



# Testimony in Support of S.B. 387

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Good morning, Madam Chairwoman and Members of the Committee. My name is Paige Terryberry. I am a Visiting Fellow at FGA Action, and I am testifying in support of Senate Bill 387

Should households earning six-figures receive free meals? The answer is no. But higher-income families across the nation and across Kansas are getting meals on the taxpayer's dime.

The recent audit of Kansas's school meal program found that the federal government overpaid Kansas school districts by up to \$14 million, while the state overpaid by up to \$53 million in one academic year.<sup>1-2</sup> So altogether, taxpayers spent \$67 million in just one year on meals for students without a true need.

This is a huge problem because every dollar spent on someone who isn't eligible is money that is not available for the truly needy. But it's one that Senate Bill 387 would solve through simple program integrity.

The share of lunches served for free or at a reduced price rose from 15 percent in 1969 to 60 percent in 2008 and to 72 percent in 2024.<sup>3-4</sup> This goes well beyond serving the low-income families that qualify. How did this happen?

In 2010, federal legislation opened the floodgates, allowing middle- and upper-income families access to free lunches using the Community Eligibility Provision (CEP). President Biden's USDA further lowered eligibility, amending the CEP by lowering the minimum identified student percentage from 40 percent to 25 percent. CEP was peddled as a reimbursement alternative, intended for low-income areas. But CEP, especially at this scale, just absolves schools and state agencies of any responsibility to ensure only eligible students receive taxpayer-funded meals. State governments pay a share of the cost for additional free meals. Yet the federal funding formula makes participation in CEP financially attractive for schools.<sup>5</sup>

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<sup>1</sup> Tim Carpenter, "Kansas House studies free-lunch enrollment audit, implications of at-risk overpayment to schools," High Plains Public Radio (2026), [https://www.hppr.org/hppr-news/2026-01-23/kansas-house-studies-free-lunch-enrollment-audit-implications-of-at-risk-overpayment-to-schools?\\_amp=true](https://www.hppr.org/hppr-news/2026-01-23/kansas-house-studies-free-lunch-enrollment-audit-implications-of-at-risk-overpayment-to-schools?_amp=true).

<sup>2</sup> Kansas Legislative Division of Post Audit, "Reviewing free lunch student counts used as the basis for at-risk funding," Kansas Legislative Division of Post Audit (2025), <https://www.kslpa.gov/audit-report-library/reviewing-free-lunch-student-counts-used-as-the-basis-for-at-risk-funding>.

<sup>3</sup> Saied Toossi et. al., "The National School Lunch Program: Background, Trends, and Issues, 2024 Edition," U.S. Department of Agriculture (2024), [https://ers.usda.gov/sites/default/files/laserfiche/publications/110126/EIB-279\\_Summary.pdf?v=61756](https://ers.usda.gov/sites/default/files/laserfiche/publications/110126/EIB-279_Summary.pdf?v=61756).

<sup>4</sup> Chris Edwards, "Cutting school food subsidies," CATO Institute (2025), <https://www.cato.org/policy-analysis/cutting-school-food-subsidies#expansion-free-meal-provision>

<sup>5</sup> Jonathan Butcher and Vijay Menon, "Returning to the intent of government school meals: helping students in need," The Heritage Foundation (2019), <https://www.heritage.org/education/report/returning-the-intent-government-school-meals-helping-students-need>.

It is important to note: This bill does absolutely nothing to affect Kansas students that are directly certified for free or reduced meals. These individuals will always be eligible for free meals. This bill brings back program integrity by requiring applications for those not directly certified, and by requiring legislative approval for use of the Community Eligibility Provision.

The bottom line is this: The CEP process has opened the door to millions of children from middle- and higher-income households to receive free meals at the taxpayer expense. This is simply a program integrity bill to protect Kansas's free school lunches for those with a true need.