

Determining Eligibility

Section 4 Update Guide

- February 28, 2014 Updated *Section 4, Determining Eligibility* to incorporate the following United States Department of Agriculture guidance:
- *USDA Memo SP 11-2014, Effective Date of Free or Reduced-Price Meal Eligibility* (December 3, 2013)
 - *USDA Eligibility Manual* (August, 2013), information related to Community Eligibility Provision (CEP)
- Clarified information on the following topics:
- Carryover related to transfers from schools operating Community Eligibility Provisions (CEP) or Provision 2 (P2)
 - Categorical eligibility for state funded early childhood programs categorical eligibility
 - Contact information for the Texas Department of Agriculture
 - Effective date for application determination
 - Last four numbers of Social Security number when an Eligibility Group Number (EGN) is submitted.
 - List of new forms related to eligibility determination
 - Local officials completing applications in special circumstances
 - Requirement to verify categorical eligibility indicated on household application
 - Requirements related to Social Security numbers
 - Social Security gross income when taxes are withheld
 - Use of Direct Certification List
- October 28, 2013 Updated *Section 4, Determining Eligibility* to incorporate the following United States Department of Agriculture (USDA) guidance:
- *USDA Eligibility Manual* (August, 2013)
 - *USDA Memo, SP 40-2013, Questions and Answers Regarding the Participation of Head Start Program in Child Nutrition Programs* (May 17, 2013)
 - *USDA Memo, SP 17-2011, Child Nutrition Reauthorization 2010: Categorical Eligibility for Children in Foster Care* (April 16, 2013)
- Clarified information on the following topics:
- Carryover eligibility
 - Carryover period
 - Direct Certification
 - Disclosure of eligibility information
 - Factors impacting the determination of eligibility
 - Food Service Management System (FSMC) roles in determining eligibility
 - Income eligibility
 - Notification
 - Other Source Categorical Eligibility

- Records retention
 - Supplemental Nutrition Assistance Program (SNAP) eligibility
 - TDA Resources
- August 9, 2013 Updated *Section 4, Determining Eligibility* to reflect current guidance on food management service company (FMSC) training.
- July 22, 2013 Updated *Section 4, Determining Eligibility* to incorporate the following guidance:
- Current nondiscrimination statement provided by USDA.
 - Clarification on online or web-based application processes.
 - Updated all references to the certification section to replace Section 9C with Section 2C.
- Deleted all references to Section 8N since that section has been removed from the *Administrator's Reference Manual (ARM)*. CEs must follow the guidance provided in Section 8, Breakfast since Section 8N applied to SY 2012–2013 only.
- February 20, 2013 Updated *Section 4, Determining Eligibility* to incorporate new USDA guidance on direct certification, eligibility determination, Limited English Proficiency, meal pattern requirements, and overt identification.

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Contact Information for the Texas Department of Agriculture (TDA), Food and Nutrition

When contacting TDA by phone, Contracting Entities (CEs) need to have their CE Identification Number (CE ID) (and site ID if applicable). CEs should include their name and CE ID (and site name and ID if applicable) in all communication or documentation.

Website: <http://www.squaremeals.org>

Phone: 877-TEXMEAL, (877) 839 -6985 | **Fax:** (888) 203-6593

Physical Address: 1700 N. Congress, 11th Floor, Austin, TX 78701

Mailing Address: PO Box 12847, Austin, TX 78711-2847

Email Contact:

squaremeals@TexasAgriculture.gov

Email Contact for Issues Related to Applications:

National School Lunch Program and School Breakfast Program

NSLP-SBP.BOps@TexasAgriculture.gov

Seamless Summer Option:

SSO.BOps@TexasAgriculture.gov

Child and Adult Care Food Program

CACFP.BOps@TexasAgriculture.gov

Summer Food Service Program:

SFSP.BOps@TexasAgriculture.gov

Determining Eligibility

Determining the eligibility¹ of participants in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) has three components:

1. **Application or Eligibility Determination**—the submission of applications as well as a process that allows contracting entities (CEs) to convey eligibility through other methods.
2. **Eligibility Categories**—defined eligibility criteria based on the following categories:
 - *Income*: Comparison of current Income Eligibility Guidelines (IEGs)² to the household's application to determine eligibility
 - *Categorically Eligible*:
 - *Direct Certification*: Household participation in one of the following programs:
 - Supplemental Nutritional Assistance Program (SNAP)
 - Temporary Assistance for Needy Families (TANF)
 - Food Distribution Program on Indian Reservations (FDPIR)
(NOTE: In Texas, there is a small population of students who may qualify under FDPIR. To directly certify a FDPIR eligible student, the CE must reach out the tribal governing organization or appropriate tribal official to get a list of eligible students.)
 - *Other Source Categorically Eligible*: Participation in the one the following programs:
 - Homeless, including runaways and individuals displaced by declared disasters
 - Foster³
 - Migrant
 - Designated state⁴ or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start
 - SNAP, TANF, or FDPIR eligible students who are not directly certified
3. **Verification**—a systematic process for ensuring that participants are eligible for the free or reduced-price meals provided. Verification is not the focus in this section. For more

¹ For eligibility information for the School Milk Program (SMP), see *Administrator's Reference Manual, Section 27, School Milk Program*.

² Each year at the beginning of the school year (July 1), USDA updates the IEGs. TDA publishes those updates at <http://www.squaremeals.org>.

³ Where the state retains legal custody of the child.

⁴ Eligible state -funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

information on verification, see the *Administrator's Reference Manual, Section 6, Verification*.

This section provides detailed information on *Application or Eligibility Determination* and *Eligibility Categories*. The United States Department of Agriculture (USDA) also provides guidance on these topics in its *Eligibility Manual*.⁵

Definitions for This Section

For this section, the following definitions provide information that may assist CEs in determining eligibility:

<i>Adopted Child</i>	An adopted child is considered to be a member of a household when the household has accepted legal responsibility for the child. The household's size and total income is considered in the eligibility determination. Adoption subsidies must be included as income.
<i>Annualized Income</i>	When income comes into the household at different frequencies—weekly, bi-monthly, or monthly, the use of this process allows the Reviewing Official to reconfigure or convert the total income on an annual basis. A conversion factor is used for this process.
<i>Assistance Program</i>	Program benefits for a student are based on the student's participation in a specific program, or any household member for some programs, that conveys categorical or direct certification of eligibility for free school meals.
<i>Boarding School Students</i>	A student in boarding school is considered a member of the household in which he or she normally resides. Therefore, household size and total household income are considered in the eligibility determination.
<i>Categorically Eligible</i>	Eligibility status is determined by a student, or any household member for some programs, receiving free meals under specific assistance programs or because of household status. Categorically eligible students receive free meals.
<i>Student Living with One Parent, Relatives, or Friends (though not a homeless student)</i>	In cases where no specific welfare agency or court is legally responsible for the student or where the student is living with one parent, other relatives, or friends of the family, the student is considered to be a member of the household with whom he or she resides. The size and total income of that household is used to determine the student's eligibility. Students of divorced or separated parents are generally considered part of the household that has custody.
<i>Conversion Factor</i>	When income comes into the household at different frequencies—weekly, bi-monthly, or monthly, a conversion factor is applied to convert household income into annualized or annual income.
<i>DC List</i>	The list of names a CE uses to determine Direct Certification for SNAP or TANF eligible students. This list is called the Direct Certification/Direct Verification System and is located in Texas Unified Nutrition Programs System (TX-UNPS). Texas Department of Agriculture (TDA), in cooperation with Texas Health and Human Services Commission (HHSC) and the Texas Education Agency (TEA), has developed a database that allows Texas CEs to match the names of enrolled students whose households that qualify for SNAP or TANF. FDPIR eligible students are not listed on the <i>DC List</i> .

⁵ Available at <http://www.squaremeals.org>.

<i>Direct Certification</i>	<p>The determination of a student’s eligibility for free meals is based on documentation obtained directly from the appropriate state or local agency or other authorized individual. When there is direct certification, the household does not need to submit an application.</p> <p>TDA, in cooperation with Texas Health and Human Services Commission (HHSC) and the Texas Education Agency (TEA), has developed a Direct Certification/ Direct Verification System, a database that allows Texas CEs to match the names of enrolled students whose households qualify for SNAP or TANF. This database is called the <i>DCList</i>.</p> <p>In Texas, Direct Certification for FDPIR is accomplished when the CE reaches out to the local tribal organization or appropriate tribal official to get a list of eligible students.</p>
<i>Early Head Start</i>	<p>An early childhood program designed to provide support to children’s development from birth to three years of age. Pregnant participants in Early Head Start are eligible to receive free meals.</p>
<i>Economic Unit</i>	<p>A group of related or unrelated people who share housing and/or all significant income and expenses of its members make up an economic unit. Generally, individuals residing in the same house are an economic unit. However, more than one economic unit may reside in the same house. Separate economic units in the same house are characterized by prorating expenses and economic independence from one another. If more than one economic unit is resides in the same household, each unit is considered individually when determining a student’s eligibility for free or reduced-price meals.</p>
<i>Electronic Signature</i>	<p>A sound, symbol, or process attached to or associated with a record that, when executed or adopted, is an intentional act to provide a signature for the record. There are different types of electronic signatures including, but not limited to, digitized signatures, passwords, personal identification numbers, and “I Agree” buttons in combination with other methods.</p>
<i>Emancipated Minor Child</i>	<p>When a minor child has gone to court to sever ties with her or his family, the student is emancipated. An emancipated minor child living alone or as a separate economic unit is considered to be a household of one. Age is not a factor in defining an emancipated minor child.</p>
<i>Even Start Categorical Eligibility</i>	<p>A student’s participating in the federally funded preschool or pre-kindergarten Even Start Family Literacy Program is categorically eligible for free meals.</p>
<i>Extended or Extension of Categorical Eligibility</i>	<p>All students or adults in the household who are participating in one or more of the Child Nutrition Programs are categorically eligible for free meals if any student or adult receiving SNAP or TANF program benefits is a member of that household.</p>

<i>Family Members Living Apart</i>	Members of a household who are temporarily not living with the household are still considered to be members for eligibility purposes. Their income must be included with any other household income when making an eligibility determination. Members of the household who are not living with the household for an extended period of time are not included as members of the household for eligibility purposes. ⁶ Only that portion of income made available by them, or on their behalf, should be counted as income for eligibility determination purposes.
<i>Foreign Exchange Students</i>	Foreign exchange students are considered members of the households in which they reside. Therefore, the household size and total household income are considered in the eligibility determination.
<i>Foster Child Categorical Eligibility</i>	A foster child placed under the care of an individual or institution as the responsibility of the state or formally placed by a court with a caretaker household is categorically eligible for free meals.
<i>Foster Child</i>	A foster child is a child who lives with a household but who remains the legal responsibility of Texas Department of Family and Protective Services (DFPS) or court is categorically eligible for free meals without further application.
<i>Foster Family</i>	Households with foster and non-foster children may choose to include a foster child as a household member. If the household does include a foster child on its application, the household must include personal income earned by the foster child on the application. Foster payments received by the family from the placing agency are not considered income and do not need to be reported as household income.
<i>Head Start Categorical Eligibility</i>	A student who participates in a federally funded Head Start Program and any comparable state-funded pre-kindergarten classes using identical or more stringent eligibility criteria than the federally funded Head Start Program is categorically eligible for free meals.
<i>Homeless Categorical Eligibility</i>	Student identified as lacking a fixed, regular, and adequate nighttime residence by the CE homeless liaison or by the director of a homeless shelter is categorically eligible.
<i>Homeless, Displaced Because of a Declared Disaster</i>	A homeless student is considered displaced when the student is under 21 years of age and (1) has been displaced from her or his habitual residence as a result of a declared event or (2) her or his pre-disaster primary residence is rendered uninhabitable or inaccessible as a result of damage caused by a major disaster. These students are categorically eligible for free meals.
<i>Household Composition</i>	The number of individuals who make up the household's economic unit is the household composition for NSLP or SBP purposes.
<i>Household</i>	A group of related or unrelated individuals who are not residents of an institution or boarding house and are living as one economic unit are considered a household. Typically, the term family is used for household.
<i>Household Unit</i>	A group of related or unrelated individuals who live as a unit sharing housing, income, and expenses are considered a household unit. There may be more than one household unit in a residence.

⁶ Members of the military who are deployed to combat areas are counted as members of the household.

<i>Income Eligibility Guidelines (IEGS)</i>	The household size and income levels for determining eligibility for free and reduced-price meals—IEGs—are published annually by the U.S. Department of Agriculture (USDA).
<i>Institutionalized Student</i>	A student who resides in a residential-type facility that the state has determined is not a boarding school is considered a household of one.
<i>Institutionalized Prisoner</i>	Prisoners are not household members and may not be counted on the application as household members.
<i>Joint Custody</i>	In cases where equal joint custody has been awarded by the court to both parents and the student is considered to be a household member of both households, the student should use the eligibility status that provides the highest meal benefits to the student regardless of which parent has the custody at the time.
<i>Kinship Care</i>	Kinship care arrangements for a student fall into three categories: <i>Private</i> , <i>Voluntary</i> , and <i>Foster</i> .
<i>Kinship Care, Foster</i>	Also known as formal kinship care or public kinship care, <i>Foster Kinship Care</i> refers to cases in which the children are placed in the legal custody by a judge and Texas Department of Family and Protective Services (DFPS) then places the child with relatives. In these situations, DFPS, acting on behalf of the state, has legal custody and must answer to the court, but the relatives have physical custody. DFPS, in collaboration with the family, makes the legal decisions about the child, including deciding where they live. DFPS is also responsible for ensuring that the child receives medical care and attends school. In kinship foster care, the child’s relative caregivers have rights and responsibilities similar to those of nonrelative foster parents. Thus, the student would be considered a foster child and the CE should follow the eligibility process for foster children.
<i>Kinship Care, Private</i>	Also known as informal kinship care, <i>Private Kinship Care</i> refers to arrangements made by the parents and other family members without any involvement from either the child welfare system or the juvenile court system. These students are included as part of the household if the household submitted a school meals application. These students are not categorically eligible for free meals.
<i>Kinship Care, Voluntary</i>	In <i>Voluntary Kinship Care</i> , children live with relatives and DFPS is involved, but DFPS does not take legal custody of the children. In some cases, children have been placed with relatives by a court, and in other cases an arrangement is made by DFPS with no court involvement. In voluntary kinship care, the children are in physical custody of the relatives, but they may remain in legal custody of the parents, or the parents may sign over temporary legal custody to the kin. These students would be included as part of the household if the household submitted a school meals application. These students are not categorically eligible for free meals.
<i>Limited English Proficient (LEP)</i>	This designation is used for those who have a limited ability to speak, read, or write in English—includes low literacy and those whose native language is not English.
<i>Local Educational Agency (LEA)</i>	A public board of education or other public or private nonprofit authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public or private nonprofit elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for a combination of school districts or counties is recognized in a state as an administrative agency for its public or private nonprofit elementary schools or secondary schools.

