split into the separate Child Care Food Program (CCFP) and the Summer Food Service Program (SFSP) (P.L. 94-105). CCFP was open to public and nonprofit institutions that met child care licensing or other official child care standards, while SFSP retained a focus on institutions in low-income areas.[210] Meals were provided for free to all children at SFSP sites, whereas CCFP conducted free and reduced-price eligibility determinations like NSLP.

Recent History (1980 to 2010)

The long-standing growth of child nutrition programs was contrasted with budget cuts in the early 1980s, which were part of larger efforts to reduce federal domestic spending.[211] The Omnibus Reconciliation Act of 1980 (P.L. 96-499) reduced FY1981 funding for child nutrition programs by approximately $400 million (9%) of the child nutrition budget.[212] The law achieved savings by lowering reimbursement rates in the programs and eliminating commodity assistance for breakfast, among other changes.[213] Larger spending cuts followed with the Omnibus Reconciliation Act of 1981, which made changes that collectively cut $1.4 billion (25%) of the child nutrition budget (Title VIII of P.L. 97-35).[214] Many of the policy changes made by the law remain in place today. For example, the law restricted eligibility from 195% of poverty to 185% of poverty for reduced-price meals and set eligibility at 130% for free meals in the NSLP, SBP, and CCFP. It also raised allowable charges for reduced-price lunches from 20 cents to 40 cents and for reduced-price breakfasts from 10 cents to 30 cents.[215] In a major change to SMP, the law excluded schools/institutions that participated in another child nutrition meals program from participating in SMP—cutting SMP's budget by 77%.[216] In CCFP, the law restricted participation from children ages 18 and under to children ages 12 and under, and reduced the maximum number of reimbursable meals from three meals and two snacks per child daily to two meals and one snack per child daily. The law also eliminated equipment assistance for school meals.

Child nutrition programs were subsequently excluded from budget deficit reduction measures in the late 1980s and 1990s, and new policies led to the expansion of the programs during this

[209] Early appropriations for school lunches in 1944 and 1945 had allowed states to spend a small percentage of funds on food served in child care centers. The National School Lunch Act of 1946 made permanent support for meals served in residential child care institutions only.

[210] Low-income areas were defined as areas in which at least one-third of children qualified for free or reduced-price meals.

[211] Jones 1994, p. 44.

[212] CRS Memorandum 83.1481 (1983); Jones 1994, p. 44.

[213] CRS Memorandum 83.1481 (1983); Jones 1994, p. 86.

[214] Jones 1994, p. 44.

[215] CRS Memorandum 83.1481 (1983).

[216] Jones 1994, pp. 44-45.

timeframe.[217] For example, amendments to the programs in these years authorized start-up grants for school breakfast programs, expanded CCFP to adult day care centers (and renamed the Child and Adult Care Food Program, or CACFP), and provided new funding for afterschool snacks through NSLP and CACFP.[218] But what had potentially the longest-term impact on expansion was a policy change intended to reduce paperwork in the school meals programs: automatic (categorical) eligibility for free meals for children in food stamp (now SNAP) and Aid to Families with Dependent Children (now TANF) households, which was enacted in 1986—and direct certification of such children for free meals without household applications, which was enacted in 1989.[219]

Other policies in the late 1980s and 1990s focused on improving program integrity. The 1989 child nutrition reauthorization (P.L. 101-147) required USDA to create a standardized process through which states would review school food authorities' administration of NSLP and SBP (known as administrative reviews).[220] In CACFP, following USDA Office of the Inspector General (OIG) audits in the 1990s that found instances of abuse and mismanagement, the Agricultural Risk Protection Act of 2000 (P.L. 106-224) made a number of changes aimed at improving program integrity in CACFP.[221] The act required CACFP sponsors to conduct more frequent and unannounced site visits of sponsored centers and homes, restricted nonprofit institutions' eligibility to those with tax-exempt status, and excluded institutions deemed ineligible to participate in any other public program based on violations of program requirements. Other legislation was aimed at improving program integrity in the school meals programs.

Program integrity continued to be a focus in the 2004 child nutrition reauthorization (P.L. 108-265), which made changes to school food authorities' verification of household applications for free and reduced-price meals. Specifically, the law set a sample size of applications that schools must review, established a focus on "error-prone" applications (applications near the income eligibility thresholds), and authorized direct (automatic) household application verification processes.[222] In addition, the law required states to conduct additional administrative reviews of school food authorities with a high level of administrative error or risk of error.[223]

The 2004 child nutrition reauthorization also continued the expansion of free school meals to new categories of children. Specifically, the law extended categorical eligibility and direct certification for free school meals to homeless children, migrant children, and children served under the Runaway and Homeless Youth Act.

The most recent child nutrition reauthorization as of the date of this report was the Healthy, Hunger-Free Kids Act of 2010 (HHFKA; P.L. 111-296). The HHFKA continued the expansion of school meals in a few ways. It made foster children categorically eligible for free school meals,

[217] Jones 1994, p. 45.

[218] Jones 1994, pp. 46-47.

[219] USDA FNS, *Direct Certification in the National School Lunch Program: State Implementation Progress Report to Congress*, Office of Research and Analysis, December 2008, p. 3, https://www.fns.usda.gov/direct-certification-national-school-lunch-program-state-implementation-progress.

[220] Jones 1994, p. 68.

[221] See, for example, USDA Office of Inspector General, *Food and Nutrition Service: Child and Adult Care Food Program: National Report on Program Abuses*, Audit Report No. 27601-7-SF, August 1999, https://www.usda.gov/oig/webdocs/27601-7-SF.pdf.

[222] USDA FNS, Verification of Eligibility for Free and Reduced Price Meals in the National School Lunch and School Breakfast Programs, 73 *Federal Register* 76847, December 18, 2008.

[223] CRS Report RL33299, *Child Nutrition and WIC Legislation in the 108th and 109th Congresses*.

and allowed direct certification of such children. It also included a pilot project for direct certification (but not categorical eligibility) of children in Medicaid households for free and reduced-price meals based on an income test. In addition, the HHFKA created the Community Eligibility Provision (CEP), through which eligible schools can provide free meals to all students.

As discussed in this report, the HHFKA also made changes to nutritional requirements in the school meals programs and CACFP. Specifically, the law required USDA to update the nutrition standards for school meals within a certain timeframe and align the standards with the Dietary Guidelines for Americans (per an existing statutory requirement).[224] The law also required USDA to issue new nutrition standards regulating all foods sold on school campuses during the school day ("competitive foods"). (Previous standards applied only to competitive foods sold during meal service.) In addition, the HHFKA required USDA to update the nutrition standards for CACFP meals and snacks within a certain timeframe and align them with the Dietary Guidelines for Americans. USDA and Congress have made subsequent changes to the nutrition standards for school meals and CACFP meals and snacks, and the standards remain a source of debate in the programs.[225]

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Acknowledgments

A prior CRS report written by Randy Aussenberg, CRS Specialist in Nutrition Assistance Policy, provided much of the framework for this report. Jameson Carter, CRS Research Assistant, assisted with the participation data in this report. LaVonne Mangan, CRS Senior Research Librarian, assisted with the legislative history. Brion Long, CRS Visual Information Specialist, provided design assistance.

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[224] The 1994 child nutrition reauthorization (P.L. 103-448) required schools to serve breakfasts and lunches that were consistent with the Dietary Guidelines for Americans.

[225] For more information, see CRS Report R45486, *Child Nutrition Programs: Current Issues*. Also see Janet Poppendieck, *Free for All: Fixing School Food in America* (Berkeley: University of California Press, 2010).