

# Eligibility Manual for School Meals

## Determining and Verifying Eligibility



USDA Food and Nutrition Services  
Child Nutrition Programs

July 18, 2017

This edition incorporates clarifications identified by the Food and Nutrition Service and State agencies, as well as applicable guidance issued since the last revision in July 2016. Notable changes are highlighted in yellow throughout the manual. Formatting changes and minor changes to the language are not highlighted, as they do not represent a change in policy.

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## About This Guidance

Millions of children across the nation participate in the Federal Child Nutrition Programs (CNPs) each day, receiving benefits that make an important contribution to their overall nutrition and academic success. In 2016, an average of 30.3 million children participated in the National School Lunch Program (NSLP) and 14.5 million children participated in the School Breakfast Program (SBP) each day school was in session. Seventy-three percent of all lunches and 85 percent of all breakfasts were served at the free and reduced price rate.

The *Eligibility Manual for School Meals* provides comprehensive information on the Federal requirements, policies, and procedures for establishing eligibility in the Programs. This is intended to help State and local educational agencies (LEAs) accurately determine, certify, and verify children's eligibility for free and reduced price school meals and free milk.



The United States Department of Agriculture's (USDA) Food and Nutrition Service (FNS) understands the importance of reducing paperwork and administrative errors, emphasizing flexibility in how the Programs operate, and maintaining strong accountability for outcomes, all while promoting access for eligible families. It is critical that State and local procedures encourage and support effective methods for establishing eligibility, including direct certification, to reach children who qualify for benefits, but who are not participating.

The *Eligibility Manual* provides practical information for State and local agencies responsible for administering the School Meal Programs, including guidance on determining eligibility for free and reduced price meals and free milk, protecting student privacy, and ensuring the accuracy of eligibility determinations through the verification process. By using this manual, State and local agencies can ensure their policies and procedures for establishing eligibility are effective, improve Program integrity, and reduce administrative burden, without compromising access for families in need.

While the requirements in this manual are generally directed towards LEAs, FNS recognizes there is wide variation in the structure of school districts at the local level. As such, in some cases, the school food authority (SFA) may assume responsibility for certain requirements included in this manual. Additionally, CNP operators will find this manual useful when establishing eligibility for individual children in the Summer Food Service Program (SFSP) or

for children and adult participants in the Child and Adult Care Food Program (CACFP). The income eligibility, categorical eligibility, confidentiality, and disclosure sections of this manual are also applicable to the SFSP and CACFP.

The sections of the *Eligibility Manual* include:

- **Section 1:** An overview of the CNPs: the NSLP, SBP, CACFP, and SFSP.
- **Section 2:** Information about determining eligibility based on household size and income, Assistance Program participation, and Other Source Categorical Eligibility designations.
- **Section 3:** A guide to processing and reviewing applications and notifying households of application approval or denial.
- **Section 4:** An overview of application requirements and information about various application types and formats.
- **Section 5:** A guide to confidentiality and disclosure requirements, including when, how, and to whom a child's eligibility status or other eligibility information may be disclosed.
- **Section 6:** An overview of the verification requirements for the School Meal Programs.
- **Appendices:** Additional resources LEAs may use to learn more about eligibility determinations in the CNPs.

This edition replaces the *Eligibility Manual* issued in July 2016. FNS issues this guidance periodically to ensure that CNP operators have current policy information to begin the application and certification process at the start of each school year.

LEAs and other CNP institutions and sponsors should contact the appropriate State agency for additional guidance. State agencies should direct questions to the appropriate FNS Regional Office (FNSRO).

#### **Statutory Authority**

Statutory authority for the CNPs includes the Richard B. Russell National School Lunch Act (NSLA) and the Child Nutrition Act of 1966 (CNA). The statutory citations are, respectively, 42 United States Code 1751 et seq. and 42 United States Code 1771 et seq.

Regulatory authority is found in the Code of Federal Regulations (CFR), as follows:

- 7 CFR Part 210, National School Lunch Program (NSLP)
- 7 CFR Part 215, Special Milk Program for Children (SMP)
- 7 CFR Part 220, School Breakfast Program (SBP)
- 7 CFR Part 225, Summer Food Service Program (SFSP)
- 7 CFR Part 226, Child and Adult Care Food Program (CACFP)
- 7 CFR Part 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools

## Section 5: Confidentiality and Disclosure

This section includes information about:

- Maintaining confidentiality when processing applications;
- Preventing overt identification;
- Federal, State, and local programs that may obtain student's eligibility information; and
- When parental or guardian approval is required prior to disclosure.

The information provided by families on the free and reduced price application will be used only for determining eligibility for meal or milk benefits and verification of eligibility. LEAs planning to disclose children's eligibility status for purposes other than determining and verifying free and reduced price eligibility must inform households of this potential disclosure. In some cases, the LEA must obtain consent of a parent or guardian prior to the disclosure. For example, LEAs must notify households prior to disclosing information to Medicaid or CHIP, and must give households the opportunity to decline the disclosure.

LEAs are prohibited from distributing and processing applications solely to obtain household income information in order to determine the funding or benefits for programs other than the CNPs. For example, LEAs may not distribute school meal applications solely to collect income information for additional education funding from local nonprofits or community donors. Thus, funds in the nonprofit school food service account cannot be used to pay the costs associated with collecting and processing household income information for non-Program purposes. A school or LEA must obtain this information through other means. If the school or LEA collects such information for non-Program purposes through a separate application, the applications must not be labeled as applications for benefits under the CNPs or give any indication CNP benefits are contingent upon a household returning the application.

If LEAs provide households with multi-use applications, which include both application for benefits from a CNP and for other benefits or programs, they must ensure households have the option to submit an application solely for free and reduced meal or free milk benefits.

The LEA must seek written consent from the parent or guardian to use the information provided on the application for non-Program purposes or for purposes not permitted in this guidance. Consent must be obtained each school year and consent forms cannot be extended from one school year to the next. For more information, see SP 16-2016, CACFP 06-2016, SFSP 10-2016: *Disclosure Requirements for the Child Nutrition Programs*, <http://www.fns.usda.gov/disclosure-requirements-child-nutrition-programs-0>.



## Confidentiality Requirements

Section 9(b)(6) of the NSLA, 42 U.S.C.1758(b)(6) and regulations found at 7 CFR Part 245.6 explain the restrictions on the disclosure and use of information obtained from an application for free and reduced price meals, as well as the criminal penalties for improper release of information. While the law discusses applications specifically, the disclosure requirements also apply to information obtained through the direct certification process.