<i>Migrant</i>	A migrant student enrolled in the Migrant Education Program (MEP) as determined by the state or local MEP coordinator is categorically eligible for free meals.
<i>Military Families</i>	Members of the armed services who are activated, deployed, or ordered to support military operation(s) are counted as household members. Only the portion of the service member's income made available by them, or on their behalf, to the household should be counted as household income for eligibility purposes.
<i>Military Income or Benefits</i>	Military benefits received in cash, such as housing allowances for military households living off base and food allowances, must be considered as income. However, the value of in-kind benefits other than cash, such as on-base housing, is not considered as income. The housing allowance for military personnel living in privatized housing will not be counted as income. Only the portion of the deployed service member's income made available by the service member, or on their behalf, to the household where the students are living should be counted as income.
<i>Mixed Households</i>	<i>Mixed Households</i> include students designated as Other Source Categorically Eligible (homeless, including runaways and individuals displaced by declared disasters; foster; ⁷ migrant; designated state ⁸ or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified. If a student qualifies for free meals through more than one source of categorical eligibility, the student should be counted only one time on the master list of participating students.
<i>Other Source Categorically Eligible Programs</i>	An individual student's eligibility under any of the Other Source Categorically Eligible programs does not convey to other students in the household. <i>Other Source Categorically Eligible programs include homeless, including runaways and individuals displaced by declared disasters; foster;⁹ migrant; designated state¹⁰ or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified.</i>
<i>Overt Identification</i>	Any action that may result in a student being recognized as potentially eligible to receive or certified for free or reduced-price school meals is overt identification.

⁷ Where the state retains legal custody of the child.

⁸ Eligible state -funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; and (3) certify eligibility for no more than a 12 month period of time.

⁹ Where the state retains legal custody of the child.

¹⁰ Eligible state -funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

<i>Permanent Managing Conservatorship</i>	Children may be placed with families on a permanent basis. DFPS administers this program. The court maintains overall responsibility for the child’s welfare and these children should be considered foster children for the purpose of the School Nutrition Programs. Under the School Nutrition Programs, the key factor in determining whether a child has been adopted or placed in foster care is the identification of who has legal responsibility for the child. If DFPS or the court continues to have legal responsibility for the child, the student should be considered a foster child, regardless of the financial circumstances of the family with whom he/she has been placed.
<i>Runaway Categorical Eligibility</i>	The LEA’s homeless coordinator certifies eligibility for a student identified and receiving assistance from a program under the Runaway and Homeless Youth Act. These students are categorically are categorically eligible for free meals.
<i>SNAP Household</i>	Any student in a household where an individual or group of individuals currently certified to receive program benefits under the Supplemental Nutrition Assistance Program (SNAP) is categorically eligible for free meals.
<i>State Funded Early Childhood Program</i>	Eligible state -funded pre-kindergarten programs must (1) use income eligibility criteria which are <u>identical</u> to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.
<i>Student Attending an Institution</i>	A student who attends but does not reside in an institution is considered a member of the household in which he or she resides.
<i>Student Away at School</i>	Students who are temporarily away at school are counted as members of the household.
<i>TANF</i>	Any student in a household where an individual or group of individuals currently certified to receive assistance under the Temporary Assistance for Needy Families (TANF) Program is categorically eligible for free meals.

Distributing Letters and Applications to Households

Each Contracting Entity (CE) must provide households with (1) an information letter that provides descriptions of the application process and eligibility criteria for reduced-price meals and (2) an application to do so.¹¹ See the *Information Letter (Included with the Free and Reduced-Price Schools Meals Application)* subsection in this section for additional information on the required contents for the letter. The information letter must be sent to the households of all students prior to or during the first week of school, so eligibility determinations can be made and free and reduced-price benefits provided as soon as possible.

Online Application System and Household Notices. If the CE uses an online application system, the CE is not required to include an application with the letter to the household. Instead the CE must provide information on how to access the application online and how to obtain a printed version if the household prefers or is unable to complete an online application.

¹¹ This letter is sent with the household application.

Texas Department of Agriculture (TDA) Letter and Application Forms. TDA provides a multi-child, multi-use free and reduced-price school meal application and information letter template in both English and Spanish for CEs to download at <http://www.squaremeals.org>. While CEs are not required to use the TDA forms, TDA strongly encourages CEs to use the forms developed by TDA. If CEs choose to use an application form that is not developed by TDA, they are responsible to ensure that the form contains correct and accurate information.¹² USDA also provides prototypes of family friendly applications that CEs may use at <http://www.fnsusda.gov/cnd/Application/familyfriendlyapps.html> in a wide range of languages.

Required Actions in Providing Information to Household. A CE must take the following actions to provide information to parents or guardians and determine eligibility:

To provide information to parents or guardians

1. Send a letter to households prior to or during the first week of school that describes the free and reduced-price meal program, reduced-price income eligibility guidelines, and information on how to apply.
2. Provide an application prior to or during the first week of school.
3. Distribute information through a communitywide media release that describes the free and reduced-price school nutrition programs, eligibility criteria, information on how to apply, and income eligibility guidelines for both free and reduced-price eligibility.

To determine eligibility,

4. Use local and state resources to identify participants who qualify through Direct Certification or Other Source Categorically Eligible.¹³

Other Source Categorically Eligibility: homeless, including runaways and individuals displaced by declared disasters; foster;¹⁴ migrant; designated state¹⁵ or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified

5. Develop a system of communication that prevents overt identification of participants receiving free or reduced-price meals.

Overt Identification—CEs must assure that a student’s eligibility status is not disclosed at any point in the process of providing free or reduced-price meals, including notification of free or reduced-price meal availability; certification and eligibility notification; meal service; the point of service; providing additional services, such as education services to low income students; and through the method of payment.

¹² CEs that use an electronic application will find additional requirements for this type of application in the *Scanned Applications* and *Online or Online or Web-Based Applications* subsections in this section.

¹³ See the *Categorical Eligibility* subsection in this section for additional guidance on Direct Certification and Other Source Categorical Eligibility.

¹⁴ Where the state retains legal custody of the child.

¹⁵ Eligible state -funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

Information Letter (Included with the Free and Reduced-Price School Meals Application)

The letter to households about free and reduced-price meals must contain the following information:

Free and Reduced-price Meal Eligibility

- Explanation of IEGs for reduced-price eligibility
- Statement that a foster child is categorically eligible
- Statement that Special Supplemental Nutrition Program for Women and Children (WIC) participants may be eligible for free or reduced-priced meals
- Explanation that students who are Other Source Categorically Eligible¹⁶ should contact the CE and check the relevant box or field on the application.

Other Source Categorically Eligibility: homeless, including runaways and individuals displaced by declared disasters; foster;¹⁷ migrant; designated state¹⁸ or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified

- Explanation that categorical eligibility for a student who is directly certified for SNAP, TANF, or FDPIR¹⁹ is extended to all students in the household when any member of the household receives program benefits²⁰

Changes in Circumstance Related to Free and Reduced-price Meal Application

- Statement that households may apply at any time during the year if the household experiences a change in circumstances
- Statement that students of parents or guardians who become unemployed may be eligible for free or reduced-price meals²¹

Free and Reduced-price Meal Application

- Instructions on how to apply for free or reduced-price meals
- Explanation of required information to determine eligibility
- Explanation that no application is necessary if the household is notified that the students in the household are directly certified

¹⁶ See the *Other Source Categorically Eligible Determination Guidelines* subsection in this section for more information on this topic.

¹⁷ Where the State retains legal custody of the child.

¹⁸ Eligible state-funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

¹⁹ In Texas, there is a small population of children who may qualify under FDPIR. To directly certify a child who is eligible for FDPIR, the CE must reach out the tribal governing organization to get a list of eligible children or match students' names.

²⁰ See the *Categorical Eligibility* subsection in this section for more information on this topic.

²¹ See the *Duration of Eligibility, Change of Circumstance* subsection in this section for additional information.

- Statement that adult household member signing the application only needs to provide the last four digits of her or his Social Security number or indicate that the adult household member(s) does not have a Social Security number unless the household qualifies under SNAP, TANF, or FDPIR
- An explanation of the carryover period
- Notice that the information on the application may be subject to verification

Parent or Guardian Rights

- Explanation that the household may appeal decisions related to eligibility and the parent's right to ask for a hearing procedure as described in the CEs application policy statement

Nondiscrimination Statement

- Statement provided by USDA

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

Contacting the CE

- Local contact information if members of the household have questions about the application process

Application

Parents and/or guardians must complete the necessary application to apply for free or reduced-price meals unless a person in the household meets the criteria for categorical eligibility.⁵ When a household submits an application, all the students in the household are included in that application.

CEs cannot require that parents or guardians complete an application or a separate application for each student or by eligibility category.

Multi-Child Applications. The multi-child application permits a household to establish eligibility for all school age students in the home. Advantages of using this application include the following:

1. More students are identified for eligibility.
2. Burdensome paperwork is eliminated.
3. The number of applications required to be verified is reduced.

Multi-Use Applications. The multi-use application for free and reduced-price meals enables parents or guardians to grant the CE permission to share the eligibility determinations for students receiving free and reduced-price meals for purposes other than School Nutrition Program (SNP) services. This allows the CE to help families to access additional support services such as glasses provided by the Lions Club.

Multi-Use Application Disclosure

CEs that anticipate disclosure to or sharing information with other programs, including Medicaid or the state Children's Health Insurance Program (CHIP) must notify households of this potential disclosure and give the households the opportunity to decline the disclosure. A Multi-Use Application must offer the adult completing the application the option to not submit any additional information that can be used for other agencies or services.²²

Direct Certification Households

CEs do not have to send a letter or application to households with directly certified students. However, these households must be sent a notice of eligibility.²³

Overt Identification. When a CE chooses not to send an information letter and application to a household with a directly certified student or students, the CE must ensure that the process used for notification does not overtly identify which students are categorically eligible and which students are not by overtly identifying which households receive a letter and which ones do not.

²² For more detailed information on disclosure and parental consent, see the *Disclosure of Confidential Information* subsection in this section or the *Eligibility Manual* created by the United States Department of Agriculture (USDA) available at <http://www.squaremeals.org>.

²³ See the *Direct Certification* subsection in this section for additional information.

Required Income Applicant Information

For households that apply for free or reduced-price meals based on household income, the household must provide the following information in order for the CE to determine eligibility:

1. Names of all household members
2. Amount, frequency, and source of current income for each household member
3. Last 4 digits of the Social Security number of the adult household member who signs the application or an indication that the adult household member(s) does not have one
(Note: The last four digits of the Social Security number are not required when the applicant has submitted a SNAP/TANF Eligibility Group Number [EDG] number.)
4. Signature of an adult household member attesting that the information provided is correct
Acceptable Adult Signature— Any printed name or cursive signature appearing in the space following the certification statement is an acceptable signature. All legal signatures do not have to be cursive. An X may be considered a signature.

An adult is defined as any individual age 18 and older. Therefore, an individual younger than 18 years of age cannot complete and/or sign her or his own school meals application unless the signer is an emancipated minor child.

In cases where the parent of the student is under 18, the signature of this parent, though under the age of 18, is considered to be an adult signature.

Required SNAP, TANF, or FDPIR Applicant Information (Not Directly Certified)

For households that choose to apply for free or reduced-price meals and where students do not qualify through Direct Certification but are eligible because of household participation in SNAP, TANF, or FDPIR,²⁴ the household must provide the following information in order for the CE to determine eligibility:

1. Names of all household members
2. Appropriate SNAP or TANF case number or identifier or FDPIR²⁵ benefit issuance documentation for the qualifying household member
3. Signature of an adult household member attesting that the information provided is correct
Acceptable Adult Signature— Any printed name or cursive signature in the space following the certification statement is an acceptable signature. Legal signatures do not have to be cursive. An X may be considered a signature.

An adult is defined as any individual age 18 and older. Therefore, an individual younger than 18 years of age cannot complete and/or sign her or his own school meals application unless (1) the signer is an emancipated minor child or (2) the parent of the student is under 18. The signature of a parent, though under the age of 18, is considered to be an adult signature in this case.

²⁴ See the *Direct Certification* subsection in this section for additional information.

²⁵ In Texas, there is a small population of children who may qualify under FDPIR. To directly certify a child who is eligible for FDPIR, the CE must reach out the tribal governing organization or appropriate tribal official to get a list of eligible children or match students' names.

Required Other Source Categorically Eligible Applicant Information

For households that apply for free or reduced-price meals for students based on Other Source Categorical Eligibility the household must provide the following information in order for the CE to determine eligibility.

Other Source Categorical Eligibility: homeless, including runaways and individuals displaced by declared disasters; foster; migrant; designated state²⁶ or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified

1. Names of all household members
2. Designation of eligibility based on Other Source Categorical Eligibility²⁷
3. Last 4 digits of the Social Security number of the adult household member who signs the application or an indication that the adult household member(s) does not have one unless the household provides a SNAP or TANF eligibility number or FDPIR identifier
4. Signature of an adult household member attesting that the information provided is correct

Acceptable Adult Signature—Any printed name or cursive signature appearing in the space following the certification statement is an acceptable signature. All legal signatures do not have to be cursive. An X may be considered a signature.

An adult is defined as any individual age 18 and older. Therefore, an individual younger than 18 years of age cannot complete and/or sign her or his own school meals application unless the signer is an emancipated minor child.

In cases where the parent of the student is under 18, the signature of this parent, though under the age of 18, is considered to be an adult signature.

Citizenship Information. U.S. citizenship is not a factor in the determination of eligibility. The CE must apply the same eligibility criteria for citizens and noncitizens. Foreign exchange students are considered noncitizens. CE must not request or require households to provide documentation related to citizenship.

Pre-filled Applications. The application provided to households may only be pre-filled with the student's name. The rest of the application must be completed by the household.

Duplicate Applications. If the CE receives more than one application from the same household, the most recently dated application takes precedence. The CE should retain all application documents and clearly mark the application that was used for eligibility determination.

²⁶ Eligible state-funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

²⁷ Other Source Categorical Eligibility: homeless, including runaways and individuals displaced by declared disasters; foster; migrant; or designated state or federally funded pre-kindergarten programs including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible children who are not directly certified.

Required Statements to Include in Applications

CEs must include the following statements in the application:

1. Because of the statutory change requiring only the last four digits of the Social Security number, the Privacy Act statement is no longer required. In place of the privacy statement, the following statements must be used exactly as written:

- Use of Information Statement

The Richard B. Russell National School Lunch Act requires the information on this application. You do not have to give the information, but if you do not, we cannot approve your child for free or reduced-price meals. You must include the last four digits of the Social Security number of the adult household member who signs the application. The Social Security number is not required when you apply on behalf of a foster child or you list a Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) Program or Food Distribution Program on Indian Reservations (FDPIR) case number²⁸ or other FDPIR identifier for your child or when you indicate that the adult household member signing the application does not have a Social Security number. We will use your information to determine if your child is eligible for free or reduced-price meals, and for administration and enforcement of the lunch and breakfast programs.

We MAY share your eligibility information with education, health, and nutrition programs to help them evaluate, fund, or determine program benefits or services for their programs, auditors for program reviews, and law enforcement officials to help them look into violations of program rules.

- Statement explaining the following:

While disclosure of the last 4 digits of a Social Security number is voluntary the National School Lunch Act requires the last 4 digits of a Social Security number or an indication of "none" for approval of the application.

