

## **Can NYC Adopt the “Community Eligibility Provision” to Achieve Universal Free School Lunch in NYC? Let’s Look at the Data, Mayor de Blasio**

The National School Lunch Program (NSLP) was established as a matter of national security to safeguard the health and wellbeing of the nation’s children, while also expanding the market for domestic agricultural commodities.<sup>i</sup> But despite NSLP being the country’s second largest food assistance and nutrition program,<sup>ii</sup> more than 15 million U.S. children lived in households that lacked sufficient food in 2014, and one in four NYC children lived in food-insecure households between 2011 and 2013.<sup>iii,iv</sup>

To help improve U.S. child nutrition, the 2010 Healthy Hunger-Free Kids Act included a Community Eligibility Provision (CEP) that allows schools in which more than 40 percent of students are eligible for free or reduced-price meals, to provide free meals for all students.<sup>v</sup> Given that about one-third of NYC children who are eligible for free or reduced-price school lunch do not participate in the program on a given day, CEP has the potential to greatly improve school meal consumption in NYC. But despite successes in other states and of a NYC pilot, the de Blasio administration has yet to be transparent about the costs of producing a school meal in NYC, and how those costs would be affected by adopting the CEP. Let’s lay out the facts, Mayor de Blasio: Can NYC Adopt the “Community Eligibility Provision” to Achieve Universal Free School Lunch in NYC?

### **NATIONAL EXPERIENCES WITH THE CEP**

According to the U.S. Dept. of Education (USDE), to be eligible to adopt the CEP, local educational areas (LEAs) (i.e., school districts) and/or schools must meet a minimum level of “identified students” for free meals in the year prior to implementing Community Eligibility; agree to serve free breakfasts and lunches to all students; and agree to cover with non-Federal funds any costs of providing free meals to students above the amounts provided by Federal assistance. LEAs/schools get reimbursed for free meals based on claiming percentages derived from the percentage of identified students (i.e., students certified for free meals through means other than individual household applications, which non-CEP schools use to identify students).

With the number of students eligible for free or reduced price lunch growing nationally,<sup>vi</sup> CEP has the potential to greatly improve school meal consumption. And a report by the Food Research and Action Center (FRAC) and the Center on Budget and Policy Priorities supports that children in schools that have adopted the CEP are eating more school meals.<sup>vii</sup> FRAC reports that, in the three states that were among the first to implement the CEP option for 2011-2012 (Illinois, Kentucky, and Michigan), average daily lunch participation rose by 13 percent and average daily breakfast participation increased by 25 percent. In Detroit Public Schools, the number of students eating lunch rose by nearly 30 percent (14,000 additional students) between October 2010 and October 2012. In a 2013 FRAC survey, every school district interviewed after participating in community eligibility for a year stated that it would recommend the option to similar low-income schools.<sup>viii</sup> And the CEP momentum is growing: More than 2,200 districts and almost 14,000 schools out of 98,817 fed over 6.4 million children by using the CEP option during the 2014-15 school year.

## THE CASE FOR ADOPTING THE CEP IN NYC

NYC students are among those who could benefit most greatly from the adoption of the CEP. Although 75 percent of public school students have family incomes low enough to qualify them for free or reduced-price lunch (below \$36,000 for a family of three), close to one-third (250,000 of 780,000 of low income students) do not participate in the program on a typical day.<sup>ix</sup> If, even in a conservative estimate, an additional 200,000 students ate lunch each day during a year as a result of the CEP, NYC would be 36 million meals closer to closing its 241 million-meal gap (New York City's official measure of food insecurity).<sup>x</sup> Additionally, a larger pool of people eating lunch may positively alter the stigma surrounding eating free meals. In one study, researchers found that a 10 percentage point increase in the proportion of students eligible for free lunch was associated with a 1.8 percentage point increase in the probability of participation in the NSLP overall, a 2.6 percentage point increase for free lunch eligible students, and a 6.7 percentage point increase for reduced-price eligible students.<sup>xi</sup> Finally, children's diets are associated with their academic performance, which makes lunchtime a high-stakes opportunity.<sup>xii</sup>

For these reasons, community advocates have been encouraging NYC to adopt universal free school lunch (UFSL), which CEP would enable. For the 2014-15 school year, the food advocacy organization Community Food Advocates' Lunch4Learning campaign<sup>1</sup> achieved a partial victory when the NYC Department of Education (DOE) implemented UFSL as a pilot in standalone middle schools.