Before developing State and local disclosure policies, State agencies and LEAs should discuss the issue with their legal counsel as the issues of privacy and confidentiality of personal data are complicated as well as sensitive.

**Disclosure** means revealing or using individual children’s Program eligibility information obtained through the eligibility process for a purpose other than the purpose for which the information was obtained. Disclosure includes but is not limited to access, release, or transfer of personal data about children by means of print, tape, microfilm, microfiche, electronic communication, or any other means. It includes eligibility information obtained through the application or through direct certification.

The NSLA establishes the disclosure limits for the CNPs. LEAs may, in limited situations, disclose children’s free and reduced price meal eligibility information to programs, activities, and individuals, as specifically authorized under the NSLA. Disclosure is always an option, not a requirement. The LEA may opt to disclose children’s eligibility information to Medicaid or CHIP officials if the State agency has not prohibited disclosure to these health insurance programs and the family does not decline to have their children’s eligibility information released. Children’s individual information must be protected and is subject to limited disclosure beyond the current school year. More information may be found in [Disclosure Requirements](#).

## Preventing Overt Identification

LEAs must avoid any policy or practice leading to the overt identification of children receiving free or reduced price meal benefits. Overt identification is any action that may result in a child being recognized as potentially eligible for or certified for free or reduced price school meals. LEAs must assure that their policy statement complies with this requirement. During an Administrative Review, the State agency must ensure the policy statement addresses ways to prevent overt identification.

Unauthorized disclosure or overt identification of children receiving free and reduced price meal benefits is prohibited under the NSLA. LEAs must ensure that a child's eligibility status is not disclosed at any point in the process of providing free and reduced price meals, including:

- Notification of the availability of free and reduced price benefits;
- Certification and notification of eligibility;
- Provision of meals in the cafeteria; and
- The point of service.

Schools accepting both cash and electronic payments must ensure children are not overtly identified through the method of payment [7 CFR 245.8(b)]. To the maximum extent practicable, schools must ensure the sale of non-Program foods and the method of payment for non-Program foods do not inadvertently result in children being identified by their peers as receiving free and reduced price benefits.

In addition, schools and LEAs must ensure children who receive free and reduced price benefits are not overtly identified when they are provided additional services under programs or activities available to low-income children based on their eligibility for free and reduced price meals. See: SP 45-2012: *Preventing Overt Identification of Children Certified for Free or Reduced Price School Meals*, <http://www.fns.usda.gov/preventing-overt-identification-children-certified-free-or-reduced-price-school-meals>.

### ***Preventing Overt Identification of Directly Certified Students***

LEAs are not required to provide applications to households when children are eligible for free meals through direct certification. However, LEAs must ensure these children are not overtly identified through the method used to distribute applications. For example, the LEA could send applications to households that are not directly certified via mail or provide applications to all households [7 CFR 245.6(b)(10)].

### ***Aggregate Data***

The LEA may disclose aggregate data to any program or requestor when individual children cannot be identified through release of the aggregate data or by means of deduction [7 CFR 245.6(f)]. An example of aggregate data is the total number of children eligible for free and reduced price meals in the school district. As aggregate data does not identify individual children, parental or guardian notification and consent are not needed. However, LEAs are cautioned about release of aggregate data when individual children's eligibility may be deduced, such as through the release of data about a specific classroom when the number of eligible children is small.

## Disclosure Requirements

The NSLA allows persons directly connected with the administration or enforcement of certain programs or activities to have access to children’s eligibility information. The following table, Disclosure, shows the circumstances for disclosing eligibility information. LEAs with concerns or questions about disclosing children’s eligibility information should contact their State agency for further guidance.

<b>Disclosure</b>		
<b>Recipient of Information</b>	<b>What May Be Disclosed</b>	<b>Requirements</b>
Programs under the NSLA or CNA	<i>All eligibility information</i>	<i>Prior notice and consent not required</i>
Federal, State, or local means tested nutrition programs with eligibility standards comparable to the NSLP	<i>Eligibility status only</i>	<i>Prior notice and consent not required</i>
Federal education programs	<i>Eligibility status only</i>	<i>Prior notice and consent not required</i>
State education programs administered by a State agency or LEA	<i>Eligibility status only</i>	<i>Prior notice and consent not required</i>
Local education programs	<i>No eligibility information, unless parental or guardian consent is obtained</i>	<i>Parental or guardian consent</i>
Medicaid or CHIP, administered by a State or local agency authorized under titles XIX or XXI of the Social Security Act to identify and enroll eligible children	<i>All eligibility information unless parents or guardians elect not to have information disclosed</i>	<i>Must give parents and guardians prior notice and an opportunity to decline to have their information disclosed</i>
State health programs other than Medicaid or CHIP, administered by a State agency or LEA	<i>Eligibility status only</i>	<i>Prior consent not required</i>
Federal health programs other than Medicaid or CHIP	<i>No eligibility information, unless parental or guardian consent is obtained</i>	<i>Parental or guardian consent</i>

Disclosure		
Recipient of Information	What May Be Disclosed	Requirements
Local health programs	<i>No eligibility information, unless parental or guardian consent is obtained</i>	<i>Parental or guardian consent</i>
Comptroller General of the United States for purposes of audit and examination	<i>All eligibility information</i>	<i>Prior notice and consent not required</i>
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	<i>All eligibility information</i>	<i>Prior notice and consent not required</i>

### “Need to Know”

The LEA may disclose children’s eligibility status only to persons determined to be “directly connected” with the administration or enforcement of a Federal education program, State education program, State health program, or a means-tested nutrition program, as well as to persons directly connected with the Comptroller General Office or law enforcement for an authorized activity [7 CFR 245.6(f)(3)].

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. State agencies, LEAs, and schools must ensure 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 or activity. This includes Federal, State, or local program operators responsible for the ongoing operation of the program or activity, or responsible for program compliance [7 CFR 245.6(f)(3)(i)].

Eligibility information cannot be made available to all school officials as a general practice. Access must be limited to a student’s teachers who are directly responsible for the administration of a Federal education program, or who are providing tutorial or other assistance under the educational program. Teachers, guidance counselors, principals, or other school officials who are not providing such assistance under the appropriate statutory or regulatory requirements cannot have access. Online data systems must have a masking or de-identification capability to prevent unauthorized access to free and reduced price eligibility status.

