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****New! Public charge guidance issued by INS—see Page 4****

Summer Food Legislation Passes

\$2 million appropriated for nutrition education and outreach programs

On May 24, HB 937, legislation expanding the Summer Food Service Program (SFSP) cleared the Senate and was sent to the Governor for his signature. The bill authorizes the Texas Department of Human Services (DHS) to implement an outreach program to increase the number of program sponsors and supplement the federal reimbursement received by providers for the meals they serve. Funding for this and other nutrition programs initiatives will come from the \$2 million in enhanced federal Food Stamp funding appropriated by the Legislature for nutrition education and outreach activities. This policy page outlines how this new legislation will help improve low-income children's access to the SFSP and what steps service providers and advocates can take to ensure families are aware of the summer food programs in their communities.

What is the Summer Food Service Program?

The SFSP is a 100% federally funded child nutrition program that is a critical part of the front-line defense against childhood hunger in Texas. Policies governing the programs are set by the Food and Nutrition Service at the United States Department of Agriculture (USDA), but DHS administers the SFSP at the state and local level. In a nutshell, the department recruits eligible organizations to sponsor summer feeding sites and reimburses these sponsors for preparing and serving nutritious meals to low-income children during the summer. Eligible organizations include schools, camps, national youth sports programs, local governments, and non-profit organizations.

States designate SFSP feeding sites as either "open" or "enrolled" sites. **Open sites** operate in low-income areas where half or more of the children are from households with income at or below 185% of the federal poverty level (FPL – currently \$30,433 per year for a family of four). Meals are provided free to any child at the open site. **Enrolled sites** provide meals only to children who are enrolled in an activity program, such as a day camp, at the site. In order for the enrolled site to participate in the SFSP, at least half of the children enrolled must be from households with incomes at or below 185% of the poverty level.

Hunger Doesn't Take a Vacation.

The summer food program does more than feed needy children when school is out; it also plays an important role in their continued development. Hunger doesn't take a vacation during the summer, nor should children stop learning when school is out. Summer food programs offer a core around which to develop other child

development programs, making sure that children do not decline nutritionally or emotionally during the summer. Given recent changes in federal and state welfare policies and trends toward mothers working, the summer food program is needed more than ever to assist families in providing adequate, quality care for children when school is out in the summer months.

The SFSP is Grossly Underutilized.

Although evaluations show that the summer food program can provide up to one-third of children's nutritional needs at lunch time, the program is poorly utilized in Texas. Of the over 1.5 million schoolchildren who received free or reduced-price meals during the 1997-98 school year, only 13% ate meals through the SFSP in Summer 1998—roughly 200,000 kids. Low participation can be attributed to two problems: program availability and barriers to participation in existing programs. In 1993, the Texas Legislature attempted to address this issue by mandating the participation of school districts in areas where 60% or more of the children were from families living below 185% of the FPL. Although this legislation helped to increase the number of school-based sponsors—over 80% of program sponsors last summer were schools—currently summer feeding sites are located in only 159 of Texas' 254 counties. Barriers to participation include lack of knowledge about the program and lack of transportation to a feeding site. This is especially true in rural areas, where there is a serious need for more sponsors and more sites.

Federal Welfare Reform Threatened SFSP.

In the past, Texas has done a good job of increasing participation in the summer food program, each year

steadily increasing the number of meals served, feeding sites, and children reached. However, reductions in the per-meal reimbursement rates made under welfare reform in 1996 have seriously challenged the growth of the summer food program in Texas. Each year, the federal government sets the reimbursement rates for the program, making annual adjustments to reflect inflation. Because of the cuts made in 1996, the 1998 reimbursements had not regained the buying power they had prior to welfare reform, despite annual adjustments for inflation. The impact of the 1996 cuts on the 1998 reimbursement rates follow:

Meal	1996 rates (before cuts)	1997 rates (after cuts)	1998 rates (had the cuts not been enacted)	1998 rates (actual rates)	Loss of value (in 1998 rates)
Breakfast	\$1.21	\$1.16	\$1.30	\$1.19	-\$.11
Lunch/Supper	\$2.16	\$2.02	\$2.33	\$2.13	-\$.20
Snack	\$.57	\$.47	\$.60	\$.48	-\$.12

Based on an analysis of DHS data, it is clear that these rate changes negatively impacted the SFSP in Texas. Although the summer food program grew considerably in the first half of this decade, the number of sponsors and meals served since 1995 have experienced little significant growth, while the number of children participating has stayed the same (around 200,000 for the last few years). Despite most schools in low-income school districts being mandated to participate in the summer food program in 1993, the number of total program sponsors has increased by only 4% since 1995. This slow growth is in large part due to the drop in the number of non-school sponsors, which has declined by 23% since 1995.