- Attesting Statement, *directly above* the signature block for the signing adult, to certify

- *The person signing is furnishing true information and to advise that person that the application is being made in connection with the receipt of federal funds;*
- *School officials may verify the information on the application; and*
- *Deliberate misrepresentation of the information may subject the applicant to prosecution under state and federal statutes.*

2. The application must also contain the nondiscrimination statement described in the *Information Letter (Included with the Free and Reduced-price School Meal Application)* subsection in this section.

²⁸ In Texas, the number demonstrating SNAP or TANF eligibility is the *Eligibility Group Number (EDG#)*.

Requests for Additional Information on Applications

The purpose of the free and reduced-price school meals application is to determine if a student's household is eligible for free or reduced-price meals based on income or categorical eligibility. However, CEs may request additional information for other purposes if the information is intended to help CEs do the following:

- Share information with households about the availability of other meal or non-meal related program benefits.
- Reduce the paperwork burden on households.
- Provide additional services or support for addressing students' needs.

For Example: A CE may use information from the application to determine which students are eligible to receive free schoolbooks or tutoring services.

A CE may request a student's birth date to help in the verification process because this additional data does not create a barrier to SNP participation. It may even minimize the burden on the household to complete additional forms.

However, a CE may not require that households provide additional information as criteria for eligibility.

Citizenship. A CE must not request applicants to provide information regarding citizenship.

Additional Information Guidelines. When a CE requests additional information from parents or guardians, it must incorporate the following guidance into the requests:

- *Disclosure Related to Additional Information:* The CE must disclose to parents or guardians what information is required on the application and what information is optional.²⁹
- *Prepare Staff:* The CE should ensure that staff member understands what information is required and what information is optional, so they can assist parents or guardians in knowing what information is required.
- *Denial of an Application Lacking Additional Information:* The CE must not take the following actions based on a lack of non-required information:
 - Delay the approval of an application if the household fails to provide information that is not required for the application.
 - Deny an application if additional information is not provided.

(NOTE: If a CE has an electronic system that requires applicants to provide additional information before an application can be submitted, the CE must ensure that this system does not delay or cause the denial of any application that contains the required application information but lacks the additional information. The Reviewing Official must be able to approve or deny an application whether the additional information has been provided or not.)

For Example: If the household fails to include its street address or birth dates, processing of the application cannot be delayed.

²⁹ See the *Disclosure of Confidential Information* subsection in this section for additional information.

Application Distribution

Applications must be provided to every student except those students who are directly certified. However, the CE must make sure that sending different types of notices to households does not create a situation where households with students who are directly certified can be overtly identified because of a difference in the type of notification.

Forms and letters may be distributed by mail, email, or sent home with students. The CE may request that households apply but may not require that a household submit an application for free or reduced-price meal meals. The following requirements must be incorporated into local CE procedures related to application distribution:

- *Distribution Centers*: Designated locations can be operated by the CE prior to school opening and during the school year to provide households an opportunity to apply for free or reduced-price meals. However, parents or guardians cannot be required to go to only one particular place to apply for free or reduced-price meals. CEs are encouraged to have interpreters available to provide assistance for families completing an application at a distribution center.
- *Unacceptable Distribution Practices*: The following application distribution practices are unacceptable:
 - Public announcement that applications are available and interested parties may pick up one in specified location as the sole method of distribution
 - Distribution of letters to parents and application forms on request only or to those who received free or reduced-price meals during the prior school year
 - Distribution of the applications in the lunch line only
 - Distribution at the end of the school year to apply for the following school year
- *Year-Round School*: Applications may be distributed on or about July 1 or soon thereafter so that households can provide current income.³⁰ See the *Carryover, Previous Year's Eligibility* subsection in this section for specific information on applying the 30-day carryover period to year-round schools.

³⁰ USDA typically updates income eligibility criteria in the late spring. Those updates are posted on <http://www.squaremeals.org>.

Limited English Proficient (LEP) Households

Regulations require that any communication with households for eligibility determination purposes must be in an understandable and uniform format and to the maximum extent practicable.³¹ The application materials and other communications with households concerning eligibility determination must be in a language that parents or guardians can understand.

Process for Determining English Proficiency Needs. CEs should have a process for determining whether they have Limited English Proficient (LEP) parents or guardians and the language needs of these households. Limited English Proficient includes those with limited proficiency in English as well as those who speak another language. For this reason, the USDA’s prototype materials are designed to be comprehensible to someone with low literacy. CEs are expected to provide assistance so that parents or guardians can understand the application and certification of eligibility.

Increasing Participation. CEs are expected to take the following actions to ensure that every household has the needed information to participate in the program:

1. *Provide Written Translations:* CEs must ensure that language and communication are not barriers to SNP participation. CEs may choose to develop written translations of their own materials, including applications submitted online, in the most common languages. However, simply offering a translation in the most common alternative language is not sufficient.

If CEs do not have their own translated application materials, they must at a minimum use the USDA prototype translations. TDA makes applications and letters available in both English and Spanish for CEs to use. USDA also provides application and letters in the following languages at <http://www.fns.usda.gov/cnd/Application/familyfriendlyapps.htm>.

Arabic	Gujarati	Portuguese	Thai
Armenian	Haitian-Creole	Punjabi	Tigrinya
Cambodian	Hindi	Russian	Ukrainian
Chinese, Simplified	Hmong	Samoan	Urdu
Chinese, Traditional	Japanese Korean	Serbian	Vietnamese
Croatian	Kurdish	Somali	
Farsi	Laotian	Spanish	
French	Mien	Sudanese	
Greek	Polish	Tagalog	

³¹ According to Merriam-Webster’s, Eleventh Edition, *practicable* means *capable of being put into practice or of being done or accomplished*. It is common to apply the definition for *possible* which means *being something that may or may not occur* to the term *practicable*. While similar words, they are not the same in legal terms. This requirement holds the expectation will be accomplished, not possibly accomplished.

2. *Provide Oral Interpretation Services:* For households that speak less prevalent languages or have limited literacy, CEs should
 - identify oral interpretation services available in their communities and
 - partner with other local resources, such as migrant or refugee assistance agencies that can foster increased communication about free and reduced-price meals. Parents and guardians should not have to rely on family or other household members, especially students or friends. Informal translators may not provide quality and accurate interpretations.
3. *Include the Required Non-discrimination Statement:* Households need to understand that they will be treated fairly if they apply for free or reduced-price meals. The information letter sent with the household application or the application itself must include the nondiscrimination statement that appears on USDA’s prototype application.³²

Translation Resources

There are three resources that may be useful to CEs in addressing language-related issues:

- The federal guidelines for plain writing are available at <http://www.plainlanguage.gov>.
- Numerous translations are available on the USDA School Meals Applications website at <http://www.fns.usda.gov/cnd/Application/familyfriendlyapps.htm>.
- USDA’s *I Speak* worksheet can be used to identify the appropriate language for communicating with parents or guardians. The worksheet is available at <http://www.squaremeals.org> or <http://www.fns.usda.gov/cnd/frp/Ispeak.pdf>.

Scanned Applications

CEs have the option of using scanned meal applications. Scanning software must be able to recognize and accept less than whole dollar amounts.

TDA Review of Scanned Application. A CE that elects to use a scanned meal application may send a prototype of the application to TDA for review. TDA will review submitted documents and notify the CE of any egregious errors. However, TDA does not approve scanned application processes; the CE is responsible for ensuring that the application is compliant with state and federal guidelines.

³² See the *Information Letter* and *Required Statements to Include in Applications* subsections in this section.

Online or Web-Based Applications

CEs are encouraged to make use of technology by providing computer or web-based applications. Prior to using electronic applications, CEs must complete required forms and have permission from TDA for their electronic systems. Electronic applications may be sent to households by an email or made available for download from the Internet. The application may be completed and submitted electronically or completed, printed, or returned in person or regular mail. An electronically signed application is legally binding. See the *Guidelines for Using Electronic Applications* subsection in this section for additional information on the use of electronic applications.

Guidelines for Using Electronic Applications. CEs must adhere to the following specifications for web-based applications:

- *Approval for Online or Web-Based Applications:* Prior to implementation of an electronic or web-based application process, CEs must submit *Free and Reduced-Price Meals Electronic Application Checklist* to obtain approval to use an online or web-based application.

The checklist outlines the procedures that a CE will use to collect information through an online application. The completed checklist must be returned to TDA. The CE cannot use an online or web-based application process until TDA approves the CE's use of this process.
- *Confidentiality:* CEs must have certifications or procedures in place to ensure confidentiality.
- *Confirmation of Receipt:* CEs must provide an acknowledgement or receipt of the online or web-based application from a household—electronically or another method.
- *Integrity of Application:* CEs must ensure that the information submitted electronically is not altered after it was sent. The Reviewing Official can contact the household for clarification and additional information about an electronic application. However, CEs must have a method for the Reviewing Official to record notes about obtained information that keeps the original application intact while also providing a method to record relevant notes.
- *Paper Application Option:* CEs must provide a paper application to any household that does not wish to use or is unable to use an electronic application system.
- *Purpose and Use:* CEs must provide an explanation of the purpose and use for the information submitted through an online or web-based application.
- *Signature:* Electronic applications do not require an original signature, but electronic submission processes must have the capability to allow a household to provide a legally binding digital or digitized signature. This signature must include the date and time of the transaction and the identity and location of person who transmitted information. This can be done through a variety of methods, including, but not limited to personal identification numbers (PINs) and passwords.
- *True and Correct Information:* CEs must communicate to the person completing the online or web-based form that the applicant must provide true and correct information. When the adult in the household signs the application, he or she is attesting that the information contained in the application is true and correct.

As with paper-based applications, CEs must ensure that online or web-based application systems follow confidentiality, disclosure, and notification requirements. Households whose applications are denied must be provided notification of their denial by mail or email and cannot receive notification of their eligibility status solely through an online or automated application system. Approved application households can be provided notification by mail, email, or verbally.

Application Process

Each CE must designate a specific person—*Reviewing Official*—to approve or deny applications. The position title for the Reviewing Official must be submitted through the *Contracting Entity Application* in the *Texas Unified Nutrition Programs System (TX-UNPS) Application Packet* screen.³³

Timeline

CEs must adhere to the timelines established for the application and award of free or reduced-price meals as follows:

Application Review. Applications must be reviewed and an eligibility determination made within 10 operating days of receipt of the application. For new participants who do not have previously approved applications on file from the previous year, applications should be processed immediately whenever possible.

Duration of Eligibility. Eligibility determinations are valid for the entire year.³⁴ However, households that have been selected for verification may have their free or reduced-price meal benefits changed during the verification process.³⁵

Duration of Eligibility, Change of Circumstance. If a household experiences a change in circumstances that makes a student or students in the home ineligible for free or reduced-priced meals, an adult in the household may inform the CE. However, notification of this change is not a requirement since eligibility stays in effect the entire school year. If an adult in the house does notify the CE, the CE must inform the adult that the student receiving free or reduced-priced meals may continue to receive them for the remainder the school year and for the first 30 operating days of the following school year.

Effective Date of Application Determination. CEs must provide free or reduced-priced meals to students within three days of the approval of an application. However, CEs do have flexibility in assigning the date the application becomes effective.

³³ See the *Administrator's Reference Manual (ARM), Section 2, Application* for additional information on submitting the Reviewing Official role in TX-UNPS. See the *Administrator's Reference Manual (ARM), Section 3, Required Records and Due Dates* for more information on the *Contracting Entity Application*. See the *Application, Income Eligibility, and Categorical Eligibility* subsections in this section for more detailed explanations of requirements related to applications. ARM sections located at <http://www.squaremeals.org>.

³⁴ See the *Carryover, Previous Year's Eligibility* subsection in this section for additional information on eligibility during the first 30 days of the following year.

³⁵ See the *Administrator's Reference Manual (ARM), Section 6, Verification* for additional information on this topic.

Flexibility for Effective Date of Application. CEs have two options in assigning the effective date of the application:

1. Assign the effective date as day the complete application³⁶ was received by the CE. If this option is chosen, the CE must meet the following requirements:
 - Have a method to document the date (date stamp procedure)that the complete application is received by the CE.
 - Apply this option at all sites and all nutrition programs across the CE.
 - Have a procedure in place to reimburse students for meal payments made after the complete application is received by the CE but before the application is approved.
 - Have a procedure in place to clear any debt accrued by the student after the complete application is received by the CE, but before the application is approved.
 - Adjust claims as appropriate through TX-UNPS.³⁷
 - Notify TDA that the CE is adopting this option on the appropriate question in the *Policy Statement for Free and Reduced-Price Meals, Attachment B: Meal Count/Collection Procedure(s)*³⁸
2. Assign the effective date as the day the application is approved.
 - Have a method to document the date (date stamp procedure) that the complete application is approved by the CE.
 - Implement this procedure for all sites and all programs across the CE.
 - Notify TDA that the CE is adopting this option on the appropriate question in the *Policy Statement for Free and Reduced-Price Meals, Attachment B: Meal Count/Collection Procedure(s)*³⁹

The CE must apply same effective date procedure at all sites across the CE.

New Residence. When a student takes up new residence in a household with an approved application after the application has been approved, the new student's eligibility is not retroactive. Eligibility for the added student applies from the date the student is added to household application.

³⁶ See the *Reviewing Official Responsibilities* subsection of this procedure for additional information on a complete application.

³⁷ See *Section 7, Counting and Claiming* for additional information on this topic. Adjusted claims must be submitted in accordance with all applicable requirements.

³⁸ Available at <http://www.squaremeals.org> or through the TX-UNPS Download screen.

³⁹ Available at <http://www.squaremeals.org> or through the TX-UNPS Download screen.

Special Circumstances: Households That Fail to Apply

Local officials may complete an application for a student known to be eligible if the household fails to apply. Typically, it is a superintendent, principal, or food nutrition director who has the authority for financial decision who makes the determination to apply special circumstances in these situations. In these cases, the local official is expected to use the best available information in this process.

When exercising this option, the official must complete an application on behalf of the student based on the best available household size and income information. The source of the information must be noted on the application. Names of all household members, the last four digits of the social security number of the person signing the application, and the signature of an adult household member are not required in this situation. This option is intended for limited use in individual situations and must not be used to make eligibility determinations for categories or groups of students.

These applications are excluded from verification. However, the household must be notified that the student has been certified to receive free or reduced-price benefits.

Reviewing Official Responsibilities

The Reviewing Official must review applications for income or categorical eligibility as follows:⁴⁰

1. *Application*: Did the household submit a complete application?

- Names of individuals in household?
- Total household income or check the field or box for other source categorical eligibility?

Other Source Categorically Eligibility: homeless, including runaways and individuals displaced by declared disasters; foster; migrant; designated state⁴¹ or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified

- Last four digits of the adult signing the application, if applicable?

(NOTE: Last four digits of adult signing the application are not required for SNAP, TANF, or FDPIR.)

- Signature of adult household member?

⁴⁰ More detailed information on the criteria is provided in the *Income Eligibility*, and *Categorical Eligibility* subsections in this section.