State Medicaid agencies, CHIP agencies, and health insurance program operators receiving children’s free and reduced price eligibility information must only use the information to enroll eligible children in State Medicaid or CHIP [7 CFR 245.6(g)].

The following programs are considered “directly connected” to school eligibility data:

- **Federal or State Education Programs [7 CFR 245.6(f)(2)]:**  
Student names and eligibility status may be disclosed, without parent or guardian consent, to a Federal or State education program. Prior to disclosing individual eligibility information, determining officials should enter into a Memorandum of Understanding or other agreement with all involved parties, including officials who administer the CNPs and officials who administer the overall education functions. This agreement would specify: the names of the individuals who would have access to the information, how the information would be used in implementing a Federal education program, and how the information would be protected from unauthorized uses and third-party disclosures. The agreement would also include a statement of the penalties for misuse of the information.
- **National Assessment of Educational Progress (NAEP) [7 CFR 245.6(f)(2)(i)]:**  
Because NAEP is a Federal education program, LEAs may disclose, without parent or guardian consent, children’s names and eligibility status to persons directly connected to the administration or enforcement of NAEP. Additionally, LEAs may disclose children’s names and eligibility status to persons directly connected with the administration or enforcement of State educational assessment programs to the extent the State assessment is part of the NAEP. Other State education programs may access participants' names and eligibility status, without parent or guardian consent. However, in both situations, the program must be established at the State (not local) level.

The term “persons directly connected” for the purpose of disclosure to NAEP includes Federal, State, and local program operators responsible for NAEP administration or compliance, and their contractors. This does not imply that these persons have routine access to participants' eligibility status. There must be a "need to know" relating to the administration or enforcement of a Federal education program or for legitimate NAEP purposes.

LEAs 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. For more information, see SP40-2008: *Reaffirmation of Policy on Limited Disclosure of Children's Eligibility Information to the National Assessment of Educational Progress (NAEP)*, <https://www.fns.usda.gov/sp40-2008-reaffirmation-policy-limited-disclosure-childrens-eligibility-information-national>.

- **Every Student Succeeds Act (ESSA):**

ESSA is the nation’s Federal education law. Therefore, determining officials may disclose a child’s eligibility status to persons directly connected with, and who have a “need to know,” in order to administer and enforce ESSA requirements. However, other information obtained from the free and reduced price application or through direct certification cannot be disclosed.

Determining officials must keep in mind the intent of the confidentiality provisions is to limit the disclosure of a child’s eligibility status to those who have a “need to know” for proper administration and enforcement of a Federal education program. LEAs must establish procedures that limit access to a child’s eligibility status to as few individuals as possible.

- **Family Educational Rights and Privacy Act (FERPA):**

FERPA (20 U.S.C. 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. However, CNPs are subject to the disclosure restrictions imposed by Section 9(b)(6) of the NSLA and not FERPA.



- **Other Federal CNPs [7 CFR 245.6(f)(3)(i)]:**

LEAs may disclose all eligibility information from a household’s free and reduced price meal application or information obtained through direct certification to persons directly connected with the administration or enforcement of the programs authorized under the NSLA or CNA, including the NSLP, SBP, SMP, CACFP, SFSP, and WIC.

This means that program eligibility information collected for any one of the CNPs may be shared with another CNP, even if the programs are sponsored by different entities. For example, a public school may disclose information from children’s free and reduced price school meal applications, without household consent, to an SFSP administered by a parks and recreation agency.

- **Other Federal or State Means-Tested Programs [7 CFR 245.6(f)(2)(ii)]:**

LEAs may only disclose a child’s name and eligibility status to persons directly connected to other Federal or State means-tested programs without household consent. However, disclosure of any other information, such as a parent or guardian’s name and address, requires household notification and consent.

## Notification and Notice

### *Disclosures That Require Parental Notification*

Unless otherwise indicated in *Disclosure Requirements*, LEAs must inform the adult household member who signed the application if they plan to disclose or use eligibility information outside the originating program. This may be done by issuing a general notification of potential disclosure or through a specific notification to disclose information to a particular program [7 CFR 245.6(h)(2)(i)].

### *Notice Requirements [7 CFR 245.6(h)]*

The notice of potential disclosure or specific disclosure may be included in the letter to households that accompanies the free and reduced price application, on the application, or, for children directly certified, in the document informing households of their child's eligibility through direct certification.

The notification should explain the children's names, eligibility status, and other information provided on the application or obtained through direct certification may be disclosed to certain other Federal, State, or local agencies as authorized by the NSLA. A list of the specific programs is not necessary.

The notification of a disclosure requiring the consent of a parent or guardian, such as a disclosure request for a local education or health program, must inform parents or guardians:

- They are not required to consent to the disclosure;
- The information will be used to facilitate the enrollment of eligible children in a health insurance program or other programs; and
- The decision to disclose or not disclose will not affect their children's eligibility for free and reduced price meals or free milk.

The notice of potential or specific disclosure must be given prior to disclosure and parents or guardians must be given a reasonable amount of time to respond. For more information, see *Appendix B: Prototype Applications*. The following section outlines the situations where prior notice and consent are necessary.

### *Disclosures That Require Household Consent*

Parents or guardians may always provide consent for the disclosure of any or all of the information related to their children's eligibility status, or the information the household provided through the free and reduced price meal eligibility process. In addition, parents or guardians may request release of information to programs. The LEA must obtain written consent signed by a parent or guardian according to the guidelines below.

A disclosure of all eligibility information to any other Federal, State or local program or individual not included in the NSLA requires household consent. Other programs that require parental consent are local level programs and activities, including local health and local education programs. For example, the disclosure of children's free and reduced price eligibility status to determine eligibility for free text books or reduced fees for summer school requires consent when these are local initiatives rather than State or Federal programs.

The disclosure of information other than names and eligibility status to the programs authorized only to receive children's names and eligibility status also requires written consent. For example, determining agencies may disclose names and eligibility status to a Federal education program, but if the program requests family size or the basis of eligibility, determining agencies must obtain household consent prior to disclosure.

### *Noncustodial Parent Requests for Disclosure*

The LEA cannot disclose the eligibility status or the source of the child's eligibility to the noncustodial parent without consent from the parent household member who signs the application. An attorney's request would not be a sufficient justification for the release of the application data. The sole exception would be under a court order or subpoena. LEAs should consult with an attorney to determine if disclosure may be required.