The Lunch4Learning campaign argues that UFSL is a “win-win-win”: students would be freed from the stigma of consuming free meals; schools would reduce overhead costs through reductions in meal application processing; and the local economy would receive federal funds (as a result of more students eating, and schools being reimbursed for, lunches) that translate into more jobs and money for the local food industry.<sup>xiii</sup> FRAC also highlights the potential of the CEP to improve access to free school meals; eliminate school meal applications; and make school food processes more efficient.<sup>vii</sup>

Results from NYC's 2014-15 pilot of UFSL are encouraging: An analysis by Community Food Advocates found that student participation in the meal program increased by nearly 10 percent in the first six months of the 2014-15 school year compared to the 2013-2014 period, which equates to an additional 10,000 – 15,000 middle school lunches consumed per day. By comparison, from September 2014 – February 2015, elementary and high school participation remained largely flat, and increased only slightly in January and February, suggesting that the increased participation for middle school students is related to the implementation of UFSL. Further, New York City received an additional \$4.5 million in federal and state lunch reimbursements for the first 6 months of the school year as a result of the additional lunches consumed.<sup>ix</sup>

Improving access to free school meals and increasing lunch consumption should be appealing to any school district. So why hasn't NYC, which serves 1 million children, adopted the CEP, which would enable UFSL?

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<sup>1</sup> Lunch4Learning is a broad, diverse coalition-based campaign that is working toward making free and healthy school meals available to all New York City public school students, regardless of income.

### ***The Importance and Barrier of “Title I”***

Title I, Part A of the Elementary and Secondary Education Act of 1965 allocates federal dollars to schools to use for “Improving The Academic Achievement Of The Disadvantaged;” schools can use these funds for academic programming and school improvements. School districts currently receive federal Title I dollars based on the number of low-income students they have enrolled, and funds are currently allocated through statutory formulas that are based primarily on census poverty estimates and the cost of education in each state. So New York City gets its funding based on census and other data, but districts have typically used the share of students approved for free and reduced-price school meals to identify their populations of low-income students. As the Center on Budget and Policy Priorities highlights, school meal data has a major impact on Title I allocations among individual schools within counties.

When asked about the City’s plans to adopt the CEP, in a June 9, 2014 NPR interview Mayor Bill de Blasio said, “We have looked long and hard at the question of [adopting universal free school lunch] what it will do to our federal funding writ large for school food, and we are not convinced at this point that it won’t, unfortunately, have the negative impact of reducing our federal funding substantially.”<sup>xiv</sup> A June 2014 Dept. of Education, Division of Finance School Allocation Memorandum for FY15 provides more context about Mayor de Blasio’s concerns about losing Title I dollars: The memo discloses New York State’s estimate for a 3.5 percent reduction of Title I, Part A funds for three of the five counties in New York City.

If NYC changed its current system of allocating Title I funding, based on data other than school meal applications, there would be no net effect on the total amount allocated based on the current formula of census and other data. However, funding allocations among schools might change. Confounded by the reality of already-decreasing Title I funds, this possibility might be perceived as a potential challenge by Mayor de Blasio.

### **POLICY CONSIDERATIONS**

NYC’s 2014-15/2015-16 free middle school lunch programs could have been opportunities for the City to reevaluate its process for identifying eligible students for free and reduced-price lunch with sound economic analyses, and to plow a path towards adopting the CEP. But alarmingly, the de Blasio administration did not establish any evaluation metrics surrounding the free middle school lunch pilot (Mayor de Blasio called the results “mixed,” despite the increase in consumption).<sup>xv</sup> The administration also has yet to be transparent about the economics of school lunch in NYC, including potential alternative options for collecting student data that would secure Title I funds. To determine whether to adopt the CEP as policy, and to ensure transparency surrounding its decision, the de Blasio administration should:

#### **1. Be accountable for the 2014-2015 and 2015-16 free middle school lunch programs, and for its decision not to adopt the CEP.**

- Provide a clear accounting of the actual costs of producing and distributing a school meal in NYC and how they would be impacted by anticipated increased participation under the CEP.

- Provide a clear accounting of how the budgets for the 2014-2015 free middle school lunch pilot and 2015-2016 continuation were used, including an analysis of whether it was more or less efficient than in previous years.
- Establish transparent measurement criteria for the 2015-16 free middle school lunch program before the school year ends.
- Disclose the return rate for Title I forms under the 2014-15 free middle school lunch pilot and 2015-16 continuation, to determine how the CEP may impact return rates.
- Provide a public forum for disclosing NYC's barriers to adopting the CEP and for openly addressing community anecdotes and speculation. For example, there has been anecdotal discussion among NYC food advocates and policy professionals that the de Blasio administration may be concerned about potential backlash from unionized lunch and janitorial employees worried about a heavier workload under the CEP. However, this concern is unfounded: The food service workers' union is, in fact, a partner of the Lunch4Learning campaign, which advocates for UFSL.

