

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 438

As Amended by Senate Committee on
Education

Brief*

SB 438, as amended, would require the board of education of each school district (local school board) to annually consider whether eligible schools within the school district should participate in the Community Eligibility Provision (CEP) of the National School Lunch Program. The bill would also require the Kansas State Department of Education (KSDE) to assist qualifying districts seeking to participate.

Determination of Qualifying Students

The bill would require local school boards to annually determine the number of students who are enrolled and attending school in the school district that qualify for free meals under the National School Lunch Program. The bill would allow for school districts to provide appropriate instruction and assistance to students and families to ensure accurate student participation in the program.

Consideration of Participation

Following such determination, the bill would require the local board of education to consider participation in CEP for the school district as a whole or any school within the district determined to be eligible. If participation is desired and would not cause financial hardship, the board would approve

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

participation by a majority vote and direct the superintendent to perform any necessary tasks for participation.

Financial Hardship

If the local board of education determines that participation in CEP would cause financial hardship for the school district, the bill would require the local board of education to demonstrate such financial hardship in an open public meeting and, by a majority vote, declare that the school district, or school within the school district, elects not to participate in CEP.

KSDE Assistance

KSDE would be required to assist any school district with one or more schools that qualify for CEP in the school district's efforts to participate in CEP.

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Thomas.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the American Heart Association, Kansas Appleseed Center for Law and Justice, and Kansas Action for Children. Proponents generally stated that the bill would increase access to food in schools and that the federal program provides accountability.

Opponent testimony was provided by representatives for the Kansas Association of School Boards (KASB) and United School Administrators. Opponents generally stated that the bill could negatively impact school funding because

at-risk funding is tied to students who qualify to receive free lunch under the National School Lunch Program and that families could be reluctant to share financial information for other purposes.

Written-only opponent testimony was provided by the Kansas National Education Association, the Kansas Parent Teacher Association, and USD 259 (Wichita Public Schools).

No other testimony was provided.

The Senate Committee amended the bill to:

- Require local boards of education to annually determine the number of students who qualify for free lunch under the National School Lunch Program;
- Remove the requirement that a local board of education adopt a resolution in order to participate;
- Add language that the local board of education directs the superintendent to perform any necessary tasks for participation in CEP; and
- Clarifies that, upon the determination of financial hardship, a local board of education declares that such school district or school elects not to participate in CEP.

Fiscal Information

According to the fiscal note provided by the Division of the Budget on the bill, as introduced, KSDE indicates that enactment of the bill would have no fiscal effect on state aid to school districts; however, the provisions of the bill would require technical assistance for school districts, which could be done through the agency's existing staff and operating budget.

KASB indicates that the enactment of the bill would require local school boards to work with KSDE for technical assistance in seeking to participate in CEP. KASB notes that there could be some costs to districts with the enactment of the bill; however, a fiscal effect was not estimated.

The Division of the Budget notes that because there would be a financial hardship exemption process, school districts could opt out if the bill's provisions were too costly.

Education; school districts; school meals; community eligibility program; federal school lunch program; financial hardship