### *Consent Statement for Disclosure*

The consent statement must be in writing. It may be obtained at the time of application, or at a later time. According to 7 CFR 245.6(i), the consent statement for this type of disclosure must:

- Identify the information that will be shared and how the information will be used.
- Be signed and dated. In the case of a child 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 or free milk may be signed by any adult household member. For adult participants in CACFP, the adult participant must sign the consent statement unless a guardian has been appointed.
- Indicate that failing to sign the consent statement will not affect eligibility for or participation in the CNP and that the information will not be shared by the receiving program with any other entity or program.
- Enable parents, guardians, or adult participants to limit consent to only those programs with which they wish 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 they want to have information disclosed to determine eligibility for benefits from a certain program.



### *Agreements and Memoranda of Understanding*

For disclosures to Medicaid or CHIP, the decision on disclosure is a joint State agency and LEA decision. The LEA and receiving agency must have an agreement or Memorandum of Understanding outlining the arrangement to disclose children's information to Medicaid or CHIP. A State agency may not enter into a Memorandum of Understanding on behalf of all LEAs for disclosure to Medicaid or CHIP, as each LEA must be given the opportunity to decline providing free and reduced price meal and free milk eligibility information to Medicaid or CHIP [7 CFR 245.6(j)(1)].



According to 7 CFR 245.6(j)(2), the agreement or Memorandum of Understanding must include:

- The health insurance program or health agency receiving the child's eligibility information;
- Information to be disclosed, specifying the information must only be used to seek to enroll children in Medicaid or CHIP;
- How the information will be used and how it will be protected from unauthorized uses and disclosures;
- Penalties for unauthorized disclosure; and
- Signatures of officials of the determining agency and the Medicaid or CHIP agency receiving the children's eligibility information.

In all cases, the receiving entity must be informed in writing that:

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

Persons directly connected with the administration of Medicaid or CHIP for purposes of disclosure of free and reduced price meal and free milk eligibility information are State employees and persons authorized under Federal and State Medicaid or CHIP requirements to carry out initial processing of applications or to make eligibility determinations. LEAs should work with the Medicaid or CHIP coordinator to determine the persons or entities in the State who are authorized to enroll children in Medicaid or CHIP.

LEAs must notify parents or guardians of their intent to disclose a child's free or reduced price school meal eligibility to Medicaid or CHIP and provide adequate time for any response [7 CFR 245.6(h)(2)]. FNS recommends providing a minimum of 10 calendar days for parents or guardians to respond. LEAs should include a date in the household notification statement to inform households they must respond by a specified date if they do not want their information disclosed to Medicaid or CHIP.

The LEA should also enter into a written agreement with other entities, including NAEP, requesting the information prior to disclosing children's eligibility information. The agreement with these entities should:

- Be signed by both the LEA 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; and
- Describe the penalties for unauthorized disclosure.



An agreement is not needed for Federal, State or local agencies evaluating or reviewing CNP operations. Similarly, an agreement is not necessary for disclosures to the Comptroller General. These activities are part of routine operations and enforcement of the CNPs.

For more information, see [Appendix C: Prototype Agreement for Direct Verification](#).

## Penalties for Improper Disclosure

According to Section 9 (b)(6)(C) of the NSLA, improper disclosure may result in a fine of up to \$1000 or imprisonment of up to one year, or both. Improper disclosure includes 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 determining agency.

## Section 5: Questions and Answers

### 1. What does disclosure mean as it relates to children’s eligibility status?

Disclosure means revealing or using individual children’s program eligibility information obtained through the free and reduced price eligibility process for a purpose other than the purpose for which the information was obtained. Disclosure includes (but is not limited to) access, release, or transfer of personal data about children by means of print, tape, microfilm, microfiches, electronic communication, or any other means. It includes eligibility information obtained through the application or through direct certification.

### 2. What eligibility information may an LEA disclose to a means-tested nutrition program?

Without household consent, the LEA may only disclose a child’s name and eligibility status. Disclosure of other information, such as parent or guardian names and addresses, requires household notification and consent.

### 3. For the purposes of disclosure, who are persons “directly connected” to the administration of State Medicaid and CHIP?

Persons “directly connected” with the administration of State Medicaid or CHIP are State employees and persons authorized under Federal and State Medicaid and CHIP requirements to process applications or to make eligibility determinations. LEA officials should check with their State Medicaid or CHIP coordinator to determine the persons or entities authorized to enroll children in Medicaid or CHIP.

### 4. How long should LEA officials wait for a response from a parent or guardian before releasing information to Medicaid or CHIP?

LEAs should provide parents with adequate time to respond. LEAs are encouraged to include a notification on the statement sent to households informing households they must respond by a specified date if they do not want their information disclosed to Medicaid or CHIP.

### 5. Is each LEA required to enter into a separate Memorandum of Understanding for disclosing information to Medicaid/CHIP?

Yes, if the LEA and State agency agree to disclose children’s eligibility information to Medicaid/CHIP, each LEA must be given the opportunity to decline providing information to Medicaid/CHIP.

**6. May children’s eligibility information be shared with the school guidance counselor?**

Yes, but only with household consent. Free and reduced price eligibility status may not be shared with guidance counselors without household consent. An LEA or school could send a letter to all households informing them of other school-based programs available to households that qualify for free or reduced price meals. Interested households could then contact the guidance office if they are interested in pursuing any of these benefits and to complete a consent form.

**7. If an LEA contracts with a third party server to store electronic school meal applications, do confidentiality and disclosure requirements still apply?**

Yes. Confidentiality and disclosure requirements surrounding the school meal applications apply regardless of the application type. The information must be protected and only viewed and/or released according to the guidelines. LEAs contracting with a third party must have an agreement in place that clearly delineates FNS requirements for confidentiality.

## Section 6: Verification

In this section, you will find information on:

- The initial steps for verification;
- Application selection procedures, including available sample sizes;
- When to review questionable applications;
- Required procedures for notifications and follow-up;
- Allowable sources for verification; and
- How to determine if verification is complete.

### Verification Overview

Section 9(b)(3) of the NSLA and regulations at 7 CFR 245.6a(c)(1) establish requirements for LEAs in conducting verification of eligibility for free and reduced price meals based on applications in participating schools. Verification is only required when eligibility is determined through the application process, and is not required for eligibility determinations made through the direct certification process.

Verification must include confirmation of either:

- Income eligibility;
- Receipt of assistance under SNAP, FDPIR, or TANF, by the child or any member of the household; or
- Other Source Categorical Eligibility.



Verification may also include confirmation of any other information required on the application, such as household size.