As the leading community voice on this issue – and the only source of pilot data thus far – Community Food Advocates should appeal to the New York City Council to request that the Independent Budget Office conduct these transparent economic analyses, as well as file a Freedom of Information Act request to obtain return rates for Title I forms under the pilot. Thus far, the New York City Council has only introduced two pieces that directly address the CEP: Council Member Ben Kallos introduced Int 0773-2015, which would require the DOE to provide data related to student participation in free meals in school. Council Member Jumaane D. Williams introduced a resolution calling upon the DOE to take full advantage of the CEP, in order to enable all eligible schools to provide universal free meal service to all students; however, as a resolution, it would not have a direct policy impact. At the time of writing this brief, both pieces have not moved past their respective committees.

It's also important to note that the availability of free middle school lunch during the 2014-15 and 2015-16 school years was not publicized by the City, which may affect participation rates. There is precedent for NYC publicizing City programs to increase participation, for example for Universal Pre-K. If the administration is serious about improving school lunch consumption, it should launch a public education campaign.

## **2. Consider alternative ways to collect income data about NYC students.**

If the return rates for Title I forms decreased under NYC's free middle school lunch pilot, the City should not be hasty to determine there's no path forward. On the contrary, NYC schools should consider the CEP as an opportunity to rethink its current practice of meal distribution and reimbursement under the NSLP, because the NSLP is notoriously inaccurate in collecting data about its enrollees and awarding benefits.<sup>xvi</sup>

To help LEAs/schools overcome the barrier of Title I forms, the USDA has outlined several alternative sources to individual income that states and LEAs may use for selecting Title I schools and allocating funds among them, which have been analyzed by the Center on Budget and Policy Priorities and FRAC. These sources include<sup>xvii, xviii</sup>

1. Using 1.6 as a multiplier to estimate of the ratio of the total number of students approved for free and reduced-price school lunches to the number of students approved for free meals without an application.
2. Using an identified Student Percentage without use of the 1.6 multiplier; this approach would allow LEAs to fund schools with lower shares of low-income students than previously.
3. Using shares of students from low-income families as determined by state or local income surveys, although this approach is considered logistically challenging because of the administrative burdens of implementing and responding to annual income surveys, which CEP was intended to eliminate.
4. Using Medicaid, TANF, census (where available), or composite data; these data sources are already explicitly authorized under Title I, but census data may not be available for individual schools nationally.

Because NYC *does* gather census data by neighborhood, it may be most viable for the City to collect income data via census or composite data to identify students and allocate Title I funds. Additionally, NYC can use the 1.6 multiplier to increase its reimbursement rates. As the stigma surrounding free school lunch dissipates as children grow up with all of their peers eating free lunch, one would expect consumption and reimbursement rates to continue to rise.

If a new data collection system alters Title I allocations by boroughs or schools, as Mayor de Blasio might fear, the city would be prudent examine the impact of CEP based on net benefits for the City as a whole, not for individual schools. Are more students eating lunch, and are schools being reimbursed for those meals in a way that allows continuity of programming? Is the City generating more revenue from federal reimbursements overall? Can the City cover the difference lost by schools under a new system until the new data collection system is sustainable?

## **CONCLUSION**

Available data suggest that CEP is a cost-effective policy tool to increase access to school lunch and improve consumption among our nation's children. Results from NYC's 2014-15 free middle school lunch pilot support these findings, suggesting that NYC's adoption of the CEP may help close NYC's meal gap.

In order to adopt the CEP, NYC can consider using several alternative ways to identify eligible students, including through composite data that includes census data. But first, the de Blasio administration must be transparent about the economics of school lunch in NYC, so that school lunch stakeholders can help discern the most viable path forward and validate the City's decision whether or not to adopt the CEP.

If Mayor de Blasio wants to embody his [One NYC platform](#), there may be no greater opportunity than to show NYC students that they are all entitled to the benefit of a nutritious lunch. The City may have multiple paths forward to achieve UFSL by adopting the CEP, if we collect and utilize the data to guide us.