⁴¹ Eligible state -funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

2. *Income*: Did the application provide adequate information to determine that the household met the criteria for eligibility based on the Income Eligibility Guidelines (IEGs) provided by USDA? Amount and frequency?
3. *Categorically Eligible*: Did the documentation provided by the governing agency or the household support a designation of categorical eligibility?
 - Direct Certification?
 - Other Source Categorically Eligibility?

Other Source Categorically Eligibility: homeless, including runaways and individuals displaced by declared disasters; foster; migrant; designated state⁴² or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified

The Reviewing Official will make one of the following determinations:

<i>Complete Application:</i>	If the application is complete—contains the required information to determine eligibility, the official will review and determine the correct eligibility for the household.
<i>Incomplete Application:</i>	<p>If there are any unresolved inconsistencies or questions based on the required eligibility information the household provided or did not provide, the Reviewing Official must deny the application.</p> <p><i>For Example: If it is unclear whether the household provided weekly or monthly income, the Reviewing Official contacts the household for additional information. If the household does not respond or is not able to provide clarification, the application must be denied.</i></p> <p><i>(NOTE: Missing income information must be provided by the household.⁴³ The reviewing official cannot obtain the missing information from another source.)</i></p> <p>However, <u>the official must contact the household prior to denial</u>, to attempt to resolve the issue. This may involve asking an adult in the household to complete sections of the application that were left blank or were inaccurate. Every reasonable effort should be made to obtain missing information from the household prior to denying an application.</p>

⁴² Eligible state -funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

⁴³ See the *Documenting Contact* and *Record Retention* subsections in this section for additional information on documenting additional information or clarified information that came from a contact with the household.

Documenting Contact. The Reviewing Official should record notes on efforts to address problematic issues. The notes should be made directly on the household application and initialed by the Reviewing Official.⁴⁴

Special Situations, Application Review

There will be cases where the information provided on the application or the process for reviewing applications creates an unexpected situation. The following explanations provide information on possible special situations.

Electronic Systems

Computerized Reviewing Systems. The Reviewing Official may sign or initial and date a sheet of paper that is attached to a batch of applications or make a note to the electronic file to provide confirmation of the Reviewing Official's eligibility determination.

However, the computer system must also be able to record and report the following:

- Original date of approval
- Basis for the determination (i.e., what household size and income was used)
- Updated application status to account for transfers, withdrawals, and other changes

Food Service Management Company (FSMC) Role in Application Review

An employee of the food service management company may act as an agent for the CE in various aspects of the application, certification, and verification processes. The FSMC employee must comply with all requirements for these processes, including limited disclosure of individual eligibility information. The information on the application remains the property of the CE and cannot be used or possessed by the food service management company for any use other than to determine eligibility for free or reduced-price meals.

When an FSMC assists with determining eligibility, the CE retains the responsibility to sign notification and other determination related documentation. In all cases, the CE is ultimately responsible for ensuring that all requirements are being met.

Enrollment Changes

CEs should have a process in place to expedite applications when enrollment changes occur.

Prospective Students Not Currently Enrolled. A CE can allow parents to complete a meal application for students not currently enrolled. In these cases, CEs should provide the most current application for free and reduced-price meals. This helps to

- raise awareness of the program,
- expedite identification of eligible participants for the upcoming school year, and
- provide free or reduced-priced meals to students during the 30-day carryover period⁴⁵ for the following school year—free or reduced-priced meals that would not have been awarded until after an application was approved.

⁴⁴ See the *Record Retention* subsection in this section for additional information on documenting additional information or clarified information that came from a contact with the household.

⁴⁵ See the *Carryover, Previous Year's Eligibility* subsection in this section for additional information.

Eligibility status of these students applies only to the carryover period,⁴⁶ first 30 operating days of the new school year. The parent must fill out a new application for the current school year for the CE to determine eligibility for the remainder of the year.

For Example: A CE conducts kindergarten round up at the end of the SY 2012–2013. During the round up, households are able to submit free or reduced-price meal applications. Students who are approved for free or reduced-priced meals based on the applications submitted during the round up receive those benefits starting the first day of school for SY 2013–2014. However, those benefits are only applied for the first 30-operating days of the school year; the household must submit a new application for benefits to continue for the remainder of the 2013–2014 SY.

Siblings from Previously Eligible Households. At the start of a new school year, if a sibling was not listed on previous year's application but lives in a household that was eligible for free or reduced-price meals during the previous year, the CE must extend the eligibility to the sibling for the 30-day carryover period. A new application is required after the first 30 operating days of school so that the CE can determine eligibility for the current school year. If the household is directly certified, a new application is not required.

Reapplying for Program Free or Reduced-Price Meals in the Same Year After Termination. Households that reapply after a termination of free or reduced-priced meals as a result of verification must submit income documentation with their updated application.

Transfers. The following explanations provide detailed guidance on transfer issues:

- *Across CEs.* When a student transfers to another CE, the new CE may accept the eligibility determination from the student's former CE without incurring liability for the accuracy of the initial determination.

However, when a copy of an application is also provided, the accepting CE should review the application for arithmetic errors and compare the income and household size to the applicable Income Eligibility Guidelines (IEGs) in affect at the time of the initial determination to assure that the correct level of free or reduced-priced meal benefits was assigned.

If the accepting CE determines that an arithmetic error occurred, the accepting CE must notify the household that it must file a new application with the accepting CE in order to receive free or reduced-priced meals.

- *Across CEs, Student from Community Eligibility Provision (CEP) School.* When a student transfers to another CE from a CEP school, the new CE may accept the eligibility determination from the student's previous school if the eligibility for that student is based on (1) current⁴⁷ individual eligibility information available from a Direct Certification process or (2) an approved application for other children in the household that did not attend the CEP school.

⁴⁶ See the *Carryover, Previous Year's Eligibility* subsection in this section for additional information.

⁴⁷ In this case, *current* means within the school year in which Direct Certification was done.

If current eligibility information is not available from the sending CE, the student must either be directly certified by the new CE or submit an application.

- *Direct Certification Transfers.* If a student transfers to another CE, the prior CE may share direct certification eligibility information with the nutrition program staff in the new CE.
- *Return to Original CE.* If a student transfers to a new CE and then returns to the first CE, the student's eligibility stays in effect.
- *Within the Same CE.* If a student transfers to another school in the same CE in the same school year, her or his eligibility must be transferred.
- *Within the Same CE, Provision 2 (P2) or Community Eligibility Provision (CEP) School.* If a transfer from a special provision school to a non-special provision school within the same CE is done in a non-base year, a new application is required unless (1) the current individual eligibility information is available from the Direct Certification process or (2) an approved application for another student in the household is on file.

Household Provides Additional Documentation

Incomplete Application Submitted with Additional Documentation That Provides Missing Information. If a household voluntarily provides pay stubs, but did not record the income information on the application, the Reviewing Official should contact the household and ensure that the stubs reflect the total household income.

If yes, the Reviewing Official records contact notes about the discussion and updates the application.

If no, the Reviewing Official works with the household to obtain the needed information.

Voluntary Submission of Conflicting Information. If a household provides additional information, and this additional information conflicts with the information recorded on the application. The application is approved based only on the information recorded on the application. The additional information cannot be considered in the initial approval.

However, in cases where there is conflicting information, the CE Reviewing Official must also take one of the following actions:

Action 1

Send the household a notice of approval and a notice of adverse action at the same time. This provides the household opportunity to resolve the discrepancy during the (10 operating days) advance notice period.

OR

Action 2

Send the household a notice of approval and a verification letter (based on verification *For Cause*) at the same time.⁴⁸

The CE Reviewing Official is in the best position to determine the appropriate action to take. The inconsistency in information must be resolved expeditiously.

⁴⁸ See the *Administrator's Reference Manual (ARM), Section 6, Verification* for additional information on verification *For Cause*.

Residential Child Care Institutions (RCCI)—Students Attending a School That Administer a School Nutrition Program (SNP)

Each student residing in an RCCI is considered to be a household of one. Unless the RCCI submits a master list to the CE Reviewing Official where the student attends school, the RCCI should submit a separate application for each student.

RCCI Master List. If the RCCI submits an eligibility documentation sheet—Master List—for students residing in the RCCI that attend one of the CE’s schools, the documentation sheet must include the following information:

- Personal income received by the student, including frequency of income
- Student’s date of birth
- Date of admission to the RCCI
- Date a student no longer resides or enrolled at the RCCI
- Signature of the RCCI’s authorized representative, title, and contact information

Notification

TDA recommends that all households be notified in writing of any eligibility status. However, CEs must provide written notice in cases of denial of an application or of adverse action.

The following guidelines apply to notification for the specific situation described:

Application Not Submitted After 30-Day Carryover

Period. After the 30-day (operating days) carryover period,⁴⁹ the CE must terminate the benefits of any student whose household fails to submit a new free and reduced-price meal application for the current school year. The CE is not required to send a notice of termination.

New Application—Denial. A CE is required to provide a denial notice for a new or first time application within ten (10) calendar days. The letter must provide the following information:

- Reason for the denial of free or reduced-price meals
- Right to appeal
- Instructions on filing an appeal
- Statement that households may reapply for free and reduced-price meals at any time during the school year

Information Box 1	
Eligibility Timeline Requirements	
<i>Adverse Action—Decrease in Benefits</i>	Within 10 calendar days
<i>First of Year Notice</i>	Prior to or during first week of school year
<i>Notice of an Increase in Benefits</i>	Within 3 operating days
<i>Information—New or Late Enrollees</i>	At enrollment
<i>New Applicant Denial</i>	Within 10 calendar days
<i>Review of Application and Implementation of Benefits</i>	Within 10 operating days

⁴⁹ See the *Carryover, Previous Year’s Eligibility* subsection in this section for additional information on this topic.

New or Late Enrollees—Letter and Application. A CE must provide a letter and application form to the household of a newly enrolled student or students when the students enroll. The CE is encouraged to expedite eligibility determinations for all new enrollees. The CE must provide free or reduced-priced meals to students within 10 days of approval of an application; however, CEs are encouraged to provide free or reduced-price meals to eligible students as quickly as possible.

Previously Approved Application—Increase to Free or Reduced-Price Meal Benefits. A CE must send notice to households with a student or students who have been previously approved for reduced-priced meals if there is an increase in meal benefits—paid to free or reduced-price or reduced-price to free—within three (3) operating days. The CE must provide free or reduced-priced meals to students within 10 days of approval of an application; however, CEs are encouraged to provide free or reduced-price meals to eligible students as quickly as possible.

Previously Approved Application—Reduced or Terminated Free or Reduced-Priced Meal Benefits. A CE is required to provide notice within ten (10) calendar days if an eligibility determination is an adverse action—free or reduced-priced meal benefits have been reduced or terminated. The notice letter must provide the following information:

- Reason for the decrease or denial of free or reduced-priced meal benefits
- Right to appeal
- Instructions on filing an appeal
- Statement that households may reapply for free and reduced-price benefits at any time during the school year

Appeal Process

The CE's process for the appeal of an application decision must be written into the CE's policy statement.⁵⁰ A household may appeal the denial of its application or the level of approved free or reduced-priced meal benefits.

Notification. Households where students' free or reduced-priced meal benefits are denied or decreased must be given written notice within ten (10) calendar days of the denial, so the household has the opportunity to appeal the decision. The notice may be sent via mail or email. The CE cannot notify the household of an adverse action by phone. For households who are applying for the first time, the notice must be provided as quickly as possible.⁵¹

⁵⁰ See *Administrator's Reference Manual, Section 2, Application and Agreement* or *Section 6, Counting and Claiming* for additional information on this form.

⁵¹ See the *Notification* subsection in this section for more detailed information on this topic.

The notice must provide the following information:

- Description of any change in free or reduced-priced meal benefits
- Reason for the denial or change of free or reduced-priced meal benefits
- Instructions on how to appeal the decision
- Explanation that an appeal must be filed within the ten (10) calendar days advance notice period to ensure continued free or reduced-priced meal benefits while awaiting a hearing and decision
- Explanation that households may reapply for free and reduced-price benefits at any time during the school year

Eligibility Determination

The determination of eligibility is based on (1) income or (2) participation in a categorical program.

- *Income Eligible*: Households that are not categorically eligible must provide household size and the most current income information that includes the amount of income received by each household member by source and frequency.⁵² Income eligibility is determined using the Income Eligibility Guidelines (IEGs) provided by USDA.⁵³
- *Categorically Eligible*: Eligible students are identified through procedures the CE has developed to facilitate communication across other programs the CE administers or between relevant agencies and the CE.

For Example:

- *The Head Start program director provides a list of students enrolled in the state-funded pre-school program.*
- *The director for the migrant program provides a list of eligible students and also provides an update when a new migrant student enrolls.*
- *The CE has worked with the local office for the Texas Department of Family and Protective Services (DFPS) to ensure that any question about the eligible of a foster child is handled efficiently.*

⁵² See the *Determining Current Income* subsection in this section for additional information on this topic.

⁵³ Each year at the beginning of the school year (July 1), USDA updates the IEGs. TDA publishes those updates at <http://www.squaremeals.org>.

Information Box 2 Master and Roster Lists*

CEs use two types of lists to manage eligibility information and prevent duplication in counting.

Master List—A list of children that may be served meals as well as detailed information on topics that may be useful for program planning, eligibility determination, verification, or other needs. This includes but is not limited to the following:

- Child's name
- Eligibility status
- Source for eligibility status (*may be one or more*)
- Household contact information
- Ethnicity
- Siblings
- Grade level
- Teacher
- Campus location

Roster List—A list of children that may be served meals as well as limited information that may be helpful in counting and claiming. This includes, but is not limited to, the following:

- Child's name
- Eligibility status

* For information on contents and use of master lists by Residential Child Care Centers (RCCI) see the *Administrators Reference Manual (ARM), Section 26, Residential Child Care Institutions.*

These efforts assist CEs in (1) identifying categorically eligible students and (2) reducing the number of applications that must be reviewed.

- *Direct Certification:* Household participation in the following assistance programs: *SNAP and TANF*—Direct Certification is completed using the *DCList* (Direct Certification/Direct Verification System) located in TX-UNPS. TDA, in cooperation with (HHSC) and the Texas Education Agency (TEA), developed a database that allows Texas CEs to match the names of enrolled students whose households qualify for SNAP or TANF.

If the household provides the documentation and a match is not made in the TX-UNPS database or through direct contact with the appropriate SNAP or TANF agency, the eligibility determination is not direct certification. It is an Other Source Categorical Eligibility determination based on the application.

FDPIR—Direct Certification cannot be completed using the *DCList* in TX-UNPS. CEs must coordinate with the local tribal governing agency or appropriate tribal official to obtain the names of students who qualify under FDPIR either in list form or through matching.

If the household provides the documentation, not the local tribal governing agency, the eligibility determination is not direct certification. It is an Other Source Categorical Eligibility determination based on the application.

- *Other Source Categorically Eligible:* Status as homeless, including runaways and individuals displaced by declared disasters; foster; migrant; designated programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified.

CEs must ensure that information related to a student's eligibility is protected since this information is considered private or confidential information.