According to 7 CFR 245.6a(c)(2), verification efforts are not required:

- For children who have been certified under direct certification procedures, including children documented as migrant, runaway, or homeless; foster children; and children enrolled in Head Start;
- For children in RCCIs, except for applications for non-residential students attending the institution;

- In schools where FNS has approved special cash assistance claims based on economic statistics regarding per capita income, such as in Puerto Rico and the Virgin Islands;
- In schools participating only in the SMP;
- In schools with non-pricing programs, which claim only the paid rate of reimbursement, where all children are served with no separate charge for food service and no special cash assistance is claimed;
- In LEAs where all schools participate in CEP or in Provisions 1, 2, 3, except in the base years in Provision 1, 2, or 3 schools in which applications are taken for all children in attendance; and
- For other FNS exemptions determined on a case-by-case basis.

### ***Verification Completion Deadlines***

The LEA must complete the verification activities specified in this section no later than November 15 of each school year [7 CFR 245.6a(b)(1)]. However, the LEA may request an extension of the November 15 deadline, in writing, from the State agency. The State agency may approve, in writing, an extension up to December 15 of the current school year, due to natural disaster, civil disorder, strike, or other circumstances that prevent the LEA from timely completion of verification activities. A request for an extension beyond December 15 must be submitted by the State agency to the FNSRO for approval [7 CFR 245.6a(b)(2)(i)].



### ***Improving the Verification Process***

Nationally, on average, around 40 percent of contacted households do not respond to the verification notice, which results in the loss of meal benefits for potentially eligible children (source: FNS-742 data from SY 2014-2015.) In order to minimize the risk of eligible children losing access to meal benefits due to non-response, FNS released a memorandum highlighting best practices to improve the verification process. To review the strategies outlined in the memorandum, see SP 43-2016 (v. 2): *Ensuring Access to Free and Reduced Price School Meals for Low-Income Students - Revised*, <http://www.fns.usda.gov/ensuring-access-free-and-reduced-price-school-meals-low-income-students>.

## Key Verification Terms

- **Direct Verification:** Use of records from public agencies to verify children’s eligibility for free and reduced price benefits.
- **Error Prone:** Applications within \$100 per month of the applicable IEGs.
- **Random Sampling:** A sampling process where each application has an equal chance of being selected. A statistically valid random sample is not required. The LEA must determine a selection interval by dividing the number of applications by the required sample size.
- **Sampling Pool:** The total number of applications approved as of October 1.
- **Sample Size:** The number of applications subject to verification. The minimum and maximum sample size is three percent of the total or 3,000 applications, whichever is less.

## Initial Steps for Verification

Each LEA must annually verify eligibility of children from a sample of household applications approved for free and reduced price benefits for that school year, unless the State agency assumes responsibility for verification on behalf of its LEAs.

LEAs may begin verification once the application approval process for the current school year is underway and approved applications are on file. To begin verification, the LEA may project the number of approved applications (the “sample pool,” see below) it anticipates will be on file on October 1. This projection is based on prior years’ experience, i.e., the number of approved applications in previous years. The final sample pool is the actual number of approved applications on file as of October 1. The sample size must be based on the October 1 sample pool. Any estimates must be compared with the actual number of applications on file on October 1, and LEAs must adjust the sample pool and sample size accordingly. If October 1 falls on a weekend, LEAs use the next operating day to establish the sample pool. For more information, see [Application Selection Procedures](#).

### *Establishing the Sample Pool*

The sample pool uses the total number of approved applications on file as of October 1 of the current school year. The sample pool depends on the number of approved applications, including paper and electronic applications. The sample pool is not based on the number of children eligible for free and reduced priced benefits, as some eligible students will have established eligibility through the direct certification process and will not have an application on file. In addition, the sample pool does not include applications where all children in the household are determined eligible based on documentation provided by the State or local agency responsible for the administration of the SNAP, FDPIR or TANF or applications where all children in the household are determined to be foster, homeless, migrant, or runaway children [7 CFR 245.6a(c)(2)].

Applications for “mixed households,” which include children who are eligible based on income and other children who are eligible based on Other Source Categorical Eligibility, are subject to verification and are included in the sample pool. Applications with case numbers for participating children (who were not determined eligible through direct certification) are also subject to verification. LEAs may choose not to count applications for students in split-session kindergarten programs participating in the SMP when determining the verification sample pool.

### *Establishing the Sample Size*

Once the sample pool is determined, the LEA calculates the sample size, or the number of applications that must be verified. When calculating the sample size, all fractions or decimals are rounded upward to the nearest whole number. At least one application must always be verified.

With the exception of verification for cause, LEAs must not verify more or less than the standard sample size or the alternate sample size (when the alternate sample size is used). LEAs must not verify all (100 percent) of the applications. Verification conducted “for cause,” as described in the following section, is completed in addition to the required verification sample size.

### **Verification for Cause**

Apart from the required verification of a specified number of approved applications, regulations at 7 CFR 245.6a(c)(7) require LEAs to verify any questionable application including, on a case-by-case basis, verifying any application for cause when the LEA is aware of additional income or persons in the household. This is known as “verification for cause.”

Determining officials are strongly encouraged to contact the household to clarify any information that is unclear or questionable before certifying the application and proceeding with verification for cause. Once households have been requested to provide documentation for cause, the LEA must complete the verification process for these households.

Verification for cause cannot delay the approval of applications, and LEAs can begin the verification process only after the determination of eligibility has been made. If an application is complete and indicates the child is eligible for free or reduced price benefits, the application must be approved while the LEA begins verification for cause.

Where appropriate, FNS supports use of verification for cause as a method for LEAs to address integrity concerns. State agencies should ensure LEAs balance administrative requirements and integrity with access to free and reduced price meals for eligible children. When conducting verification for cause, the LEA verifies applications for cause following the standard verification procedures described in this section.



The LEA must send the household a Notification of Selection. The notification letter may be sent with the Notice of Eligibility. If the household fails to submit requested verification information by the date specified by the LEA, or submits verification information that does not support the initial determination of eligibility, the LEA must send a notice of adverse action to terminate the child's free or reduced meal benefits.

Any verification for cause conducted by an LEA is separate from the verification sample required by the NSLA and Program regulations. Verification for cause may be conducted at any time during the school year. For more information, see: SP 13-2012: *Verification for Cause in the School Meal Programs*, <http://www.fns.usda.gov/verification-cause-school-meals-programs>.

