

OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Education and Cultural Affairs
From: Samuel Senft, Esq., MPH, Legislative Analyst
Date: May 5, 2021
Subj: **LD 961, “An Act To Provide Equity in Access to Applications for the National School Lunch Program and School Breakfast Program” (Millett)**

SUMMARY

This bill requires the Internet-based application for free or reduced-price meals developed for the Department of Education to be made available on the department's publicly accessible website. It also allows a public school to make the application available on its publicly accessible website. It requires the department to endeavor to provide the application in various languages reflecting the student populations of public schools in the State. It requires all public schools to continue to distribute the paper application. It also requires that data submitted through the Internet-based application not be visible to the department and to be transmitted directly to the applicable public school.

TESTIMONY

- **Proponents: Rep Millett (sponsor); Holly Courturier, MPA; Megan Hannan, Maine Community Action Partnership; Chris Hastedt, Maine Equal Justice; Anna Korsen, Full Plates Full Potential; Grace Leavitt, MEA; Walter Beasley, DOE**
 - This session has demonstrated that the public can gain better access to government when work is done online.
 - Today, most business is done online.
 - Parents should be able to submit information for the school meal benefit online.
 - Families must annually submit income for the school meal benefit.
 - Paper forms are easily misplaced and not returned.
 - Families may feel shame in sharing information with school officials, who they may personally know.
 - Schools statewide struggle to collect these forms.
 - When an eligible student is not signed up for the program, they may accrue unnecessary meal debt.
 - In 2019, the Maine School Management Association surveyed school districts and 18 districts reported a total of \$330,000 in school meal debt.
 - Taxpayers often end up covering this.
 - There are also implications for districts that rely on school meal program eligibility numbers for federal funding for the school meals program and for other programs such as the Summer Food Service Program and At-Risk Afterschool Meals.

- Maine reported about 17,000 missing applications from previously eligible students this year.
- In the 129th Legislature, funding secured so that the DOE could provide an online school meal benefit application free of charge for school districts to use.
- 70 districts are using it but more than half are not. Some have own online applications but many have no online option.
- This bill would require the DOE to have a link to the application on their website accessible by all Maine families to fill out, and the data would then be transferred confidentially to the appropriate school district.
- Single statewide application would provide easy access for all.
- Almost all families have access to technology that would allow them to complete form online.
- LD 961 does not replace paper forms; it provides another option.
- Well fed kids do better in school.
- This bill provides an easy fix for working families
- English Language Learning families should have options to apply in the language they read and are most comfortable. The application should include language accessibility.
- Making this application process more accessible will yield higher participation rates in school meals program.
- Right now, 30% of Mainers report difficulty paying for usual household expenses.
- 20-A MRSA §6601-A is amended at lines 12 and 13 of LD 961 to read: “The department shall endeavor to provide the Internet-based application in various languages reflecting the student population of public schools in the State” (Emphasis added). Suggest that in order to be consistent with federal law and guidance from the United States Department of Agriculture we ask you to substitute the following language in its place: “The internet-based application shall be available in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.
- USDA guidance released in 2014 requires state agencies and schools that receive federal funding to ensure language is not a barrier to receiving school meal benefits.
- Understand that the contractor that the Department currently uses to implement the existing requirement at §6601-A has the capability to provide application information in multiple languages.
- For some kids, school meals are the only reliable source of nutrition they have
- Oregon offered a single online application.
- The Department has made an online application available to schools, as directed by PL 2019 Ch. 480. Available in multiple languages.
- The Department’s Office of Child Nutrition has been providing ongoing trainings to SAU staff members and families to support the usage of the online application.

- **Opponents: None**
- **Neither For Nor Against: None**

PROPOSED AMENDMENT

Rep. Millett has proposed the following amendment to the bill:

Sec. 1. 20-A MRSA §6601-A, as amended by PL 2019, c. 480, §1, is further amended to read:

§6601-A. Free or reduced-price school meals; Internet-based school meal applications

The department shall contract for the development and implementation of an Internet-based application for free or reduced-price meals under the National School Lunch Program under 7 Code of Federal Regulations, Part 210 and the School Breakfast Program under 7 Code of Federal Regulations, Part 220. The department shall make available to public schools the Internet-based application for free or reduced-price meals developed under this section on the department's publicly accessible website. The department shall endeavor to provide the Internet-based application in various languages reflecting the student population of public schools in the State. A public school may make the Internet-based application available for school meal applications on the public school's publicly accessible website. If a public school implements the Internet-based application process under this section, the All public school schools shall continue to distribute paper applications for school meals to all students. A public school ~~implementing the Internet-based application~~ is solely responsible for processing that school's online applications. Data submitted through the Internet-based application may not be visible to the department and must be transmitted directly to the applicable public school. All public schools must accept data submitted through the Internet-based application.

POTENTIAL ISSUES/TECHNICAL PROBLEMS/ISSUES FOR CONSIDERATION:

- There was testimony regarding the bill language stating that the Department “shall endeavor to provide the Internet-based application in various languages reflecting the student population of public schools in the State”. It was suggested that this language is insufficient to meet the requirements of [42 USC §1758\(b\)](#), which requires that communications with families regarding the School Lunch Program “be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.” Additional guidance regarding language accessibility in the School Lunch Program can be found [here](#).

ADDITIONAL INFORMATION

- [LD 701](#), An Act to Modernize the National School Lunch Program and the School Breakfast Program was heard and passed as amended in the 129th Legislature. It required the department to make available an internet based application for the School Lunch Program. The Department has done this.
- Here is the [link](#) to the Maine DOE's School Lunch Program website.
- Here is a [link](#) to the Maine DOE's School Nutrition report.

PRELIMINARY FISCAL IMPACT STATEMENT: Not yet determined