Managing Eligibility Duplication. It is possible that a student may qualify for participation through more than one category of eligibility. The CE should have a system in place to prevent duplication on eligibility lists. Each individual participant should be counted one time when determining the number or percentage of eligible participants for the CE and the site.

For Example: A student qualifies for free meals because she (1) lives in a household that receives SNAP benefits, (2) is a foster child, and (3) meets IEGs requirements. The CE uses a system that records all three qualification factors, but ensures that the student has only one eligibility determination. Direct Certification determinations take precedence over all other determinations.

In instances where the household provides income information on an application that demonstrates eligibility and marks that a household member is Other Source Categorical Eligible, the CE must process the income information if there will be a delay in confirming the Other Source Categorical Eligibility.

Other Source Categorical Eligibility: homeless, including runaways and individuals displaced by declared disasters; foster;⁵⁴ migrant; designated state⁵⁵ or federally funded pre-kindergarten y programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified.

In some cases, processing the income information will allow the students in the household to receive meal benefits more quickly. However, as soon as the CE is able to confirm the Other Source Categorical Eligibility, the CE must disregard the income information on the application and update its eligibility determination records.

Carryover, Previous Year's Eligibility

Carryover applies to all the eligibility determinations for the previous school year. Prior to processing applications for the current school year, students from households with eligibility determinations from the preceding year may be served reimbursable free and reduced-price meals during the carryover period of eligibility.

The carryover period extends

1. up to 30 operating days into the current school year or
2. until a new eligibility determination is made.

Information Box 3

Carryover Eligibility Criteria Based on Previous Year's Eligibility

Carryover Eligibility applies to children who meet the eligibility criteria for each of the eligibility categories:

1. Income Eligible
2. Categorical—Direct Certification
 - SNAP
 - TANF
 - FDPIR
3. Categorical—Other Source Categorical Eligible
 - Foster
 - Homeless, including runaway and displaced by a declared disaster
 - Migrant
 - Specified early childhood programs—Early Head Start, Even Start or Head Start Enrollment
 - Any SNAP, TANF, or FDPIR eligible child who is not directly certified

⁵⁴ Where the State retains legal custody of the child.

⁵⁵ Eligible state -funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

The carryover period is not intended to cause a delay in processing of applications. CEs must promptly process applications within 10 operating days of receipt and notify households in a timely manner.

Household Lack of Response. At the end of carryover period, free or reduced-priced eligibility for students whose households have not submitted new applications must be terminated.

The CE is not required to send the household a denial letter or notice of adverse action for eligibility changes from the previous school year for students whose eligibility has been extended under the 30-day carryover period.

Application Resubmitted After Termination of Free or Reduced-Price Meal Benefits. If the household decides to submit an application after the free or reduced-price benefits are terminated for lack of response, the household is not required to submit income documentation with the application unless the application is later chosen for verification.⁵⁶

New Eligibility Determination. New eligibility determination supersedes carryover eligibility.

Temporary Closure or Delay in Opening of School. If the school is temporarily closed or has a delayed opening at the beginning of the school year, the CE determines the 30-day carryover period using the number of days of actual school operation.

Year-Round Sites. The prior year’s applications may be carried over for 30 operating days following the first operating day for a given track.

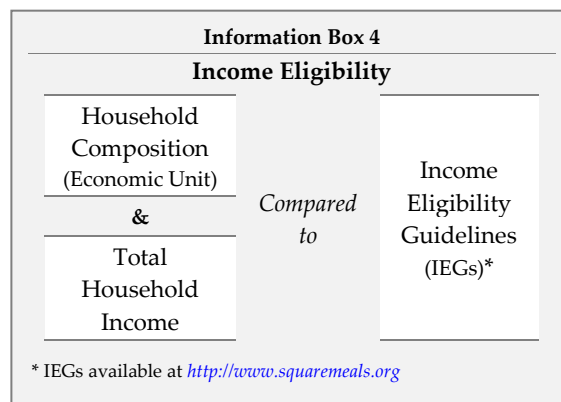
For Example: A year-round school’s first day of operation is July 1. The 30-day carryover period extends for 30 operating days starting on July 1.

Within the Same CE, Carryover, Provision 2 (P2) School. For students transferring within the same CE from a school using Provision 2, the new school must carryover the previous year’s eligibility during the carryover period only if the prior year was a base year, and the student’s individual eligibility information is available.

Within the Same CE, Carryover, Community Eligibility Provision (CEP) School. For students transferring from a school using CEP to a school not implementing CEP within the same CE, the student’s direct certification information from the previous year may be used so that the child is able receive free meals during the carryover period.

Income Eligibility

To determine if a household meets income eligibility requirements for free or reduced-priced meals, CE officials must compare the most current Income Eligibility Guidelines (IEGs) to the household composition and the total household income. Income-based eligibility lasts for the entire school year.



⁵⁶ See the *Administrator’s Reference Manual (ARM), Section 6, Verification* for additional information.

Income Guidelines for Free and Reduced-Price Meals⁵⁷

The household size and income levels prescribed annually by the U.S. Secretary of Agriculture are used for determining eligibility for free and reduced-price meals.

- *Free*—At or below 130 percent of the federal poverty guidelines
- *Reduced-price*—Between 131 and at or below 185 percent of the federal poverty guidelines

Determining Household Composition

The Reviewing Official must determine the number of household members—*household composition*—in order to compare the household composition and the total household income to the IEGs. While the term *household* is commonly used to mean a *family unit*, for SNPs the number of members in the household is determined by *economic unit*—*a group of related or unrelated individuals who live as a unit sharing housing, income, and expenses*.

Although individuals residing in the same house are generally a single economic unit, more than one economic unit may reside in the same house. Separate economic units in the same house are characterized by prorating expenses and economic independence from one another. If there are multiple units in one household, the Reviewing Official will need to ensure that each household prorates expenses by unit and maintains economic independence from one another.

Household Composition Special Situations

Because the composition of households can be complex, Reviewing Officials may need to use their own discretion in special situations. However, the following guidance can help in making a determination in special situations.

Not Living in a Traditional Home

Student Attending an Institution. A student who attends but does not reside in an institution is considered a member of the household in which he or she resides.

Student Away at School. A student who is temporarily away at school (e.g., attending boarding school or college) is included as a member of the household.

Information Box 5

Household Composition

Household Composition

- The number of members within an economic unit represent the composition of the household.

Economic Unit

- A group of related or unrelated individuals living as one economic unit—share housing and/or significant income and expenses among members—are one economic unit.
- Generally, individuals residing in the same house are an economic unit.
- This term does not apply to residents of an institution or boarding house.

Multiple Units in One Household

- More than one economic unit may reside together in the same house.
- When there are separate economic units in the same house, the units commonly prorate expenses and maintain economic independence from one another.

⁵⁷ See the *Reported Income Chart*, *Income Exclusion Chart*, and *Special Situations, Income* subsection in this section for additional information on income eligibility guidelines.

If a student is attending an SNP participating boarding school and wishes to apply for free or reduced-price meals, he or she is not considered a household of one.

Student Living with One Parent, Relative, or Friends. In cases where no specific welfare agency or court is legally responsible for the student or where the student is living with one parent, other relatives, or friends of the family, the student is considered to be a member of the household with whom he or she resides.

Children of Divorced Parents—Children of divorced or separated parents are generally part of the household that has custody.

Student Residing in an Institution or RCCI. A student residing in a non-participating institution but who attends a SNP participating school during the week or a student residing in a participating RCCI is considered a household of one. See the *Administrator's Reference Manual, Section 26, Residential Child Care Institutions (RCCIs)* for more information on this topic.

Family Members Living Apart. Family members living apart on a temporary basis are considered household members.

Foreign Exchange Student. A foreign exchange student is considered to be a member of the household in which he or she resides—the household hosting the student.

Court-Ordered Household

Adopted Child. A student for whom a household has accepted legal responsibility is considered to be a member of that household.

Emancipated Minor Child. A court ordered emancipated minor child living alone or as a separate economic unit is considered to be a household of one. An emancipated minor child signs her or his own application and is not required to provide a Social Security Number or the last four digits of his or her Social Security Number.

A student who lives with her or his parents and is required to pay for room and board is not considered a separate economic unit. Most students paying room and board are usually paying a token amount and are not economically independent of their parents and therefore, not considered to be emancipated.

Foster Child. A foster child is a child whose care and placement is the responsibility of the state or who is placed by a court with a caretaker household. Such a child is considered a member of the foster parent/s' household. A child placed with relatives through a formal arrangement by the courts or state is also considered a foster child.

State-Assigned Permanent Managing Conservatorship—A child whose care is controlled by a state-assigned Permanent Managing Conservatorship will follow the same requirements as a foster child.

Informal Placement—A child is not considered a foster child if placed informally with relatives but not through court or state intervention. However, the guidance in this subsection for a *Student Living With One Parent, Relative, or Friends* applies to this student.

Joint Custody. When joint custody has been awarded by the court and the child physically changes residence for prescribed periods of time, the child is considered part of the household where he or she resides during that period. In these situations, if both parents apply for free or reduced-price meals in the same CE for the student and different eligibility statuses result, the greatest benefit level is used.

For Example: If the father's situation results in eligibility for free meals while the mother's application is denied, the student would receive free meals regardless of which parent was housing the student.

One Parent Refuses Free or Reduced-Price Meals—However, if one of the parents chooses to refuse services, on the days that parent pays for the student's meals, the student's meals cannot be counted in the day's free or reduced-price meals served totals. This does not affect the free and reduced-price meals for the student when residing with the other parent.

Other Students in the Household—If one parent applies for free or reduced-priced meals for other students in the household, the student for which the parent has joint custody may be counted as a member of the household.

Military

Deployed Service Personnel. Family members not living with the household for an extended period of time are not usually considered household members. However, any member of the armed services who is activated or deployed in support of any military combat operation is counted as a household member.⁵⁸

Reviewing Officials will find additional information in the *Eligibility Manual* available at <http://www.squaremeals.org>.

Determining Current Income

The current income of the household is based on total income brought into the home by all members of the household.⁵⁹ This includes those who work full or part-time and those who receive income from non-work related sources. Income is the total gross income received by a household before deductions with the exception of self-employment income.

⁵⁸ See the *Income Inclusions Chart* and *Federal Payment Exclusions Chart* in this section for additional information on this topic.

⁵⁹ See the *Determining Household Composition* subsection in this section for an explanation of households with multiple economic units. If there are multiple units, each unit's total income is considered separately from other economic units in the same household.

Although the Reviewing Official may need to use her or his own discretion in some instances, current household income is determined as follows:

Income Frequency and Determination Chart												
Income Frequency	Determination of Current Income ⁶⁰	Eligibility Consideration										
Monthly Current Income	<p>When households report most current income for the household,</p> <ul style="list-style-type: none"> the amount may be for the current month <p><u>or</u></p> <ul style="list-style-type: none"> the amount projected for the month for which the application is completed <p><u>or</u></p> <ul style="list-style-type: none"> the month prior to the filling out the application. 	<p>If all sources of income are received in the same frequency, no further actions are needed before determining eligibility.</p> <p>If the sources of income are received at different frequencies, the Reviewing Official must apply a Conversion Factor (below) to determine annual income before determining eligibility.</p>										
Annual Current Income	<p>If a household provides annual income only, the CE may contact the household to ensure that the household has provided current income. However, the household <u>cannot be required</u> to provide documentation of income during the application process.</p>	<p>After ensuring that the reported annual income is accurate, no further steps are needed before determining eligibility.</p>										
Conversion Factor	<p>If there are household incomes sources with varied frequencies,⁶¹ the Reviewing Official must apply the appropriate conversion factor to each income source as reflected in the following chart:</p> <table border="1"> <thead> <tr> <th colspan="2">Multiply Income Received by the Appropriate Frequency Number</th> </tr> </thead> <tbody> <tr> <td>Weekly</td> <td>x 52</td> </tr> <tr> <td>Bi-Weekly (every two weeks)</td> <td>x 26</td> </tr> <tr> <td>Semi-Monthly (twice a month)</td> <td>x 24</td> </tr> <tr> <td>Monthly</td> <td>x 12</td> </tr> </tbody> </table> <p>(NOTE: CEs cannot use conversion factors such as 4.33 to convert weekly income or 2.15 to convert bi-weekly income to monthly amounts. If a CE uses software for the application process or certification purposes, the software cannot use conversation factors such as 4.33 to convert weekly income or 2.15 to convert bi-weekly income to monthly amounts and cannot automatically convert income unless there are different frequencies.)</p>	Multiply Income Received by the Appropriate Frequency Number		Weekly	x 52	Bi-Weekly (every two weeks)	x 26	Semi-Monthly (twice a month)	x 24	Monthly	x 12	<p>After converting each income source, add the amounts of all incomes together to get the annual income—annualized income, use the IEG chart to determine income eligibility.</p>
Multiply Income Received by the Appropriate Frequency Number												
Weekly	x 52											
Bi-Weekly (every two weeks)	x 26											
Semi-Monthly (twice a month)	x 24											
Monthly	x 12											

⁶⁰ See the *Special Situations, Income* subsection in this section for additional information on income that may not be reflected in explanation.

⁶¹ For example, one person in the house receives a weekly income; another monthly income.

The *Income Exclusions Chart*, *Federal Payment Exclusions Chart*, and *Reported Income Chart* provide a partial list of income sources that should be included or excluded when determining household income. The Supplemental Security Income Program maintains an extensive list at http://www.socialsecurity.gov/OP_Home/cfr20/416/416-app-k.htm. The household always has the right to provide documentation or to request a determination about a source of income that may be excluded for the purposes of the school nutrition programs.

Income Exclusions Chart	
The following income sources are excluded when determining income eligibility for meal programs:	
<p>Non-Military</p> <p><i>By Statute</i></p> <ul style="list-style-type: none"> Any cash income or value of benefits excluded by statute, common exclusions include benefits under the SNAP or FDPIR and some federal educational benefits Payments received from a foster care agency or court for the care of children <p><i>In Kind</i></p> <ul style="list-style-type: none"> In-kind compensation, such as housing for clergy and similar non-cash benefits <p><i>Educational Assistance</i></p> <ul style="list-style-type: none"> Student financial assistance provided for the costs of attending an educational institution, such as grants and scholarships awarded to meet educational expenses and not available to pay for meals <p><i>Temporary Income</i></p> <ul style="list-style-type: none"> Loans, such as bank loans, since these funds are only temporarily available and must be repaid Occasional earnings received on an irregular basis (not recurring, such as payment for occasional baby-sitting or mowing lawns) 	<p>Military Benefits</p> <p><i>In-Kind</i></p> <p>In-kind benefits such as non-privatized on-base housing, where no cash is provided to the household</p> <p><i>Family Subsistence Supplemental Allowance (FSSA)</i></p> <p>Military household income classified as FSSA</p> <p><i>Privatized Housing Allowances</i>⁶²</p> <p>A housing allowance appearing on the leave and earnings statement of service members living in privatized housing, applying only to service members living in housing covered under the Military Housing Privatization Initiative</p> <p><i>(Not included in this exclusion —housing allowances for households living off-base in the general commercial or private real estate market)</i></p> <p><i>Combat Pay</i></p> <ul style="list-style-type: none"> Received in addition to the service member’s basic pay Received as a result of the service member’s deployment to or service in an area that has been designated as a combat zone Not received by the service member prior to her or his deployment to or service in a designated combat zone <p><i>Deployment Extension Incentive Pay</i></p> <p>Extended to Deployment Extension Incentive Pay (DEIP) given to active-duty service members who agree to extend their military service by completing deployment with their units without re-enlisting</p> <p><i>(Not included in this exclusion —service members who have returned to their home station or are not considered deployed)</i></p>

⁶² Additional information about Department of Defense Military Housing Privatization Initiative, including a list of affected installations, may be found at <http://www.acq.osd.mil/housing>.