### ***Questionable Applications and Information***

While the verification sample may not exceed statutory limits, LEAs have an obligation to follow-up when households submit applications with questionable and incomplete information. It is important to note the restriction on the sample size does not apply to a State's ability to conduct application verification activities connected to general oversight responsibilities, which may include verifying additional applications for cause. Prior to certifying children for benefits, the determining official should review the application for any discrepancies in the information provided.

**If a discrepancy is found, the determining official should:**

- Seek clarification about the information provided in order to make a determination in a timely manner;
- Deny the application with an explanation that incomplete information was provided; or
- Approve the application and verify for cause.

### ***Verification for Cause for School District Employees***

Verification for cause must not be used to automatically verify the households of all school district employees whose children are certified for free and reduced price benefits. However, LEAs can use verification for cause to review approved applications when known or available information indicates school district employees may have misrepresented their income on the application. For example, the LEA could identify children of school district employees and use available salary information to identify questionable applications, and then conduct verification for cause on those questionable applications. It is recommended that an LEA consult with legal counsel in establishing the parameters of verification for cause for school district employees.

## Application Selection Procedures

### Available Sample Sizes

Section 9(b)(3) of the NSLA specifies verification sample sizes for LEAs. There are three sample sizes established for verification activities, as described in the table below. The standard sample size must be used by an LEA unless the LEA qualifies to use an alternate sample size. As stated in Section 9(b)(3)(D)(iii) of the NSLA, the standard sample size is the lesser of three percent or 3,000 of the approved applications on file as of October 1. For more information, see: SP 27-2006: *Verification Sample Size*, <http://www.fns.usda.gov/sp27-2006-verification-sample-size>.

<b>Available Sample Sizes</b>	
<b>Standard Sample Size [7 CFR 245.6a(c)(3)]</b>	
<b>Standard</b>	<p>Sample size equals the lesser of:</p> <ul style="list-style-type: none"> <li>• Three percent of all applications approved by the LEA for the school year, as of October 1 of the school year, selected from error prone applications; or</li> <li>• 3,000 error prone applications approved by the LEA for the school year, as of October 1 of the school year.</li> </ul>
<b>Alternate Sample Sizes Available to Qualified LEAs [7 CFR 245.6a(c)(4)]</b>	
<b>Alternate One</b>	<p>Sample size equals the lesser of:</p> <ul style="list-style-type: none"> <li>• Three percent of all applications approved by the LEA for the school year, as of October 1 of the school year, selected at random; or</li> <li>• 3,000 applications approved by the LEA for the school year, as of October 1 of the school year, selected at random.</li> </ul>
<b>Alternate Two</b>	<p>Sample size equals the lesser of the sum of either:</p> <ul style="list-style-type: none"> <li>• 1,000 of all applications approved by the LEA, as of October 1 of the school year, selected from error prone applications; or</li> <li>• One percent of all applications approved by the LEA, as of October 1 of the school year, selected from error prone applications.</li> </ul> <p>PLUS the lesser of:</p> <ul style="list-style-type: none"> <li>• 500 applications approved by the LEA, as of October 1 of the school year, which provide case numbers in lieu of income information; or</li> <li>• One-half of one percent (.05 percent) of applications approved by the LEA, as of October 1, of the school year that provide case numbers in lieu of income information.</li> </ul>

### *Completing the Sample Size*

The LEA may not have enough applications that meet the criterion for sample sizes based on error prone applications. When this happens, the LEA must select, using random sampling, additional approved applications to complete the required sample size [7 CFR 245.6a(c)(5)].

In other situations, the number of error prone applications may exceed the required sample size. When this happens, the LEA must randomly select, using random sampling, the required number of applications from all error prone applications.

### **Qualifying to Use an Alternate Sample Size**

There are two ways an LEA may annually qualify to use an alternate sample size based on lowered non-response rates.

- **Lowered Non-Response Rate [7 CFR 245.6a(d)(2)]:** Any LEA may use an alternate sample size for any school year when its non-response rate for the preceding school year was less than 20 percent. For example, for SY 2016-2017, an LEA could have used an alternate sample size if in SY 2015-2016 the LEA's non-response rate was 18 percent.
- **Improved Non-Response Rate [7 CFR 245.6a(d)(3)]:** An LEA with more than 20,000 children approved by application as eligible, as of October 1 of the school year, may use an alternate sample size for any school year when its non-response rate for the preceding school year was at least 10 percent below the non-response rate for the second preceding school year.

The following table, Qualifying to Use an Alternate Sample Size, provides an example of how an LEA may qualify based on an improved non-response rate.

<b>Qualifying to Use an Alternate Sample Size</b>
<b>Year 1: SY 2014-2015</b>
<ul style="list-style-type: none"><li>• The LEA had 21,000 children approved for free and reduced price meal benefits based on a total of 6,000 approved applications<ul style="list-style-type: none"><li>○ Therefore, 180 household applications (3 percent of 6,000) must be verified</li></ul></li><li>• Of those 180 households, 45 households failed to respond to verification requests, which results in a non-response rate of 25 percent (<math>45 \div 180</math> as a percentage)</li><li>• The LEA must improve the 25 percent non-response rate by at least 10 percent</li><li>• The improvement rate is calculated by multiplying the non-response rate by 10 percent, which is 25 percent x 10 percent = 2.5 percent</li></ul>

<b>Qualifying to Use an Alternate Sample Size</b>
<b>Year 2: SY 2016-2017</b>
<ul style="list-style-type: none"> <li>• The LEA had 6,000 approved applications, so the sample size is 180 (3 percent of 6,000)</li> <li>• The number of non-respondents was reduced to 40 which is a non-response rate of 22.2 percent (<math>40 \div 180</math> as a percentage)</li> <li>• The next step is to calculate the level of improvement needed between Year 1 and Year 2, by subtracting Year 1's non-response improvement rate from Year 2's non-response rate (25 percent minus 2.5 percent = 22.5 percent)</li> <li>• Since 22.2 percent is less than the minimum non-response rate of 22.5 percent, the improvement is greater than 10 percent</li> <li>• The LEA qualified to use an alternate sample size for SY 2016-2017</li> </ul>
<b>Year 3: SY 2017-2018</b>
<ul style="list-style-type: none"> <li>• The LEA could use one of the alternate sample sizes for its verification activities</li> </ul>

### *Continuing Eligibility for Use of an Alternate Sample Size*

The LEA must annually determine if it is eligible to use one of the alternate sample sizes and each State agency must establish a procedure for LEAs to designate use of an alternate sample size. The State agency may also establish criteria for reviewing and approving the use of an alternate sample size, including deadlines for submissions. If the LEA determines it is eligible, the LEA must contact the State agency in accordance with any procedures established by the State agency for approval prior to use an alternate sample size [7 CFR 245.6a(d)(4)].

