

March 13, 2014

Catherine Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Re: Community Eligibility Provision and the Future of FRL Data

Dear Ms. Lhamon,

We are writing, on behalf of the National Coalition on School Diversity, to raise a civil rights issue related to the implementation of the Community Eligibility Provision (“CEP”) for all schools in the 2014-2015 school year. The CEP arises from section 104(a) of the Healthy, Hunger Free Kids Act of 2010,¹ which amends section 11(a)(1) of the Richard B. Russell National School Lunch Act² to provide an alternative to household applications for free and reduced price meals in high poverty local educational agencies and schools.³

We commend the Administration for seeking to reign in the costs of administering food programs, and to improve students’ experience in school by extending free lunch to entire school populations. Seeing that no student goes hungry is an important step in achieving educational equity for all.

However, we are concerned about the unintended consequences of reducing the availability of school level student poverty data (Free and Reduced Lunch data, or “FRL”) going forward. As the Department of Education has already recognized, the CEP has “the potential to affect the reliability and availability of data to U. S. Department of Education programs participating in EDfacts,” and such changes “are important to federal program and statistical data users and those members of the public who use data on FRL eligibility that the Department publishes.”⁴

The National Center for Education Statistics features data on trends in the concentration of students eligible for FRL in its major annual report [The Condition of Education](#), highlighting the most significant national measures of the condition and progress of education for which accurate data are available. Furthermore, civil rights advocates have long relied on the availability of free and reduced price lunch data at the school level to advance the causes of social justice and equitable education, and the absence or distortion of this information could seriously hamper such efforts.

School poverty rates are a major determinant of school disadvantage, and the high correlation between school poverty concentration and racial segregation makes it essential to maintain this data. A key stated purpose of the ESEA is to close “the achievement gap between high- and

¹ Pub. L. 111-296

² 42 U.S.C. 1759a(a)(1)

³ www.fns.usda.gov/sites/default/files/SP19-2014os.pdf

⁴ www2.ed.gov/about/inits/ed/edfacts/free-lunch-white-paper.doc

low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers.”⁵ In order to accurately measure this gap, accurate and consistent school-level poverty data is essential, but researchers have already identified significant distortions in reported FRL levels that coincide with the adoption of the CEP in certain schools. As the requirement is implemented across the country, these data problems will become more and more problematic.

We urge the Department to mandate that all schools report a poverty measure that is comparable across all schools, similar to current reporting on free and reduced price meal applications, so that researchers and advocates can easily compare schools and districts across the nation.⁶ In the alternative, the Department of Education should work with the Department of Agriculture to restore a basic reporting requirement for student level poverty data.

While collection of this information may require some administrative expense originally intended to be eliminated by the CEP, many of the intended savings will still be present,⁷ and the Department can ensure the provision of accurate school-level poverty data, which is essential for the Department, public and private nonprofits, education research institutions, community-based organizations, and other groups to play their roles in ensuring that all students have access to equal educational opportunities.

Sincerely,



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⁵ <http://www2.ed.gov/policy/elsec/leg/esea02/pg1.html>

⁶ If this reporting requirement cannot be implemented before the next school year, it would be helpful as an interim step for the NCES to collect additional information on: (1) whether the school is using the CEP; (2) what method is being used to report FRL numbers; and (3) for CRP schools, what is the “base year” they are using for the CEP certification.

⁷ The Food Research and Action Center indicates CEP will save money in a wide variety of ways, including: less paperwork (less time spend on applications, claims, and verifications); streamlined service (no more cashiers, student PIN numbers, lunch tickets or ID cards, and faster serving lines); significant administration savings from reduced labor costs associated with collecting, tracking, and recording of applications, meal categories, payments and verifications; freeing employees for other areas of food service (time spent on administration can be shifted to meal preparation and service); and economies of scale (higher meal participation leads to lower per-cost meals). Information available at frac.org/pdf/community_eligibility_helps_low_income_students_schools.pdf