Federal Payment Exclusions Chart

The following income payment, reimbursements, or value of assistant sources that are excluded when determining income eligibility for meal programs.

American Indian

- Indian tribal land held in trust from certain sub-marginal land of the U.S.
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

Child Care Related

- At-risk block grant child care under Section 5081 of Public Law 101-508, which amended Section 402(i) of the Social Security Act
- Child Care under section 402(g)(1)(E) of the Social Security Act
- Child Care and Development Block Grant (Public Law 102-508), (15) under AmeriCorps to the extent excluded by the National and Community Service Act of 1990
- Child Care and Development Block Grant Act, as amended (Public Law 102-586, Sec. 8(b))

Disability

- Agent Orange Compensation Exclusion Act (Public Law 101-201)

Disaster

- Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989 (Public Law 100-707)
- National Flood Insurance Program (NFIP)

Education

- Carl D. Perkins Vocational Education Act, as amended by the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1990 (Public Law 101-392)
- Title IV of the Higher Education Act of 1965 (Pell Grant, Supplemental Education Opportunity Grant, State Student Incentive Grants, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship Programs) to the extent excluded by that Act

Low Income

- Community Development Act of 1987
- Cranston-Gonzales National Affordable Housing Act (Public Law 101-625)
- Housing and Community Development Act of 1987
- Low-income Home Energy Assistance Act (Public Law 99-125)
- Old Age Assistance Claims Settlement Act, except for per capita shares in excess of \$2,000
- Richard B. Russell National School Lunch Act, the Child Nutrition Act of 1966, and the Food and Nutrition Act of 2008—

Volunteer Service

- Small Business Act (SCORE and ACE), Section 8(b)(1)(B)
- Social Security Act, Section 402(g)(1)(E)
- Title I (VISTA and others) and Title II (RSVP) of the Domestic Volunteer Service Act of 1973 to the extent excluded by that Act

Reported Income Chart⁶³

Income to be reported on the non-categorically eligible household's application for free and reduced-price meals is any money received on a recurring basis, including gross earned income—all money earned before such deductions as income taxes, employee's Social Security taxes, insurance premiums, and bonds.

Reported income includes the following sources:

Earnings from Work

- Wages, salaries, tips, and commissions
- Net income from self-owned businesses and farms
- Strike benefits, unemployment compensation, and worker's compensation

Retirement or Disability Benefits

- Pensions, retirement income, and veteran's benefits
- Social Security
- Supplement Security Income
- Disability Benefits

Welfare, Child Support, Alimony

- Public assistance payment or welfare benefits (e.g., TANF, General Assistance, General Relief)
- Alimony or child support payments

Any Other Income

- Net rental income, annuities, and net royalties
- Interest and dividend income
- Cash withdrawal from savings, income from estates, trusts, and/or investments
- Regular contributions from persons not living in the household

Special Situations, Income

Although the lists in the income charts help to define the types of income to include or exclude when determining eligibility, the information that follows on special situations will also help the Reviewing Officials address a wide range of circumstances that impact the determination of total income:

Not Living in a Traditional Home

Student Away at School

If a student is attending a participating boarding school and wishes to apply for free or reduced-price meals, he or she is not considered a household of one. Instead, the student's eligibility is based on her or his family's household composition and income. This also applies to foreign students attending boarding schools.

Family Members Living Apart

Family members not living with the household for an extended period of time are not considered members of the household for purposes of determining eligibility, but any money made available by them or on their behalf for the household is included as income to the household.⁶⁴

Residing in an Institution or RCCI

Only the income earned by a student from full-time or regular part-time employment and/or income the student personally receives while in residence at the institution or RCCI is considered income. Payments from any source received by the institution specifically on behalf of the student are not considered as income to the student.

⁶³ See the *Special Situations, Income* subsection in this section for information on income sources that may not be reflected in this chart.

⁶⁴ See the *Deployed Service Personnel* subsection in this section for additional requirements related to military deployment.

Court-Ordered Household

Adopted Child

If the adoption is a subsidized adoption, which may include children with special needs, the subsidy is included in the total household income. Adopted children that receive payment under Title IV-E of the Social Security Act who are zero benefit recipients of TANF must include the amount of assistance as household income on the application.

Adopted Foster Child

Because of the yearlong eligibility, the free eligibility status of a foster child does not change within the year even if the child is later adopted. This eligibility extends into the first 30 operating days of the subsequent school year—the carryover period.

However, for the subsequent school years, an adopted child's eligibility must be based on the economic unit of the household and all income available to that household. This includes any adoption assistance.

Households with Foster Children

It is optional for the household to list foster children residing in the home on a free and reduced-price meal application for non-foster children. However, if the household lists a foster child on its application for non-foster children, then the foster child's personal income—part-time job or funds provided to the child for her or his personal use—must be reported and included in the eligibility determination.

Income Sources

Alimony and Child Support

Any money received by a household in the form of alimony or child support is counted as income. Any monies paid out for alimony or child support cannot be deducted from a household's reported gross income.

Student's Income

The earnings of a student who is a full-time or regular part-time employee must be listed on the application as income. However, infrequent earnings are not counted as income and should not be listed on the application. Infrequent earnings include but are not limited to the following:

- Occasional baby-sitting
- Mowing lawns

Farm Income

Net income for self-employed farmers is figured by subtracting the farmer's operating expenses from the gross receipts.

- *Operating Expenses:* A farmer's operating expenses include cost of the following:
 - Feed, fertilizers, seed, and other farming supplies
 - Cash wages paid to farmhands
 - Depreciation charges, including cash rent, interest on farm mortgages, farm building repairs
 - Farm taxes—but not state and federal income taxes
- *Gross Receipts:* Gross receipts include the value of the following:
 - All products sold
 - Money received from the rental of farmland, buildings, or equipment
 - Incidental receipts from the sale of items such as wood, sand, and gravel

Garnished Wages and Bankruptcy

In the case of garnished wages and income ordered to be used in a specified manner, the total gross income must be considered regardless of whatever portions are garnished or used to pay creditors or other individuals. A common example of garnished wages includes alimony and child support payments.

Lump Sum Payments

Lump sum payments or large cash settlements are not counted as income since they are not received on a regular basis. These funds may be provided as compensation for a loss that must be replaced, such as payment from an insurance company for fire damage to a house. However, when lump sum payments are put into a savings account and the household regularly draws from that account for living expenses, the amount withdrawn is counted as income.

Rental Income

If a household owns a housing unit and rents living space to another household, the income from renting of a room/s, an apartment, or other space must be included as income. The treatment of rental income is similar to self-employment income.

(NOTE: If two separate households rent living spacing and one household gives its portion of the rent to the other household which, in turn, pays the full rent to the landlord, the household paying the rent does not count this as income. The household is performing a simple financial transaction that does not provide the household with additional income.)

Seasonal Workers and Others with Fluctuating Income

Seasonal workers include those with annual employment contracts but who may choose to have salaries paid over a shorter period of time. This includes school employees.

Seasonal workers and others whose income fluctuates usually earn more money in some months than in other months. Consequently, the previous month's income that is reported on the free and reduced-price meal application may distort the household's actual circumstances.

The Reviewing Official must determine the period of time for which earnings are received as well as the full amount of income available to such workers on an annual basis and, then, convert all income sources to an annual amount. This process treats these employees in the same manner as employees who choose to have their salaries paid over the full year.

In these situations, a household may project an annual rate of income and report this amount as current income. If the prior year's income provides an accurate reflection of the household's current annual rate of income, the prior year may be used as a basis for the projected annual rate of income.

Self-Employment Income

Self-employed individuals may use the previous year's income as a basis to project their current year's net income, unless their current monthly income provides a more accurate measure. These individuals are credited with net income rather than gross income. Net income for self-employment is figured by subtracting business expenses from gross receipts. The following explanations help to define terms related to self-employment income:

- Gross receipts include the total income from goods sold or services rendered by the business.
- Deductible business expenses include the cost of goods purchased, rent, utilities, depreciation charges, wages and salaries paid, and business taxes—but not personal, federal, state, or local income taxes.
- Non-deductible business expenses include the value of salable merchandise used by the proprietors of retail businesses.
- Net income for self-employed farmers is figured by subtracting the farmer's operating expenses from the gross receipts.
- Gross receipts include the value of all products sold; money received from the rental of farm land, buildings, or equipment to others; and incidental receipts from the sale of items such as wood, sand, or gravel.
- Operating expenses include cost of feed, fertilizer, seed, and other farming supplies; cash wages paid to farmhands; depreciation charges; cash rent; interest on farm mortgages; farm building repairs; and farm taxes—but not local, state, and federal income taxes.

For a household with income from both wages and self-employment, each amount must be listed separately. When there is a business loss, income from wages may not be reduced by the amount of the business loss. If income from self-employment is negative, it should be listed as zero income.

Social Security with Election to Have Taxes Withheld

Social Security recipients may choose to have taxes withheld from their monthly checks. Therefore, the amount of the Social Security check does not represent the gross monthly payment for the household. In these cases, the CE will need to ask for additional information that shows gross monthly income for the Social Security payment.

Military

Deployed Service Personnel

Family members not living with the household for an extended period of time are not usually considered household members. However, any member of the armed services who is activated or deployed in support of any military combat operation is counted as a household member. Any money made available by them or on their behalf for the household is included as income to the household with the exception of combat pay as described in the *Income Exclusion Chart* in this section.

Military Benefits

Benefits paid directly to the service person such as housing allowances and food or clothing allowances, are considered income. See the *Income Exclusions Chart* and the *Federal Income Exclusions Chart* in this section for additional information on income excluded for those in the military, including privatized housing.

Temporary Situations

Hardship Situations

Households that are not categorically eligible or income eligible cannot be approved for free or reduced-priced meals. USDA has no provisions for making exceptions based on unusual household circumstances, such as high medical expenditures. The only exception to this requirement is students who have been made homeless or displaced by a declared disaster.

Homeless or Displaced Family in a Declared Disaster

When a household has undergone a disaster and moved in with another household, the host family's household composition and income should not be reported on the homeless or displaced family's application.

Host Family for a Homeless Student or Family

When a host family for a homeless student or family applies to receive free and reduced-price meals for their own students, the host family may include the homeless student or family as household members in their household composition if the host family provided financial support to the homeless family, such as shelter, utilities, clothing, or food. In this case, the host family must also include any income received by the homeless family as household income in an application.

Being listed on the host family's application does not affect the homeless student's eligibility for free meals.

Categorical Eligibility

The SNP uses categorical eligibility to provide free or reduced-priced meals to students of high need. There are two types of categorical eligibility – Direct Certification and Other Source Categorically Eligible

Other Source Categorically Eligible: homeless, including runaways and individuals displaced by declared disasters; foster;⁶⁵ migrant; designated state⁶⁶ or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified

Direct Certification

All CEs regardless of their size are required to use direct certification. In essence, direct certification is the identification of categorically eligible students through means other than getting information from the household. Students who are participants in SNAP, TANF, or FDPIR⁶⁷ can be directly certified for free meals.

If any person, including adults, in a household is receiving program benefits from SNAP, TANF, or FDPIR, all students in the household are eligible for free meals. This is called *extended benefits* or an *extension of benefits*.

Direct Certification Programs. Participants in the following programs can be directly certified.

- *Direct Certification for SNAP and TANF:* Eligibility determinations must be conducted using an electronic data match process or by information the CE obtains directly from a SNAP or TANF administering agency. The use of SNAP or TANF eligibility numbers provided by the household do not fulfill the direct certification requirement.

Information Box 6
DCList – SNAP Eligible Child

This screen shot illustrates how a CE identifies a SNAP Eligible Child. If there is a “1” under ELIGIBILITY, the child is SNAP eligible.

The screenshot shows a report titled "Direct Certification - Direct Verification" from the Texas Department of Agriculture. The report includes a table with the following columns: CE-CE ID, Site#-Site Name, LAST NAME, FIRST NAME, MI, SSN, BIRTH DATE, SEX, GRADE, ADDRESS, CITY, STATE, ZIP, EFF DATE, and ELIGIBILITY. The ELIGIBILITY column contains the number 1. A large arrow points to the ELIGIBILITY column.

CE-CE ID	Site#-Site Name	LAST NAME	FIRST NAME	MI	SSN	BIRTH DATE	SEX	GRADE	ADDRESS	CITY	STATE	ZIP	EFF DATE	ELIGIBILITY
		Name	Name	N	#####	Date	M	09	Street	HOUSTON	TX	77003	July	1

⁶⁵ Where the state retains legal custody of the child.

⁶⁶ Eligible state-funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

⁶⁷ In Texas, there is a small population of children who may qualify under FDPIR. To directly certify a child who is eligible for FDPIR, the CE must reach out the tribal governing organization to get a list of eligible children or match students' names.

The *DCList*⁶⁸ located in TX-UNPS provides information on SNAP and TANF eligibility. The *DCList* is uploaded each year before October 1 and is updated monthly for the remainder of the year. CEs should check the updates each month to determine if there are additional direct certification matches.

Using the DCList—In the TX-UNPS *DCList*,

- A student who is listed and has a number 1 recorded for the student’s eligibility lives in a household receiving SNAP benefits (see *Information Box 6, DC List—SNAP Eligible Child*).
- A student who is listed and does not have a number 1 recorded for the student’s eligibility lives in a household receiving TNAF benefits.

In matching names in the database, CEs may find the following strategies helpful:

- Household composition information to identify siblings
- Students with shared addresses, contact numbers, or contact individuals
- Interactions with adults in the household
- Computer matching systems or other methods

Throughout the school year, CEs should also continue to work directly with state and local agencies to continue to identify students who can be certified in a timely manner.

- *Direct Certification for FDPIR*: Eligibility determination must use program award information provided by the tribal governing agency or tribal officials. A Reviewing Official can directly certify participants in the FDPIR assistance program with a list of participants obtained from the governing federal agency or appropriate tribal official or an official letter stating the student’s household currently receives FDPIR benefits.

(NOTE: There are no standardized forms available for this purpose. The Reviewing Official may want to contact the tribal governing agency or appropriate tribal officials to determine the best method of identifying students for direct certification.)

The use of household provided documentation to determine FDPIR eligibility does not fulfill the FDPIR Direct Certification requirement.

⁶⁸ The *TX-UNPS User’s Guide* in TX-UNPS has information on how to access this list.