### **Post-Selection Procedures**

There are two procedures the LEA completes prior to contacting the household to obtain documentation of eligibility: the required confirmation reviews and the optional replacement of certain applications.

#### *Confirmation Reviews*

Prior to any other verification activity, a determining official must review each approved application selected for verification to ensure the initial determination was accurate. Any LEA that conducts a confirmation review of all applications at the time of certification is not required to conduct confirmation reviews prior to verification. The confirmation review must be done by an individual other than the individual who made the initial eligibility determination [7 CFR 245.6a(e)(1)].

This requirement is waived if the LEA uses a technology-based system with a high level of accuracy in processing an initial eligibility determination. The LEA must contact the State agency to determine if its system qualifies them for this waiver. The State agency may request documentation to support the accuracy of the LEA’s system. If the State agency determines the technology-based system is inadequate, it may require the LEA to conduct a confirmation review of each application selected for verification.

Once any required confirmation reviews are completed, the LEA will proceed with verification if the initial determination was correct or incorrect, as follows:

<b>LEA Responsibilities Following a Status Change [7 CFR 245.6a(e)(1)(i)(A-C)]</b>	
<b>No Change in Status</b>	The LEA verifies the application.
<b>Status Change from Reduced Price to Free</b>	The LEA: <ul style="list-style-type: none"> <li>• Makes the increased benefits available immediately;</li> <li>• Notifies the household of the change in benefits; and</li> <li>• Verifies the application.</li> </ul>
<b>Status Change from Free to Reduced Price</b>	The LEA: <ul style="list-style-type: none"> <li>• Does not change the child’s status;</li> <li>• Verifies the application;</li> <li>• Notifies the household of the correct eligibility status after verification is completed and, if required, sends the household a notice of adverse action.</li> </ul>
<b>Status Change from Free or Reduced Price to Paid</b>	The LEA: <ul style="list-style-type: none"> <li>• Immediately sends the household a notice of adverse action;</li> <li>• Does not verify the application;</li> <li>• Selects a similar application, such as another error prone application, for verification; and</li> <li>• Follows the confirmation review procedures for the selected application.</li> </ul>

***Replacing Applications***

After completing the confirmation reviews, the LEA may, on a case-by-case basis, replace up to five percent of applications selected [7 CFR 245.6a(e)(2)]. Applications may be replaced when the LEA believes the household would be unable to satisfactorily respond to the verification request.

If five percent of total applications in the LEA results in less than one application total, one application may still be replaced. All results of the five percent calculation are rounded up to the next whole number. Any application removed must be replaced with another approved application selected on the same basis. For example, an error prone application must be substituted for a withdrawn error prone application. The newly selected application must then have confirmation review.



When an application is selected for verification and, prior to hearing back from the household in question, that household is found on a direct certification list, the application does not have to be replaced in the verification sample pool. The application would be marked as a direct certification in the appropriate box in Section 3 of the FNS-742. LEAs should include these applications in Field 5-5 (Number of applications

selected for verification) of the FNS-742 and indicate the number of these applications that are being converted to direct certification in the remarks portion of the FNS-742.

### **Household Notification of Selection**

Once post-selection procedures are complete, the LEA proceeds with household notification. Requirements for household notification of selection for verification are included at 7 CFR 245.6a(f). When a household is selected for verification, the LEA must inform the household, in writing, of its selection and must provide a list of the documents or other forms of evidence the household must submit to the LEA. When the LEA uses agency records or direct verification to confirm eligibility, a letter or email informing the household of its selection for verification is not required, as verification is completed.

Any communications with households concerning verification must be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and guardians can understand [7 CFR 245.6a(f)]. State agencies and LEAs are expected to have a system in place to provide written verification notices in the parent or guardian's primary language, and to provide oral assistance if the parent or guardian has difficulty understanding the written request. Translations of FNS prototype verification materials are available at:

<http://www.fns.usda.gov/school-meals/translated-applications>. For more information, see: [\*Application Content\*](#).

The household notification letter must include the following:

- An indication that the household was selected for verification.
- A modified Use of Information Statement as follows:  
*The Richard B. Russell National School Lunch Act requires the information requested in order to verify your children's eligibility for free or reduced price meals. If you do not provide the information or provide incomplete information, your children may no longer receive free or reduced price meals.*
- The full USDA Nondiscrimination Statement.
- If a child is receiving benefits based on income, a list of the types of acceptable information that may be provided to confirm current income:
  - Pay stubs;
  - Award letters from assistance agencies for benefits such as Social Security or SSI; or
  - Support payment decrees from courts.
- If a child is receiving benefits based on categorical eligibility, an indication the household may provide proof that a child or any household member is receiving benefits under an Assistance Programs or that a child is Other Source Categorically Eligible instead of providing income information.
- A warning that information must be provided by a date specified by the LEA and that failure to do so will result in termination of benefits.
- A notice that documentation of income or receipt of assistance may be provided from any point in time between the month prior to application and the time the household is required to provide income documentation.
- The name of a determining official who can answer questions and provide assistance. The household must be able to contact a LEA or school official who can either assist them directly or who can refer the caller to a specific person for help.
  - If the household is unable to obtain assistance during their initial call, the LEA or school official must attempt to initiate further assistance.
- A telephone number the household can call at no cost for assistance.
  - The LEA may establish a toll-free number or allow the household to reverse the charges if any households in that LEA are outside the local calling area.
  - The LEA may also provide different telephone numbers for each local calling area within the LEA.



## Sources for Verification

When a household is selected for verification, it must provide “sources of information” to the LEA to confirm current income or participation in a categorically eligible program. According to 7 CFR 245.6a(a)(7), sources of information may include written evidence, collateral contacts, and systems of records. Households which dispute the validity of information acquired through collateral contacts or a system of records must be given the opportunity to provide other documentation [7 CFR 245.6a(a)(7)(iv)].

Acceptable documentation of income or receipt of assistance from any of the following sources may be provided for any point in time between the month prior to application and the time the household is required to provide income documentation.

### *Written Evidence*

Written evidence is the primary source of eligibility confirmation for all households [7 CFR 245.6A(A)(7)(i)]. Written evidence most often includes pay stubs from employers or award letters from assistance agencies or other government agencies.

