



National School Lunch Information Sheet



What is the National School Lunch Program?

The National School Lunch Program (NSLP) is a federal meal program operating in public schools. It provides low- cost or no-cost lunches to children each school day.(1)

Who administers the NSLP?

The Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) administers the Program at the Federal level. At the State level, the NSLP is administered by the Ohio Department of Education's (ODE) Office of Nutrition. That does NOT mean that ODE can make any changes to the federal program, they just keep track of the paperwork.(1)

What is SNAP?

The Supplemental Nutrition Assistance Program (SNAP) is a federal program that provides nutrition benefits to low-income individuals and families that are used at stores to purchase food. The program is administered by the USDA Food and Nutrition Service (FNS) – the same folks who administer the NSLP at the federal level.

What is Electronic Benefits Transfer (EBT)?

Electronic Benefits Transfer (EBT) is an electronic system that allows a SNAP participant to pay for food using SNAP benefits. When a participant shops at a SNAP authorized store, their SNAP EBT account is debited to reimburse the store for food that was purchased. EBT has been the sole method of SNAP issuance in all states since June of 2004. (2)

What is Pandemic EBT (P-EBT)?

P-EBT is part of the U.S. government response to the COVID-19 pandemic and was established by the Families First Coronavirus Response Act (FFCRA). P-EBT provides benefits – very similar to SNAP benefits -- to children who would have received free or reduced-price school meals, if not for COVID-related school closures and/or COVID-related reductions in school hours or attendance. (2)

Why are full-time online public-school students not eligible to receive a P-EBT Card?

The USDA themselves explained it concisely in a memo sent to schools in August, 2020:

FNS regulations at 7 CFR 210.2, define a “school” as operating “in a single building or complex of buildings.” Therefore, schools that have always operated entirely virtually and do not normally operate in school buildings would not meet the definition of a school for purposes of the program. (3)

This definition is in the Code of Federal Regulations (CFR), which is the rules that are made by executive departments and agencies like the USDA. However, laws (also called acts) written and voted on by the U.S. Congress & U.S. Senate are called The U.S. Code (USC), sometimes referred to as Federal Statute. The definition of school in Federal Statute, found at 42 USC § 1760(d)(5), does not include the words “in a single building or complex of buildings.” (4)

3. USDA Memo Code SP 24-2020, CACFP 13-2020, SFSP 13-2020

4. 42 USC § 1760(d)(5) www.law.cornell.edu/uscode/text/42/1760

How can this inequality be addressed?

When the NSLP was first established by Harry Truman in 1946, there were obviously no online schools. As time went on, because online schools don't have a physical building, it made sense that providing lunch to students would be challenging. For that reason, the definition in the rule above continued to be relevant.

HOWEVER, as COVID revealed, there is absolutely no reason any longer to require a school to have a building to deliver the NSLP benefits. The definition in the rule cited by the USDA is outdated and COVID proved it. Throughout 2020, 2021 and now into 2022, millions of students have successfully received their benefits on a P- EBT Card. Nearly half a million children in Ohio in the 2020-2021 school year alone received benefits on a P-EBT card, and over 800,000 in the previous school year. (5)

One relatively simple fix – removing the words “in a single building or complex of buildings.” from the definition of school in the Federal Code of Regulations – rules created BY executive agencies - would bring it into alignment with the United States Code - the law of the land created by the representatives of the people - and begin to address this egregious inequality.