Direct Certification Documentation. When SNAP, TANF, or FDPIR⁶⁹ eligible students are directly certified the CE needs to ensure that the following information is used and retained:

- Names of students or any household member/s currently certified to receive program benefits from SNAP, TANF, or FDPIR
- A statement certifying that each student is member of a household where someone receives program benefits from SNAP, TANF, or FDPIR
- At least one piece of identifying information matching each student with a student participating at a particular site such as student's birth date, address, name of parent/s, student's Social Security number, gender, or other identifier
- Period of time for benefits
- Signature of the assistance program official

(NOTE: For electronic matches, which do not include an official's original signature, sufficient documentation includes correspondence or the written agreement between the assistance program and the CE that describes and confirms the manner in which the CE officials will provide the students' SNAP, TANF, or FDPIR⁷⁰ status. For direct certification information obtained through TX-UNPS, CEs must maintain a record of when the information was obtained.)

Actions Related to Direct Certification

The following actions should be taken to effectively implement identification of eligible participants for direct certification.

Applications for Participants Identified Through Direct Certification. When direct certification participants are identified through the direct certification process, CEs cannot require households to provide other documentation. If a household that is directly certified submits an application, the CE must disregard the application unless the application identifies other students in the household that were not identified through the direct certification process.

For Example: The DCList⁷¹ matched two students in a household. A student from a previous marriage has changed permanent residence to the household. The household has reported this additional student by application, but the student is not named on the DCList. In this case, the information on the application identifies the student as a new member of household in which all students are directly certified to receive free meals.

⁶⁹ In Texas, there is a small population of children who may qualify under FDPIR. To directly certify a child who is eligible for FDPIR, the CE must reach out the tribal governing organization or appropriate tribal official to get a list of eligible children or match students' names.

⁷⁰ In Texas, there is no existing method to use the state's Direct Certification system to match FDPIR participants.

⁷¹ See the *Categorical Eligibility* subsection in this section for additional information on the *DClist*.

Notification of Direct Certification. CEs must notify households of students who are eligible by direct certification and provide the following information:

- That the students in the household are eligible for free meals for the entire year
- That the household does not need to provide further documentation, including an application
- That the household should notify the CE if the adults in the household would like to decline the free or reduced-priced meals

Notification may be done through email if the CE has an email address for a parent or guardian.

SNAP or TANF Identifiers from States Other Than Texas. Because each state uses different income criteria for SNAP or TANF, Texas does not grant direct certification to students from households that have been awarded SNAP or TANF benefits in another state. If a household submits an identifying number from another state, the CE must contact the household to request a Texas identifier number or additional income information before determining eligibility.

SNAP or TANF Direct Certification, Household Change. In situations where a student is directly certified because another person in the household was awarded SNAP or TANF benefits and (1) the student moves to another household and (2) the person awarded SNAP or TANF benefits does not move with the student, the student remains eligible for the entire school year. However, the other students in the new household are not automatically eligible for free meals unless they qualify through another method.

Actions Related to Other Source Categorically Eligible Students

Students who are Other Source Categorically Eligible receive free meals, but are not directly certified. The CE must decide the most expeditious manner in which to confirm or document a student's status under Other Source Categorically Eligible.

The documentation to support Other Source Categorically Eligibility may come from a governing agency, program administrator, or a household. In all cases, CEs should have procedures in place to do the following:

- Collaborate with agency officials or program administrators representing Other Source Categorically Eligible programs so that the CE is promptly notified when students meet the other source eligible criteria
- Notify parents promptly of a student's eligibility for free meals
- Ensure quick delivery of free meals once identification is made

Other Source Categorically Eligible Determination Guidelines. Other Source Categorically Eligibility must adhere the following guidelines:

- *Head Start, Early Head Start, and Even Start Programs:* Must be enrolled in federally-funded Head Start, Early Head Start, or Even Start program or a comparable state-funded pre-kindergarten program.

Unless the other students in the household qualify for free meals through another method, only the student participating in the program is eligible for free meals. This may cause dual eligibility in one household.

For Example: One student may be eligible for free meals based on attendance at Head Start while the other students in the household are eligible for reduced-price meals based on income.

- *Foster Child:* Must be a child whose care and placement is the responsibility of the Texas Department of Family and Protective Services (DFPS) or who is placed by a court with a caretaker household.

Unless the other students in the household qualify for free meals through another method, only the foster child is eligible for free meals.

- *Homeless Student:* Must be identified as lacking a fixed, regular, and adequate nighttime residence. Homeless students are eligible for free meals. Each CE is required to designate a homeless liaison who makes homeless determinations.⁷² The homeless student may living in the following circumstances:

- Reside in an emergency, transition, family violence, or DFPS shelter
- Live in another family or friend’s house because of a loss of housing, economic hardship, or similar reason
- Live in a motel, hotel, structure, or vehicle that is not a permanent nighttime residence
- Reside temporarily with an adult other than her or his parent or guardian

Unless other students in the household qualify for free meals through another method, only the designated homeless student is eligible for free meals.

A list of students declared homeless from the CE’s homeless liaison is sufficient documentation for free meal eligibility.

⁷² The requirement for the designation of a homeless liaison comes from the *McKinney-Vento Act*, not the rules and regulations related to school nutrition programs.

Declared Disaster: Must be under 21 years of age and

- has been displaced from her or his habitual residence as a result of a declared event

or

- has been displaced from her or his pre-disaster primary residence or whose pre-disaster primary residence is rendered uninhabitable or rendered inaccessible as a result of damage caused by a major disaster.

*Students displaced by a declared disaster are also considered homeless. Students displaced by a declared disaster are no longer temporarily eligible. They are now eligible for the entire school year.*⁷³

Unless the other students in host household qualify for free meals through another method, only the designated student who has been displaced by a disaster is eligible for free meals.

Runaway: Must be a student who has become homeless or leaves and remains away from home without parental permission. These students have been designated as *runaways* by the public school district's homeless liaison, private school official, or the director of a homeless shelter.

Unless the other students in host household qualify for free meals through another method, only the designated runaway student is eligible for free meals.

- Migrant: Must be a student that has moved across school district lines within the last three years to accompany or join a parent or guardian who has moved to seek or obtain temporary or seasonal work in agriculture or fishing.

(NOTE: Minors who move with a spouse, or by themselves, to perform this work may also qualify.)

Unless the other students in the household qualify for free meals through another method, only the designated migrant student is eligible for free meals. This may cause dual eligibility in one household.

For Example: One student may be eligible for free meals based on Migrant status while the other students in the household are eligible for free meals based on income.

⁷³ See *Special Situations, Income* subsection in this section for additional information on homeless and host family eligibility.

- **SNAP, TANF, or FDPIR—Not Directly Certified.** Must be a student that the Reviewing Official was unable to directly certify by using the *DCList* in TX-UNPS or by obtaining information or documentation from the program’s administering agency.
 - *Establishing Other Source Categorical Eligibility for SNAP or TANF:* When the Reviewing Official is unable to match the student’s SNAP or TANF eligibility with the *DCList*, a member of the household may share the Eligibility Group Number (EDG#) to demonstrate participation in SNAP or TANF. *Information Box 7* provides detailed information on SNAP or TANF eligibility documentation.
 - *Establish Other Source Categorical Eligibility for FDPIR:* When the Reviewing Official is unable to obtain a list of FDPIR eligible students from the local tribal governing agency or an appropriate tribal official, a member of the household may share its FDPIR identifier (typically a 9-digit number).

Information Box 7

SNAP or TANF Eligibility Documentation

Currently, those who apply for SNAP and TANF receive two types of documents related to eligibility:

1. **Notice that an application is being processed.** This notice is not adequate documentation to certify a child for free meals. This letter will contain a case number, a ten-digit number at the top of the letter. This number does not indicate the award of benefits.
2. **Notice that benefits have been awarded or denied.** This notice (Form TF1001) does provide adequate documentation. This letter will contain a nine digit Eligibility Group Number (EDG#) located half way down the letter on the right side. This number does indicate the award of benefits. This notice will also designate household members that have been determined to be eligible. If any person in the household qualifies for SNAP, TANF, or FDPIR benefits, all students in the household qualify for free meals.

Once the household has provided SNAP or TANF EDG# or FDPIR identifier number, the Reviewing Official can make an eligibility determination.

If any person in the household qualifies for SNAP, TANF, or FDPIR benefits, all students in the household qualify for free meals.

Documentation for Other Source Categorically Eligible Students. Other Source Categorically Eligibility documentation requires the following information from the agency official or household who has provided eligibility documentation:

From Agency or Official Letter, Form, or List	From Household Application
<ul style="list-style-type: none"> • Name of the student • Effective date • Identifying number if provided by governing agency • Residence if known • <u>Signature of official</u>⁷⁴ 	<ul style="list-style-type: none"> • Names of household members • Check field/box for the categorical program and program case number or identifier⁷⁵ • Last four digits of the Social Security number of an adult in the household or indication that the adults household member(s) does not have a Social Security number • <u>Signature of the adult in the household</u>

Agency Created Documentation. If the household voluntarily provides appropriate documentation of participation from a categorical assistance program governing agency, the CE can certify eligibility. The household does not have to complete an application.

More Than One Student Listed on the Free and Reduced-Price Meal Application and Other Source Categorical Eligibility Marked. If more than one student is listed on the application and the household has marked one or more of the other source eligibility categories, the Reviewing Official must determine which student or students meet the other source categorical eligibility criteria.

For Example: There are three students listed on the application, and the household has checked runaway. The Reviewing Official must determine which student/students meet the requirements for homeless by contacting the household and asking for clarification or the local homeless coordinator if appropriate.

Follow-up on Un-Documented Information. When the CE receives a household application indicating student participation in a categorical eligible program, the Reviewing Official must follow-up with the appropriate governing agency to verify program participation for the student (or a household member if applicable for the program) before approving the application. If a governing agency does not provide adequate documentation, the Reviewing Official must follow-up with the household.⁷⁶

⁷⁴ For electronic matches which may not include the official’s original signature, sufficient documentation must include correspondence or a written agreement between the Assistance Program office and the CE that sets out or confirms the manner in which the CE officials will provide the Children’s SNAP, TANF, or FDPIR status.

⁷⁵ If application is from a SNAP or TANF household, the EDG# is used to verify participation.

⁷⁶ The process of ensuring program participation can be incorporated into a Direct Verification process. Direct Verification may be advantageous in the verification process. See the *Administrator’s Reference Manual, Section 6, Verification* for more information on the benefits of performing Direct Verification.

The following list provides examples of appropriate documentation of awarded program benefits.

Appropriate Documentation Chart	
Early Head Start Even Start, or Head Start	<ul style="list-style-type: none"> – List, letter, or form created by local program official
FDPIR	<ul style="list-style-type: none"> – A list of participants provided by the governing agency or appropriate tribal official – An award letter or form stating award of program benefits – An identifier number verified as current by the governing tribal agency or appropriate tribal official
Foster	<ul style="list-style-type: none"> – DFPS Form 2085FC, Placement Authorization, Foster Care/Residential Care – Another form developed by the governing agency that demonstrates court placement with a caretaker household
Homeless, Declared Disaster	<ul style="list-style-type: none"> – A free or reduced-price meal application completed by the adult with whom a student resides – A list provided by a disaster official – A list provided an emergency shelter official – Designation by the district/school homeless liaison
Homeless, Including Runaway Students	<ul style="list-style-type: none"> – A list of eligible students provided by and signed by the CE’s homeless liaison – Free and reduced-price meal application submitted by the director of a homeless shelter or school official – Reviewing Official’s knowledge that the student’s address is a homeless shelter or knowledge that the student has no address
Migrant	<ul style="list-style-type: none"> – A completed Migrant Education Program (MEP) Certificate of Eligibility (COE) Form signed by a state, regional, or local MEP director or coordinator can be used to document eligibility for free meals. – A dated list with the names of each student participating in the program provided by the appropriate official – A letter from a migrant education director, coordinator, or liaison provided by a household

Special Situations, Other Source Categorically Eligible

CEs may find the following guidance helpful in efforts to effectively implement identification of Other Source Categorically Eligible participants.

Other Source Categorically Eligibility: homeless, including runaways and individuals displaced by declared disasters; foster;⁷⁷ migrant; designated state⁷⁸ or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible students who are not directly certified.

Homeless Students, Change of Residence or Secures Permanent Housing. If a homeless student secures permanent housing but now attends a school in a different school district, the new CE may accept the eligibility determination for the student provided by the former CE. However, if the CE does not elect to accept the eligibility determination from the prior CE, then, the household is required to reapply for free or reduced-priced meals with the new CE.

However, the local homeless coordinator may also make a determination that the student is *homeless* and thus eligible for free meals even if the student is considered to have a permanent residence.

Households with Emergency Foster Placement. If a student has been placed in a home for a few days as an emergency placement, the foster family may apply for free meals immediately.

Proactive Identification: Direct Knowledge of Eligibility. If a CE or site official has direct knowledge that a student is Other Source Categorically Eligible, the Reviewing Official may expedite providing free meals to the student by completing an application for that student or compiling a list of eligible students. The eligibility determination must be documented by the appropriate agency as soon as possible.

Applying on the student's behalf ensures that a student can receive benefits more quickly when there may be a delay in documenting status. However, if the student's status cannot be confirmed, the benefits must be terminated unless income information provided through the application establishes eligibility.

⁷⁷ Where the state retains legal custody of the child.

⁷⁸ Eligible state -funded pre-kindergarten programs must (1) use income eligibility criteria which are identical to, or more stringent than, the Head Start Program; (2) be able to differentiate between children receiving State or ITO funding based on income and children participating according to criteria other than the Head Start Program income limitations; (3) certify eligibility for no more than a 12 month period of time.

Disclosure of Confidential Information

CEs may disclose students' free and reduced-price meal eligibility information to programs, activities, and individuals that are specifically authorized for access under the National School Lunch Act (NSLA) which is the law that sets forth the disclosure limits for the School Nutrition Programs (SNPs). When disclosing information, the CE must make sure that the information shared is general eligibility information or aggregate data. The school nutrition director, in conjunction with any Reviewing Official responsible for determining free and reduced-price meal eligibility, makes the decision on whether or not students' information will be disclosed. In some instances the CE is required to disclose information. In others, the CE has an option about whether to release information. The guidance in this subsection will assist CEs in following disclosure requirements.

The CE may include a disclosure statement to inform household about information to be disclosed in the letter sent to households at the beginning of the year, the application, or other notification documentation.

In all cases, the receiving entity that is given disclosed information must be informed in writing of the following:

- Eligibility information may only be used for the purpose for which the disclosure was made
- Further use or disclosure to other parties is prohibited
- A violation of this provision may result in a fine of not more than \$1000 or imprisonment of not more than 1 year, or both

Family Educational Rights and Privacy Right (FERPA). The U.S. Department of Education has established that educational records must be guided by the Family Educational Rights and Privacy Right (FERPA). SNPs are not governed by FERPA. However, any information that the CE provides to educational officials is regulated by FERPA.

For Example: A school nutrition department provides eligibility status information to the local school district so that the district can take advantage of a special program for students from low income households. The information the school district receives must follow FERPA guidelines even though the school nutrition department is not governed by FERPA requirements.

Aggregate Data. The school nutrition department may disclose aggregate data to any program or individual when students cannot be identified through release of the aggregate data or by means of deduction. An example of aggregate data is the number of students eligible for free or reduced-price meals in a school district. As aggregate data, this information does not identify individual students; therefore, parental notification and parental consent are not needed. However, school nutrition departments are cautioned about the release of aggregate data when individual students' eligibility may be deduced.

