



November 17, 2020

Honorable Melissa Hurtado
Chair, Human Services Committee
California State Senate
State Capitol, Room 2054 Sacramento, CA 95814

Re: Public Comment to Senate Human Services Committee Informational Hearing: Fighting Hunger: Food Assistance for Vulnerable Populations During Covid-19 Pandemic

Dear Chairperson Hurtado,

I write on behalf of Nourish California, formerly known as California Food Policy Advocates (CFPA), to thank you for convening the Senate Human Services Committee hearing on November 17, 2020 to better inform Committee members, administrators, and the general public about the alarmingly high rates of food insecurity in our state due in large part to the COVID-19 public health crisis and the resulting economic downturn. We also write to share our recommendations to the Committee on how state leaders can and should respond to alleviate the harmful levels of food insecurity and related impacts on the health and well-being of so many Californians.

Nourish California is a statewide policy and advocacy organization dedicated to improving the health and well-being of low-income Californians by increasing their access to nutritious, affordable food. For over twenty-five years, we have advocated for improved access and participation in the federal nutrition programs, including CalFresh, school meal programs, WIC, the Child and Adult Care Food Program (CACFP), and Pandemic EBT (P-EBT), as well as innovative state-funded nutrition programs and pilots, such as the CalFresh Fruit and Vegetable EBT Pilot Project. We work in partnership with other national, statewide, and local anti-hunger and anti-poverty advocates to cultivate policies that disrupt poverty, end hunger, and extend equitable opportunity to all.

As today's hearing testimony made clear, California and the nation are in the midst of a food insecurity crisis more severe than perhaps we have ever experienced. State leaders can and must act boldly and swiftly to enact policies that will increase equitable access to programs and services that provide vital nutrition assistance to those who have fallen on



hard times and need support to put food on the table for themselves and their families. We have organized our recommendations to the state below by individual nutrition programs, but recognize that adequately addressing the food insecurity crisis will also require the creation of new programs, particularly for immigrant households who are being left out of nearly all federal and state relief efforts. We are also keenly aware of the urgent need for action at the federal level, and are advocating with our anti-hunger allies to our California Congressional Delegation and the incoming Biden administration to provide the fiscal relief and programmatic and policy flexibility to reinforce and support what state leaders can do.

Nourish California Recommendations: How to Strengthen Federal and State Nutrition Programs During and Following the COVID-19 Pandemic

CalFresh

The state should continue to maximize current federal flexibilities and take steps to make those changes permanent where possible. Specifically, the state should support statewide adoption of the following promising practices that unfortunately are only available in certain counties, resulting in inequitable access to CalFresh based solely on a household's location:

- **Allow the use of “telephonic or electronic signatures” for all applications and reports that require a client signature.** Currently, counties are operating under [federal waivers](#) of the recording requirement for telephonic signatures, which has greatly improved service delivery and allowed for more timely processing of applications. Once federal waivers expire, the state will return to the inequitable situation where clients in certain counties have easier access to provide required signatures than others. The state should support the statewide adoption of this improved customer service model as soon as possible.
- **Make the required interview easier for clients by allowing them to choose the time or otherwise make the scheduling of interviews more flexible for applicants.** Similarly, the state is now under federal waivers that [remove the interview requirement](#) (if certain criteria are met), but once waivers expire interviews will continue to be a major cause of “procedural denials” where applicants are denied simply because they missed their interview time and thus couldn't complete the process for certification of benefits. Providing more flexible interview times was a [top recommendation to counties highlighted in the SSI Expansion planning process](#), but is still not implemented statewide, leading to inequities in access.



The state should also improve access for older adults and people with disabilities by developing a simplified paper application for households eligible to enroll under the state’s [Elderly Simplified Application Project \(ESAP\)](#). The current CalFresh application—[the CF 285](#)—is a complex, 18–page application. It can be challenging and intimidating for all applicants; for older adults and disabled households in particular, it can be a major barrier. Though we have seen and applaud the success of online application portals like [GetCalFresh.org](#), we also hear consistently from stakeholders that low-income older adults want the option of completing a paper CalFresh application. Many low-income older adults lack reliable internet access and/or do not feel comfortable sharing personal information online. The state should simplify the paper CalFresh application for those households by removing many questions that are irrelevant to those households’ circumstances, such as those about earned income. We do not need further federal waiver approval to implement a simplified application — this is a state option.