A similar pattern has emerged in the total number of meals served each summer, which is the most accurate way to estimate how many children the summer food program reaches. Again, the program experienced high growth from 1994 to 1995, with the number of meals served increasing by 34% in this one-year period. By contrast, from 1995 to 1998 the number of meals served increased by only 7%. In this same four-year period, the number of meals served by non-school sponsors declined by 30%. The meals served by these sponsors are particularly important during the months of July and August, when school-based programs have ended and non-school sponsors become primarily responsible for feeding hungry children.

HB 937 Can Renew Growth in the SFSP.

There are two components to HB 937 that will help Texas to increase the number of summer feeding sites and serve more children.

Outreach Component: HB 937 authorizes the department to conduct **outreach** to attract more program sponsors and publicize the program in low-income communities. The legislation authorizes DHS to conduct presentations to eligible organizations on the SFSP, disseminate information regarding eligibility requirements

and application procedures, provide ongoing technical support to program sponsors, and run Public Service Announcements that publicize the program on local TV and radio stations. In addition, HB 937 encourages DHS to promote partnerships between school districts and non-profit agencies to develop summer programs that combine education activities—such as reading enrichment—with nutritious meals. Encouraging partnerships between school sponsors and nonprofit organizations will give smaller, nonprofit organizations without a lot of resources the opportunity to participate, by getting schools to prepare and deliver meals to community-based programs that serve them. These partnerships also serve the purpose of encouraging non-traditional feeding sites, such as mobile sites—vans that can deliver food to summer programs in harder-to-reach areas such as rural communities.

Financial incentive component: HB 937 also directs DHS to administer a **grant program** to supplement the federal meal reimbursement paid to program sponsors. In a survey conducted by DHS of summer food program sponsors in 1998, over 43% responded that the reimbursement rates were not sufficient to run their program. Many sponsors have responded to the low reimbursement rates by cutting the number of feeding sites they operate. By providing a financial supplement to the meal reimbursement rates, this legislation will not only encourage more eligible organizations to become program sponsors, it will enable current sponsors to expand their programs by adding feeding sites. This will ensure that more low-income children in Texas have access to nutritious meals during the summer months.

As of Summer 1998, four states were conducting targeted outreach for the summer food program and supplementing the federal meal reimbursement rate with additional funds. According to an analysis by the Food Research and Action Center (FRAC) of a recent General Accounting Office (GAO) report, 40% of the national growth in the summer food program in 1997 occurred in these four states. Further, 20% of all children nationwide who participated in the program in 1997 were in these four states.

The SFSP is an uncapped entitlement program, which means that states can serve as many children as are eligible for the program. By increasing participation in the SFSP, Texas will also increase its federal grant. For example, if Texas increased participation in the summer food program by 20% in 1999, the state would receive an increase of almost \$3 million in federal funds for the program.

The following exhibit demonstrates how underutilized the Summer Food Program is in the 10 counties with the greatest number of eligible children, and the potential federal dollars that are not taken advantage of due to poor participation:

Exhibit 1. Summer Food Service Program Potential Federal Funds if All Eligible Children Were Served Breakfast and Lunch for 22 Days During Summer 1998

County	Total Children ¹	Total eligible children 0-18 below 185% of poverty ²	Children below 185% of poverty a % of total children	Total children who ate meals through SFSP in summer 1998	Percent of total eligible children who ate meals through SFSP in 1998	1998 payment (in thousands)	1998 potential payment if all eligible children served (in millions)	Percent potential payment utilized in 1998 ³
Harris	955,631	277,496	29%	44,905	16%	\$5,163	\$19.9	26%
Bexar	411,309	156,459	38%	9,131	6%	\$984	\$11.2	9%
Dallas	577,000	153,940	27%	17,066	11%	\$1,986	\$11.0	18%
Hidalgo	193,720	121,974	63%	12,214	10%	\$1,067	\$8.7	12%
El Paso	240,340	114,425	48%	11,783	10%	\$815	\$8.2	10%
Tarrant	383,871	84,415	22%	4,483	5%	\$483	\$6.0	8%
Cameron	117,592	71,894	61%	3,868	5%	\$250	\$5.1	5%
Travis	185,128	49,870	27%	3,739	7%	\$508	\$3.5	14%
Webb	69,094	40,394	58%	4,670	12%	\$576	\$2.9	20%
Nueces	101,481	37,443	37%	3,149	8%	\$295	\$2.6	11%

1. 1997 Census data

2. These numbers are based on 1990 data from the Census for children below 185% of poverty by county in Texas. They have been adjusted to reflect per-county population growth in Texas among children 0-18 from 1990-1997. The assumption is that the percentage of children below 185% of poverty was roughly the same in 1997 as it was in 1990.