For Example: If the information about a small group of students is released, it may be possible to determine who receives and does not receive free or reduced-price meals.

Need to Know. Although a program or person may be authorized under the NSLA to receive free and reduced-price eligibility information, there must be a legitimate *need to know* to provide a service or carry out an authorized activity.

For Example: State Medicaid and SCHIP agencies and health insurance program operators receiving students' free and reduced-price meal eligibility information must use that information only to enroll eligible students in State Medicaid or SCHIP.

State agencies, local education agencies (LEAs), and schools must ensure that data systems, records, and other means of accessing a student's eligibility status are limited to officials directly connected with administration or enforcement of a federal or state program activity. This includes federal, state, or local program operations responsible for ongoing operation of the program or activity, or responsible for program compliance. Eligibility information cannot be made available to all school officials.

For Example: A teacher who is directly responsible for the administration of a federal education program (e.g., providing tutorial or other assistance under NCLB for students with high economic need) is given limited access to information necessary to provide services. Other staff who are not providing such assistance under the appropriate statutory or regulatory requirement cannot have access. Online data systems must have masking or de-identification capability to prevent unauthorized access to free or reduced-price eligibility status.

Guidelines for Disclosure to Specific Agencies

CEs may use the *Disclosure Chart* to help determine what information can be released to a specific type of agency.

For Example: Using the chart to help determine what information can be released, the CE discloses information on eligibility status to a federal education program without parental consent. If the same program requests household size, CEs must obtain consent prior to disclosure.

Disclosure Chart	
CE may disclose eligibility status information without parent consent.	
All Eligibility Information	Eligibility Status Only
<ul style="list-style-type: none"> • School Nutrition Programs under the National School Lunch Act (NSLA) or Child Nutrition Act (CNA) • Comptroller General of the United States for purposes of audit and examination • Federal Communications Commission (FCC) auditors conducting E-audit • Federal, state, or local law enforcement officials investigating alleged violations of any of the programs under the NSLA and CNA or investigating violations of any of the programs that are authorized to have access to names and eligibility status 	<ul style="list-style-type: none"> • State health program other than Medicaid/SCHIP, administered by a state agency or local education agency • Federal education programs • Federal, state, or local means tested nutrition programs with comparable eligibility standard • State education programs administered by state agency or local education agencies
CE may disclose eligibility information with prior parent notice with the parent given the opportunity to decline the release of information.	
All Eligibility Information	
<ul style="list-style-type: none"> • Medicaid or the State Children’s Health Insurance Program (SCHIP), administered by a state or local agency authorized under Titles XIX or XXI of the Social Security Act to identify and enroll eligible students 	
CE may disclose eligibility information with parent consent.	
Only Eligibility Status Information	
<ul style="list-style-type: none"> • Federal health programs other than Medicaid/SCHIP • Local education programs • Local health program 	

CEs should provide information to following agencies that commonly request disclosure according to the guidelines described:

Elementary and Secondary Education Act (ESEA), No Child Left Behind (NCLB).⁷⁹ No Child Left Behind (NCLB) is a federal education program. Therefore, CE officials may disclose a student's eligibility status to individuals who are directly connected with and who have a need to know in order to administer and enforce the NCLB requirements. However, other information obtained from the free and reduced-price school meal application or through direct certification cannot be disclosed. CEs must establish procedures that limit access to a student's eligibility status to as few individuals as possible.

National Assessment of Educational Progress (NAEP). CEs may disclose, without parent or guardian consent, students' names and eligibility status to persons who are directly connected to the administration or enforcement of NAEP because NAEP is a federal education program. The term *persons directly connected* for the purpose of disclosure to NAEP includes federal, state, and local program operators responsible for NAEP program administration or program compliance and their contractors.

This does not imply that these individuals have routine access to participants' eligibility status. There must be a *need to know* related to the administration or enforcement of a federal education program or for legitimate NAEP purposes.

However, even though CEs may disclose information to NAEP programs without parent or guardian consent, CEs are encouraged to inform households when they plan to disclose or use eligibility information outside the originating program and to have a written agreement with NAEP officials.⁸⁰

NAEP State Assessment Programs. Additionally, CEs may disclose students' names and eligibility status to persons directly connected with the administration or enforcement of state educational assessment programs to the extent that the state assessment is part of the NAEP or the assessment program is established at the state, not the local, level.

Other State Education Programs. Other state education programs also are eligible to have access to participants' names and eligibility status, without parent or guardian consent, but the program must be established at the state, not the local, level.

⁷⁹ The United States Department of Education website (<http://www.ed.gov>) provides additional information on educational programs that need eligibility information in order to offer services.

⁸⁰ See the *Memorandum of Agreement Regarding Disclosure* subsection in this section for more information on a written agreement.

Federal Communications Commission (FCC) E-Rate Audits. The FCC, through the Universal Service Administrative Company (USAC), administers the E-Rate program. The USAC provides discounts to schools to obtain affordable telecommunication and Internet access. The discount rates are based on the percentage of students who are approved for free and reduced-price school meals. The USAC has contracted with private firms to conduct audits of the discount rates given to schools. These auditors are bound by disclosure of confidentiality requirements; they cannot share or otherwise release individual information. The release of information regarding students eligible for free and reduced-price meals and meal applications to auditors is permitted.

USDA has worked with the FCC to ensure that its audit protocols comply with the requirements of the NSLA. CEs may share individual students' information with authorized FCC auditors as long as the following audit procedures are used for the following purposes:

- Compare aggregate enrollment data with aggregate free and reduced-price eligibility data
- For a small sample of eligible students, request their applications which may include direct certification records
- Confirm that a meal application or other documentation exists for each selected student
- Prohibit auditors from retaining personal student identification

FCC auditors cannot verify the accuracy of the CE's determinations, conduct verification of applications, and cannot contact the household or other sources (such as assistance agencies or employers) to confirm the information on the meal application. CEs may redact all information from the application that does not show that the student has an approved application or other documentation on file.

For Example: If the student is identified by her or his student number, the CE could redact the student's name, address, etc. as long as the student number and approved eligibility status were visible.

Auditors may perform the following tasks:

- Ensure the information on the application was accurately processed, that the income and the number of persons in the household were totaled correctly and the appropriate IEGs were used
- Confirm that the students listed on rosters⁸¹ as eligible for free or reduced-price meals have approved applications on file or have been determined to be categorically eligible
- Confirm that the number of students used for statistical purposes is based on approved applications

Any discrepancies in the above areas must be brought to the attention of the CE.

⁸¹ See *Information Box 3, Carryover Eligibility* for more information on master lists and rosters.

Notice of Disclosure

The notice of either potential or specific disclosure must be given to parents or guardians prior to disclosure and with a reasonable time limit for parents or guardians to elect not to have their students' information disclosed. CEs may incorporate potential disclosers or specific disclosure descriptions into documents that regularly go out to houses.

For Example: The notice of potential disclosure or specific disclosure may be provided as follows:

- *In the letter to households that accompanies the free and reduced-price meal school application*
- *In the letter informing parents/guardians of their students' eligibility for free meals through direct certification*
- *In the multi-student/multi-use application*

The notification of potential disclosure or specific disclosure to parents or guardians must include the following:

- An explanation that information will be used by other federal, state, or local agencies as authorized by the National School Lunch Act (A list of specific programs is not necessary.)
- A list of the information that may be disclosed, including students' names, eligibility status, or other information obtained through the application or direct certification
- A statement about their right to refuse consent to the disclosure
- An explanation that the information will be used to facilitate the enrollment of eligible students in a health insurance program or other programs
- A statement that their decision will not affect their students' eligibility for free and reduced-price meals

Consent Statement Requirements

If the disclosure of data requires parental or guardian consent, the consent statement must be in writing. It may be obtained at the time of application, or at a later time. The consent statement must describe the following actions:

- Identify the information that will be shared and how the information will be used
- Be signed and dated. In the case of a student participant, the consent statement must be signed by the parent or guardian of the applicant household, even though the application for free and reduced-price meals may be signed by any adult household member
- State that failing to sign the consent statement will not affect eligibility for or participation in the program and that the information will not be shared by the receiving program with any other entity or program
- Enable the parent/guardian/adult to limit consent to only those programs with which he or she wishes to share information

For Example: The consent statement could use a check-off system under which the applicant would check or initial a box to indicate that he or she wants to have information disclosed to determine eligibility for program benefits from a specific program.

Local Policy Related to Disclosure

The issues of privacy and confidentiality of personal data are complicated as well as sensitive. Before developing local disclosure policies, CEs should discuss the issue with their legal counsel. Local policy may include requirements for a Memorandum of Agreement when data is shared with agencies that do not include federal, state, or local agencies evaluating or reviewing Child Nutrition Program operations or the Comptroller General.

Memorandum of Agreement Regarding Disclosure

If the CE establishes a memorandum of agreement with other agencies or groups not involved in evaluating and reviewing Child Nutrition Program operations, CE officials, prior to disclosing information on the eligibility of individual students, should enter into a memorandum of understanding or other agreement.

ESEA, Title programs (NCLB) Programs.⁸² This agreement should involve parties—including both officials who administer the school meals programs and officials who administer the overall education functions. This agreement would describe the following actions:

1. Specify the names of the individuals who would have access to the information
2. Provide an explanation of how the information would be used in implementing NCLB
3. Provide an explanation of how the information will be protected from unauthorized uses and third-party disclosures
4. Provide a statement of the penalties for misuse of the information

Non-Medicaid/SCHIP Agencies. The CE should enter into a written agreement with other entities, including NAEP, requesting the information prior to disclosing students' eligibility information. The agreement should describe the following actions:

- Be signed by both the CE and receiving entity
- Identify the entity receiving the information
- Describe the information to be disclosed and how it will be used
- Describe how the information will be protected from unauthorized use and disclosure
- Describe the penalties for unauthorized disclosure

⁸² The United States Department of Education website (<http://www.ed.gov>) provides additional information on educational programs that need eligibility information in order to offer services.

Medicaid/SCHIP Agencies. For any disclosures to Medicaid or SCHIP, the CE and receiving agency must have an agreement or Memorandum of Understanding which includes the following information:

- Health insurance program or health agency receiving student’s eligibility information
- Description of the information that will be disclosed, specifying that the information must only be used to seek to enroll students in State Medicaid or SCHIP
- The way the information will be used and how it will be protected from unauthorized uses and disclosures
- Penalties for unauthorized disclosure
- Signature of a CE official (also called *determining agency*) and the State Medicaid/SCHIP program or agency receiving the students’ eligibility information

Penalties for Improper Disclosure

The NSLA establishes a fine of not more than \$1000 or imprisonment of not more than one (1) year, or both, for publishing, divulging, disclosing, or making known in any manner or extent not authorized by federal law, any eligibility information. This includes the disclosure of eligibility information by one entity authorized under the NSLA to receive the information to any other entity, even if that entity would otherwise be authorized to receive the information directly from the CE.

TDA Forms

TDA provides forms and document prototypes at <http://www.squaremeals.org> for CEs to use. While CEs are not required to use the TDA forms and letters, TDA strongly encourages CEs to use the forms developed by TDA. If CEs choose to use an eligibility form or letter that is not developed by TDA, they are responsible to ensure that the form or letter contains correct and accurate information. The following forms will be helpful to CEs in determining eligibility:

- *Free and Reduced-Price Meals Electronic Application Checklist (FND-127)*
- *Income Eligibility Guidelines (IEG) Chart—National School Lunch Program (NSLP) and School Breakfast Program (SBP)*
- *Income Eligibility Guidelines (IEG) Chart—Special Milk Program (SMP)*
- *Letter of Predetermined Eligibility—Direct Certification*
- *Letter of Predetermined Eligibility—Even Start, —Head Start and Early Head Start, English and Spanish*
- *Letter of Predetermined Eligibility—Foster, English and Spanish*
- *Letter of Predetermined Eligibility—Migrant, English and Spanish*
- *Letter to Household (NSLP, SBP), English and Spanish*
- *Letter to Household (SMP), English and Spanish*
- *Letter to Household of Approval/Denial of Benefits (NSLP, SBP)*
- *Letter to Household of Approval/Denial of Free Milk (SMP)*
- *Media Release for Free and Reduced-Price Meals Community Eligibility Provision (CEP) Schools Sample*

- *Media Release for Free and Reduced-Price Meals Provision 2 Schools Sample*
- *Media Release for Free and Reduced-Price Meals Sample*
- *Multi-Child Free Milk Application (SMP)*
- *Multi-Child or Multi-Use Free and Reduced-Price School Meals Application (NSLP and SBP), English and Spanish*⁸³
- *Multi-Use Free Milk Application (SMP)*
- *Policy Statement for Free and Reduced-Price Meals, Attachment B: Meal Count/Collection Procedures*
- *Policy Statement for Free Milk, Attachment B: Meal Count/Collection Procedures*

USDA also provides prototypes of family friendly applications that CEs may use at <http://www.funsusda.gov/cnd/Application/familyfriendlyapps.html> in a wide range of languages.

Records Retention

The CE must maintain records related to eligibility determinations for a minimum of five (5) years for public and charter schools and three (3) years for private schools and RCCIs after the final claim is submitted for the fiscal year to which they pertain. These records must be available and ready for review by TDA or USDA.

Retained records include, but are not limited to, the following types of documentation:

- *Access*—notes and comments about the method/s used to provide information to households about access to applications, completing applications, and eligibility
- *Appeals*—copies of notifications, contact notes, and other documents related to household appeals of an eligibility determination
- *Applications*—all free and reduced-price applications, including applications from households denied free or reduced-price meals and inactive applications

CEs should record notes about household contacts and eligibility determination directly on applications. For those CEs that use electronic applications, CEs must maintain a system of recording notes on household contacts and eligibility determination that is easily retrievable.⁸⁴ TDA strongly recommends that the Reviewing Official use a different colored pen from the one used on the application so the notes can be easily differentiated from information provided by the household.

Information Box 8

Records Retention

State Board of Education policies require public and charter schools to maintain records for a period of five years. Private schools and RCCIs maintain records for three years.

⁸³ USDA also provides prototypes of family friendly applications that CEs may use at <http://www.funsusda.gov/cnd/Application/familyfriendlyapps.html> in a wide range of languages.

⁸⁴ USDA and TDA may review paper copies of applications during an Administrative Review (AR). Paper applications can be printouts of the applications that were completed online.

- *Direct Certification*—notes on household and agency contacts and copies of documentation that assisted the CE in making an eligibility determination
- *Other Source Categorical Eligibility*⁸⁵— notes on household and agency contacts and copies of documentation that assisted the CE in making an eligibility determination

For more information on retaining specific documentation related to eligibility, see the *Administrator's Reference Manual, Section 3, Required Records and Due Dates*.

⁸⁵ Other Source Categorical Eligibility: homeless, including runaways and individuals displaced by declared disasters; foster; migrant; designated state or federally funded pre-kindergarten programs, including Early Head Start, Even Start, and Head Start; and SNAP, TANF, or FDPIR eligible children who are not directly certified.