## REFERENCES

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- <sup>i</sup> USDA Foods: From Farm to Plate Spotlight on Schools July 2015. <http://content.govdelivery.com/accounts/USFNS/bulletins/10aae50>. Accessed October 5, 2015.
- <sup>ii</sup> USDA Economic Research Service. <http://www.ers.usda.gov/topics/food-nutrition-assistance/child-nutrition-programs/national-school-lunch-program.aspx>. Updated April 15, 2015. Accessed October 5, 2015.
- <sup>iii</sup> Feeding America. Child Hunger Fact Sheet. <http://www.feedingamerica.org/hunger-in-america/impact-of-hunger/child-hunger/child-hunger-fact-sheet.html>. Accessed October 5, 2015.
- <sup>iv</sup> New York City Coalition Against Hunger. Hunger in New York City. <http://nyccah.org/learn-about-hunger/hunger-new-york-city>. Accessed October 5, 2015.
- <sup>v</sup> USDA. The Community Eligibility Provision (CEP) What Does It Mean For Your School or Local Educational Agency? <http://www.fns.usda.gov/sites/default/files/cn/CEPfactsheet.pdf>. Accessed October 5, 2015.
- <sup>vi</sup> Rich M. Percentage of poor students in public schools rise. New York Times. January 16, 2015. [http://www.nytimes.com/2015/01/17/us/school-poverty-study-southern-education-foundation.html?\\_r=0](http://www.nytimes.com/2015/01/17/us/school-poverty-study-southern-education-foundation.html?_r=0). Accessed October 5, 2015.
- <sup>vii</sup> Community Eligibility: Making High Poverty Schools Hunger Free. Food Research and Action Center. October 1, 2013. [http://frac.org/pdf/community\\_eligibility\\_report\\_2013.pdf](http://frac.org/pdf/community_eligibility_report_2013.pdf). Accessed October 5, 2015.
- <sup>viii</sup> Community Eligibility Helps Low-Income Students and Schools. Food Research and Action Center. June 2013. [http://frac.org/pdf/community\\_eligibility\\_helps\\_low\\_income\\_students\\_schools.pdf](http://frac.org/pdf/community_eligibility_helps_low_income_students_schools.pdf).
- <sup>ix</sup> Building on Success of Universal Free Lunch in Middle Schools: Mayor de Blasio Should Fund Expansion to All New York City Public School Students. Community Food Advocates. [http://media.wix.com/ugd/fce5d8\\_3fac78f8fe6d4af89bb2850b4d2869f5.pdf](http://media.wix.com/ugd/fce5d8_3fac78f8fe6d4af89bb2850b4d2869f5.pdf). Accessed October 5, 2015.
- <sup>x</sup> Fast Facts. Food Bank for NYC. <http://www.foodbanknyc.org/newsroom/fast-facts/>. Accessed October 5, 2015. Calculated as 200,000 students X 180 school days.
- <sup>xi</sup> Mitcherva D, Powell, L. Participation in the national school lunch program: Importance of school-level and neighborhood contextual factors. *Journal of School Health*. 2009;79(10), 485–494.
- <sup>xii</sup> Florence MD, Asbridge M, Veugelers PJ. Diet quality and academic performance. *J Sch Health*. 2008; 78(4):209-15.
- <sup>xiii</sup> Lunch4Learning campaign materials. <http://www.lunch4learningnyc.org/#!/campaign-materials/c21kz>. Accessed October 5, 2015.
- <sup>xiv</sup> Fertig B. Why NYC is afraid of free lunch for all. NPR and WNYC. June 9, 2014. <http://www.wnyc.org/story/why-nyc-is-afraid-of-free-lunch-for-all/>. Accessed October 5, 2015.
- <sup>xv</sup> Chapman B and Sommerfeldt C. Pols call on Bill de Blasio to extend free lunch to all city school kids. May 28, 2015. <http://www.nydailynews.com/new-york/pols-bill-de-blasio-nyc-students-eat-free-lunch-article-1.2238305>. Accessed October 5, 2015.

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<sup>xvi</sup> FNS – National School Lunch and School Breakfast Programs. USDA. April 2015.  
<http://www.usda.gov/oig/webdocs/27601-0001-41.pdf>. Accessed October 5, 2015.

<sup>xvii</sup> Riddle W. Implications of Community Eligibility for the Education of Disadvantaged Students Under Title. Center on Budget and Policy Priorities. June 20, 2015.  
<http://www.cbpp.org/research/food-assistance/implications-of-community-eligibility-for-the-education-of-disadvantaged>. Accessed October 5, 2015.

<sup>xviii</sup> The Community Eligibility Provision: Alternatives to School Meal Applications. Food Research and Action Center. June 19, 2014.  
[http://frac.org/pdf/cep\\_and\\_eliminating\\_school\\_meal\\_applications.pdf](http://frac.org/pdf/cep_and_eliminating_school_meal_applications.pdf). Accessed October 5, 2014.