3. This calculation is based on the following formula: Reimbursement for breakfast and lunch times 22 days times number of eligible children.

Implementation Issues.

In addition to designing an outreach program, DHS must decide how to administer the grant program. Exhibit 2 shows the four options the department is considering to determine how much and what kind of meal supplement to give providers:

Exhibit 2. Meal Supplement Options

Meal	Option 1	Option 2	Option 3	Option 4
Breakfast	X	X	To be determined	X
Lunch	12 cents	6 cents	To be determined	To be determined
Snack	6 cents	4 cents	X	X
Supper	12 cents	6 cents	X	X

Under option 3 and 4, the meal supplement would be considerably higher since it would be concentrated in fewer meals. Option 3 is appealing to DHS, because it is working on encouraging sponsors to serve breakfast. Option 4 may be most beneficial to smaller and medium-size providers who contract with food service providers to prepare and transport lunches to the feeding sites, at a high cost to the provider. If you are a SFSP sponsor or operate a feeding site, and would like to provide input on how the

grant program should be administered, please contact Celia Hagert at CPPP, (512) 320-0222.

Publicize the SFSP in your community.

Local agencies, churches, and other anti-hunger advocates are important partners in getting the word out about the SFSP and the positive effects of summer nutrition. The **Texas Association of Community Action Agencies (TACAA)** has a grant from DHS to conduct SFSP outreach and works with local groups to increase awareness of summer feeding sites in their area. To advertise the availability of summer food programs in your community, contact the Texas Association of Community Action Agencies (TACAA) at (512) 462-2555, for promotional and outreach materials.

The **media** are also important partners for reaching children and families to alert them about summer food programs available to them, both before and after summer starts. In addition to helping advertise the program, stories about the importance of summer nutrition and the SFSP can help build support for the program and fuel sponsor and site recruitment. Here are some tips from FRAC for using the media to get the word out about the summer food program:

Remember the Media

- Don't assume the media know a lot about the program and keep your message simple.
- Personalize the program by putting a "face" on the program and the kids it serves.
- Localize your story by highlighting local sites and hunger data; encourage site visits by media.
- Build personal relationships with reporters; know what beats they cover and when their deadlines are.
- Put out a media advisory at least one week ahead of any summer feeding event.

Contact FRAC for media training, sample press releases, and technical assistance in developing pitches and event logistics. Call Crystall Weedall at (202) 986-2200, ext. 3006.

To become a SFSP sponsor – Contact David Chavez, Special Nutrition Programs, TDHS, at (512) 467-5857.
Application deadline is June 15.

For more information about the SFSP:

- www.frac.org – Building Blocks Project
- <http://www.fns.usda.gov/cnd/Summer/Default.htm> – FNS, USDA web site

INS releases public charge regulations

Immigrants may use nutrition programs without endangering immigration status

In recent years, many eligible immigrants have been deterred from applying for government benefits like Food Stamps and WIC because they feared being labeled a “public charge” and jeopardizing their presence in the U.S., their application for permanent residency or citizenship, their ability to petition for their relatives to enter the U.S., or other negative effects on their immigration status. The new policy, released last week by the Immigration and Naturalization Service (INS), defines public charge policy for the first time, and **emphasizes that immigrants can access the Food Stamp, WIC, and child nutrition programs without jeopardizing their immigration status. IN OTHER WORDS, USING THESE PROGRAMS WILL NOT LABEL AN IMMIGRANT A**

PUBLIC CHARGE FOR ANY PURPOSE. The guidance provides that the only government programs that can have a negative effect on immigration status are cash assistance for income maintenance (i.e. TANF, SSI) and long-term institutional care at government expense. It also clarifies the circumstances under which receipt of cash welfare or institutionalization can become a factor in immigration determinations. The policy guidance is effective immediately; the regulations (posted in the May 26th Federal Register at www.gpo.ucop.edu) are subject to a 60-day public comment period before being finalized. **For more information:**

- USDA Food and Nutrition Service (FNS) (www.fns.usda.gov/fns). “In the Spotlight” features new policy.
- INS Fact Sheet, Q&A on Public Charge, and Regulation and Field Guidance are at www.ins.usdoj.gov/public_affairs/news_releases/index.html

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