School Meals

School meals have been a vital part of the nutrition assistance network’s response to COVID-19. School administrators are to be commended for their tremendous efforts to continue to serve meals to children under the most difficult of circumstances. While anti-hunger advocates are pleased that the United States Department of Agriculture (USDA) issued nationwide waivers to allow for the operation of the summer meal programs through June 30, 2021, enabling schools to serve meals to all students in the community, serious challenges remain, do opportunities for the state to ensure students have the nutrition they need to learn grow and thrive.

Ongoing Challenges to School Meal Service

Since National School Lunch Program applications are not required for schools opting to leverage the summer meal waiver, The California Department of Education (CDE) has issued [guidance](#) that schools should not collect National School Lunch Program (NSLP) applications in 2020–21. Instead, schools have been reminded of alternative tools available to be included in the Unduplicated Pupil Count (UPC) that determines supplemental and concentration grant funding under the Local Control Funding Formula. CDE should work with Local Education Agencies (LEA’s) to ensure that this new process does not negatively impact schools who would like to enroll in a universal-free meal service option like the Community Eligibility Provision (CEP) next year, or reduce schools’ funding under the Local Control Funding Formula supplemental and concentration grants.



We applaud the action the Legislature and Administration took in the 2020-21 State Budget to provide additional fiscal support for school nutrition programs. However, we are concerned that SB 98 will have an adverse impact on students attending nonclassroom-based charter schools. In 2018, AB 1871 (Bonta) was enacted, requiring nonclassroom-based charters to offer meals to any eligible student any day they are onsite for educational activities for two hours or more. But if students in these schools are not going onsite due to COVID-19, and they are excluded from distance learning because of the [SB 98 definition](#) – then non classroom-based charters do not have to offer meals in the coming year and their students are not guaranteed access. The state should act immediately to close this loophole in the school meal mandate.

Opportunities to Enhance Access to School Meals

Before the COVID-19 crisis, over 2,000 schools across the state served universally-free breakfast and lunch to all students, under the federally-authorized Community Eligibility Provision (CEP). With many more families experiencing economic distress, it is likely that more schools will be eligible to switch to a universally-free service model under CEP. The state should ensure that LEAs have access to the necessary technical assistance to apply to operate under CEP in the most fiscally sustainable manner. The state can and should go further by providing targeted fiscal investments to enable the implementation of universally free breakfast and lunch in schools where there is a substantial need among students but federal rules make the provision of universal meals unattainable or unsustainable.

Child Care Nutrition

Hundreds of thousands of young children in California rely on publicly-funded meal programs operated by child care centers and family child care homes. But when the pandemic hit, attendance dropped and many of these same early learning environments were forced to close their doors because their income plunged. Among those that remain open today, many cannot afford the cost of serving meals. According to a study conducted by the Center for the Study of Child Care Employment, about [20 percent](#) of open programs do not have enough funds to pay for the food they need.

Child care licensing rules in several counties have also put a cap on classroom size in order to prevent the spread of COVID-19. For example, in some counties the max group size is 12, which is down from 24 for preschool classrooms. Unfortunately, due to federal regulations, many of the



children impacted by child care closures and reduced classroom sizes can not be served by federal child care meal programs. Federal rules restrict child care meals (served through CACFP) to only enrolled students.

We were hopeful that children who were impacted by child care closures would be served by the second round of Pandemic EBT (P-EBT), which was expanded through H.R. 8337, the Continuing Appropriations Act, but even with the extension, many will likely remain ineligible. Federal statutory language limits P-EBT enrollment to children “enrolled” in child care and — unlike school-aged students — children enrolled in child care must also be enrolled in CalFresh in order to participate. That leaves behind immigrant children and families who fall within the gap of need and program eligibility.

Young children and their families have been negatively impacted by the pandemic, and so too has the stability of the child care system which was designed to support them. We believe the state should be looking for ways to: a) maximize the uptake of federal P-EBT among eligible children who have been impacted by child care closures and reduced class sizes, b) explore opportunities to target nutrition investments towards immigrant families, and c) provide funding to support the provision of food to child care centers and family child care homes that remain open.

Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC)

The COVID-19 crisis has exposed several cracks in existing systems, including the shopping experience for WIC families. While many Californians have switched to online purchasing with curbside pickup or delivery during the pandemic, these options are not available to most WIC families. Now, eight months into the pandemic, parents and concerned community members continue to raise concern with this inequity. A few challenges are standing in the way. WIC transactions are inherently much more complex than any other transaction type and most grocers are not equipped with the technology or business processes necessary to make these online shopping options available for WIC without significant investments. There is also little to no financial incentive for grocers to roll out online purchasing and ordering for WIC. Although online “ordering” with curbside pickup is permitted indefinitely, USDA has only permitted online “purchasing” through the duration of the pandemic. Many grocers cite the temporary nature of the rule as the reason for not investing in the technology for WIC online “purchasing”. Some grocers have expressed an interest in online “ordering” and curbside pickup, however, they require both technical assistance and policy guidance to implement the option. State leaders



should act to support the provision of necessary technical assistance and funding to close the WIC online shopping gap.

Immigrant Food Access

As discussed above, immigrant households have been largely left out of the federal and state relief efforts. Our recommendations below would help level the playing field for our immigrant friends and neighbors, who are also being disproportionately harmed by COVID-19.

- **Provide clear messaging about which programs and services do and do not impact an individual's public charge status.** There are far too many myths and stigmas surrounding CalFresh in immigrant communities (e.g. *getting benefits for your child can hurt your immigration status, you'll have to pay benefits back to the government, it could hurt a green card holder's ability to become a citizen*). The state and counties can do more to proactively dispel misinformation about the CalFresh program.
- In March 2020, The California Department of Social Services (CDSS) submitted a report to the legislature that explored ways State and local entities could strengthen California's food assistance safety net for immigrants ([Food for All Stakeholder Workgroup Report](#)). We recommend that CDSS begin work now to implement the report recommendations (see summary of recommendations below).
 - Train eligibility workers on issues impacting immigrants (public charge, deportations) and increase outreach and education efforts to prevent disenrollment.
 - Address misinformation: Identify sources of misinformation, including ethnic media and legal service providers, and create partnerships and channels to share accurate information.
 - Ensure culturally relevant messaging: Invest in multicultural, multilingual message testing to inform a new approach to marketing nutrition programs that resonate with the state's diverse clientele.
 - Develop messaging to clients that details privacy rights and protections.
 - Examine whether California Food Assistance Program eligibility criteria meet the needs of California's current immigrant population.
 - Reduce Barriers to program enrollment and retention.

State leaders should also commit to addressing the immigrant exclusion from CalFresh by exploring opportunities to provide state-funded nutrition benefits for all income-eligible individuals, regardless of immigration status.



Pandemic EBT (P-EBT)

Pandemic EBT 1.0 was tremendously successful at reaching eligible students, with an [uptake rate of nearly 95 percent statewide](#). We commend CDSS, CDE, and the administration for their work to ensure a successful rollout, particularly given the lack of administrative funding provided by federal sources. As the State prepares to implement Pandemic EBT 2.0, we are hopeful that the provision of federal funding for administration will help make P-EBT 2.0 even more successful than the first round. We look forward to continuing to work collaboratively with the departments to extend benefits to all eligible students and expand the program's reach to include younger children in child care settings. In the absence of federal guidance at this time, it is difficult to make specific policy or programmatic recommendations, but we reaffirm our overarching priorities that a) benefits reach all eligible students, b) administrative burden on families is as minimal as possible, and c) communication with families is clear and consistent, particularly toward immigrant households that may additional have concerns about accessing public benefit programs.

Thank you again for your efforts to elevate the important topic of food insecurity during the COVID-19 pandemic, and for your consideration of our recommendations. Please feel free to contact me at jared@nourishca.org should you have any questions, or wish to discuss our recommendations further.

Sincerely,

Jared Call, Senior Advocate
California Food Policy Advocates

cc: Members, Senate Human Services Committee