

October 23, 2019

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

Re: Notice of Proposed Rule Making -- Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP) Reopening of Comment Period  
RIN 0584-AE62, Docket FNS-2018-0037-16046

Dear SNAP Program Design Branch:

Partners for a Hunger-Free Oregon would like to take this opportunity to comment specifically about the harm this rule would have on students who eat meals at school. We interpret the re-opening of the comment period as acknowledgment that the proposed rule had wrongfully omitted analysis of the impact of the proposed rule on school meals.

Partners for a Hunger-Free Oregon strongly opposes this proposed rule, which would take away food assistance from up to 50,000 Oregon households currently eligible for SNAP. **That's up to one in seven Oregonians** who currently participate in food assistance through SNAP.

The proposed rule would cause significant harm to students from low-income working families, working parents, and schools.

#### **Fewer Schools Would be Eligible for the Community Eligibility Provision**

- The proposed change would shrink the number of schools that qualify and currently offer universal free meals to all their students through a federal mechanism called Community Eligibility Provision (CEP). It's important to note that the revised regulatory analysis describing the impacts to school meals fails to mention that fewer schools would be eligible.
- Eligibility for CEP is based on family participation in federal programs, including SNAP and TANF. The provision states at least 40% of students at the school or district must be "directly certified" by these programs for the school to qualify to feed all students at no charge. **As families lose SNAP, some schools will lose eligibility for CEP because their individual school, group of schools, or school district falls below this 40% threshold. This is true no matter how many individual families go and fill out a school meal application.** That means cuts to SNAP benefits in the community could result in all students in your community losing access to no charge meals through the CEP.

- School meal debt is on the rise in Oregon. That will only get worse if the proposed changes take effect as fewer schools will qualify for the CEP.
- The benefits of CEP are numerous, and include:
  - Eliminating stigma and “shame” felt by many students who eat school meals.
  - Eliminating school meal debt.
  - School meal participation is higher in CEP schools, and higher school meal participation is linked with a healthy school environment, higher test scores, increased attentiveness in school, and benefits to social emotional learning.

### **It will become harder for students to become eligible for school meals at no charge**

- Since nearly one in seven families will lose SNAP if this rule takes effect, tens of thousands of students in Oregon will lose their automatic approval for free school meals as children in families who receive SNAP are “directly certified” for participation.
- Families who had automatic approval for free school meals based on SNAP will have to start filling out an annual application for free and reduced-price school meals.
- Schools - already strapped for resources - will be forced to unnecessarily spend more time processing applications. It will increase paperwork and bureaucracy.
- Eligible kids may miss out on meals because of the stigma, fear, and hassle associated with the application.
- This will be a double-whammy for working poor families - families between 130-185% (Gross FPL) would not only lose SNAP (the average family in this income band receives an average of \$120/month), but would also have to face the unnecessary burden of applying for school meals.
- This will harm families by increasing hunger and food insecurity in Oregon.

### **Negative Impacts Specific to Oregon**

- **This would restrict access to school meals and undercut Oregon’s new state policy to create hunger-free schools.** For Oregon in particular, this will harm a newly-enacted law passed in 2019 (going into effect in the fall of 2020) which builds on federal funding to make it financially viable for more schools to participate in the Community Eligibility Provision. If this rule change is implemented, it would mean fewer schools will be able to participate in CEP as our state law intended. Since up to one in seven families in Oregon will have SNAP taken away, we anticipate the impact on the number of schools eligible for CEP to be significant.
  - The new law ([HB 3247](#)) establishes a “Hunger-Free Schools” fund to (among other things) maximize the number of schools that can participate in the Community Eligibility Provision. It builds on federal reimbursements with the aim to make it financially viable for all schools that are eligible for CEP to participate. In 2019, Oregon appropriated \$27.9 million per year for this purpose, as outlined in the budget report of [Oregon HB 5047](#): “the Community Eligibility Provision

(CEP) program is expanded to bring all CEP eligible schools up to the 90 percent claiming percentage at a cost of \$27.9 million Other Funds.”

- **The state of Oregon - when crafting this policy - had no reason to believe when it passed in May, 2019 that it’s impact would be significantly undercut by a harmful change to SNAP because Congress rejected this proposal when it passed a farm bill that the President signed in 2018.** Because the proposed rule would take away SNAP from nearly one in seven Oregonians, and since most school-aged kids that lives in a household where food assistance would be taken away, the impact to the number of students directly certified for school meals would cause significant harm to Oregon’s effort to more widely implement the best practice that is Community Eligibility. It is unfair and harmful to the students and taxpayers of Oregon for the Administration to attempt to take away food assistance from working poor families, especially since this idea was debated in Congress and eventually rejected.
- Oregon (and several other states) provides funding for families for the “reduced-price” category for breakfast and lunch. Less than half of families impacted by this rule will likely still be eligible for meals at no charge. Over half of families fall into the “reduced price” category, and this rule change will cause a negative impact to Oregon’s education budget since Oregon covers the cost of the co-pays to students.
- **To our knowledge, the proposed rule and companion analyses did not take into consideration the harm to state budgets of states like Oregon** that include investments in school meals that are contingent on having a predictable set of federal reimbursements.

We continue to oppose this proposed rule because it would increase hunger in Oregon. It would force more families into crisis, keep more families in poverty, and harm kids, seniors, and our schools.

We urge the Administration to withdraw this proposal that would increase hunger in Oregon and in every corner of America.

Sincerely,

Annie Kirschner  
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