



Proponent SB 438  
For the Senate Education Committee  
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Chair Erickson and Members of the Senate Committee on Education,

Thank you for this opportunity to provide testimony on behalf of Kansas Appleseed in support of SB 438. This bill ensures that school districts with eligible buildings formally consider participation in the Community Eligibility Provision.

Kansas Appleseed strongly supports SB 438 because it strikes a balance between maintaining local control and encouraging participation in a federally funded program that helps more students access school meals. SB 438 does not mandate participation. Instead, it ensures districts have the information, support, and transparency needed to make informed local decisions that can expand access to the Community Eligibility Provision and support student success.

Community Eligibility Provision (CEP) is a federal program that allows high-poverty schools to serve breakfast and lunch to all students at no charge, lowering the barrier between hunger and learning. Eligibility for CEP is based on a school's Identified Student Percentage (ISP), the share of students who are directly certified for free meals through participation in programs such as SNAP, TANF, or Medicaid, or through categorical eligibility, including foster care and homelessness. Schools with an ISP of at least 25% are CEP-eligible.

Access to consistent, nutritious school meals is foundational to student learning. Students who participate in school breakfast and lunch programs demonstrate improved health outcomes, higher academic performance, stronger attendance, and fewer behavioral issues. For many Kansas students, school meals are the most nutritious food they receive in a day, making them essential to students' ability to focus, learn, and succeed in the classroom.

The Community Eligibility Provision supports these educational outcomes by increasing student participation in school meals while reducing stigma, strengthening program integrity through direct certification, and minimizing unpaid meal debt. CEP also helps schools maximize available federal reimbursements and maintain local flexibility, allowing districts to determine whether the program is the right fit for their students and financial circumstances.

As inflation and stagnant wages continue to strain family budgets and childhood hunger rises across the state, CEP offers districts an evidence-based tool to support learning while preserving local decision-making. SB 438 helps ensure districts can fully evaluate CEP as a tool to support student learning, while maintaining local flexibility.

In the 2025-26 school year, 192 school buildings across 53 public and private school districts are participating in CEP, helping to feed over 63,000 Kansas students.<sup>1</sup> The growth in CEP

participation in Kansas is significant, rising from only 44 participating buildings in the 2020-21 academic year.<sup>2</sup> But KSDE reports there are 821 schools with ISPs high enough to qualify for CEP, which means Kansas has the opportunity to feed thousands more students.<sup>3</sup>

This bill would address current barriers schools and districts face to adopting CEP, while still ultimately allowing the local community to decide what is best for them. Barriers to adopting CEP for eligible schools include misperceptions about the program due to outdated data, confusion over reimbursement rates, and fear of financial losses to the school or district. SB 438 would provide districts with support and education to understand the technical aspects of implementing CEP, including costs to the district. Further, in requiring reporting on CEP participation, policymakers and schools will have data to make informed decisions that would benefit the state, the school, and, most importantly, Kansas children.

Kansas's at-risk funding formula creates an additional barrier to schools interested in using CEP to provide meals to their kids, but the 53 public and private school districts in the state demonstrate pathways forward to ensure kids in their schools are fed and receive necessary classroom support.

- Kansas uses meal application data as a proxy for student need (i.e., at-risk funding). CEP eliminates traditional meal applications and instead relies on direct certification data, so some districts worry that adopting CEP could complicate how student need is reflected in state funding calculations, costing districts money used to support kids with additional classroom needs. As a result, some eligible districts delay or avoid CEP due to funding uncertainty, not because the program is ineffective.
- However, districts like Topeka and Iola have both adopted district-wide CEP without a decline in at-risk funding since doing so.<sup>4</sup> This is because, despite CEP using direct certification, districts can and do still request families fill out and return free meal applications to the district. CEP direct certification does not replace the ability of a district to request free and reduced price applications. Further, districts like Iola and Topeka demonstrate that parents are willing to return those applications despite receiving meals through direct certification.

SB 438's provision to provide districts with state assistance on implementing CEP if a district decides to adopt it provides the necessary tools for districts to navigate the complex school funding barriers without losing needed at-risk funding.

Building on this strong and growing participation, SB 438 offers a practical next step to ensure more eligible schools are able to consider CEP and its benefits. The bill strikes a thoughtful balance between expanding access to CEP and respecting local control by requiring eligible school boards to formally consider participation. Additionally, it provides districts with technical guidance and implementation support through the KSDE, addressing many barriers facing districts today. At the same time, it acknowledges that CEP may not be feasible for every district through a financial hardship exception and leaves the final decision with each community, preserving local authority.

Let's support Kansas students in the classroom by meeting their nutritional needs in the lunchroom. I urge you to adopt SB 438.

Thank you for your time,  
Haley Kottler

### Notes

1. *School Nutrition Program: Sponsor Notification of Eligibility for Community Eligibility Program 2024-2025*. KSDE Data Central Child Nutrition & Wellness Reports. [https://datacentral.ksde.gov/nutrition\\_reports.aspx](https://datacentral.ksde.gov/nutrition_reports.aspx)
2. Kejr, J. (2025, June 30). *Students Can't Learn on an Empty Stomach. Community Eligibility is a Solution*. Kansas Appleseed. Retrieved February 9, 2026, from <https://www.kansasappleseed.org/2025-cep-participation/>
3. *School Nutrition Program: Sponsor Notification of Eligibility for Community Eligibility Program 2024-2025*. KSDE Data Central Child Nutrition & Wellness Reports. [https://datacentral.ksde.gov/nutrition\\_reports.aspx](https://datacentral.ksde.gov/nutrition_reports.aspx)
4. *Student Approved for Free or Reduced Price Lunches - Headcount Enrollment 2022 through 2026*. KSDE Data Central Child Nutrition and Wellness Reports.