- For **income eligible applications**, acceptable written evidence contains: the name of the household member; the amount of income received; the frequency received; and the date the income was received. A pay stub with no dates would be insufficient written evidence for an income eligible application.
- For **categorically eligible Assistance Program applications**, an official letter or notice indicating the child or any household member is receiving benefits from the program, such as a notice of eligibility, would be acceptable written evidence. A document from an Assistance Program that does not specify the certification period does not meet the documentation for verification. For example, an identification card from an Assistance Program (SNAP or TANF) is not acceptable as verification unless it contains an expiration date [7 CFR 245.6a(f)(3)].
- For **Other Source Categorically Eligible applications**, an official letter, notice, or list from the appropriate State agency, social service agency, program office or coordinator, or court would be acceptable written evidence.

The verifying official should examine the documentation provided to ensure the child for whom the application was made is part of a household currently participating in an eligible program or is a foster child. EBT cards cannot be used to confirm eligibility in SNAP and therefore cannot be used for categorical eligibility purposes.



If a household does not have satisfactory documentation, the household may request a signed, dated letter from the appropriate office to verify the child is part of a household currently receiving benefits. If written evidence is insufficient to confirm the income information on the application, the LEA may require use of collateral contacts.

### *Collateral Contacts*

A collateral contact is a person outside of the household who is knowledgeable about the household's circumstances and can confirm a household's income level or participation in Assistance Programs or Other Source Categorical Eligibility Programs [7 CFR 245.6a(a)(7)(ii)]. Collateral contacts include employers, social service agencies, migrant workers' agencies, and religious or civic organizations. The verifying official should request a collateral contact only in cases when the household has not been able to provide adequate written evidence.



The verifying official must give the household the opportunity to designate the collateral contact. However, the verifying official may select a collateral contact if the household fails to designate a collateral contact or designates a contact that is unacceptable to the verifying official. In either case, no contact may be made without first notifying the household and obtaining its consent. At the time of the notice, the household may consent to the contact or provide acceptable documentation in another form. If the household refuses to choose one of these options, the household's eligibility will be terminated in accordance with normal verification procedures.

All information provided by collateral contacts (written or oral) must be documented, dated, and initialed. The LEA will examine any written information provided by the collateral contact or evaluate any oral information. If the collateral contact is unwilling or unable to provide the requested information, the LEA must contact the household to complete the verification process.

Verification of eligibility for Assistance Program households that provided a case number on the application may be accomplished by submitting a list of names and case numbers to the local Assistance Program office for confirmation of certification of receipt of benefits from agency records. More information can be found in [\*Direct Verification\*](#).

### *Agency Records*

A household's eligibility may be confirmed through the use of information maintained by other government agencies to which the State agency, LEA, or school has legal access [7 CFR 245.6a(a)(7)(iii)]. These records are not considered collateral contacts. Although Program regulations do not require LEAs to notify households of selection when verification is made through agency records, such agencies may have their own notification requirements.

If available to the verifying official, wage and benefit information maintained by the State employment agency may be used to verify households. Such records are State records, and the release of information maintained by State employment offices is governed by State law. Other examples of agency records include information concerning SNAP, FDPIR, or TANF eligibility, or information from agencies serving foster, homeless, migrant, or runaway children. If the LEA contacts the other agency to obtain agency records well in advance of the November 15 deadline and the other agency does not respond, the LEA has a valid reason to ask the State agency to extend the deadline. More information can be found in [\*Direct Verification\*](#).

### **When a Household Provides Pay Stubs**

Households may provide pay stubs with income from employment. If a weekly pay stub is representative of what the household normally receives each week, one pay stub is sufficient.

If the household submits a pay stub including overtime, the determining official should work with the household to determine whether the overtime for the month being verified is representative of overtime received in other months. If overtime is a one-time or sporadic source of income, income should be calculated based on the regular monthly income without overtime.

#### **Indication of “No Income”**

If a household is selected for verification, and the household's application indicates zero income, the LEA must request an explanation of how living expenses are met and may request additional written documentation or collateral contacts. The collateral contact may be asked to document the duration and type of assistance that is provided to the household.

### **Direct Verification**

Section 9(b)(3)(F) of the NSLA and Program regulations at 7 CFR 245.6a(g) permit LEAs to “directly” verify approved applications selected for verification. Direct verification involves using records from public agencies to verify household income or household participation in an eligible program, helping relieve families of additional paperwork and reducing the gap in meal benefits for eligible children resulting from non-response. Direct verification may be completed at the State or local level, or through a joint effort at both levels.

LEAs are not required to conduct direct verification. However, State agencies and LEAs are encouraged to expand use of direct verification. Any LEA that intends to conduct direct verification must contact the State agency for assistance with establishing a direct verification method. Direct verification may be used when the household application, certified based on case number, is subject to verification under the LEA's use of alternative sample size.

LEAs may conduct direct verification activities with Assistance Programs and with the agency that administers Medicaid and CHIP at the State level. Direct verification must be conducted prior to contacting the household for documentation. The public agency's records may document income for any point in time between the month prior to application and the time the household is required to provide income documentation.

If verification results in an increase in benefits (for example a child who is moved from the reduced price to free category) the change is effective immediately and must be implemented no later than three operating days from the date verification was completed. Households should be promptly notified through the method the LEA uses to notify the household of approval for benefits. For more information, see: SP 32-2006: *Clarification of Direct Verification*, <http://www.fns.usda.gov/sp32-2006-clarification-direct-verification>.

### *Names Submitted for Direct Verification*

The LEA must only submit the names of children certified for meal benefits and listed on the application when submitting names to the agency administering an eligible program [7 CFR 245.6a(g)(1)]. The names of other household members (all adults, children who are not attending school, or children not approved for free and reduced price benefits) cannot be submitted for direct verification purposes. For purposes of direct verification, when the data indicates one child is participating in an eligible Assistance Program, all eligible children in the household are verified. If none of the children in the household are confirmed through direct verification, regular verification procedures must be followed.

## **Types of Direct Verification**

### *Direct Verification with Assistance Programs*

If information obtained through direct verification of an application for meal benefits indicates a child is participating in an eligible Assistance Program, no additional verification is required. The eligibility status of the child (or children) listed on the application is considered verified [7 CFR 245.6a(g)(2)].

***Direct Verification with Medicaid and CHIP***

If information obtained through direct verification with Medicaid or CHIP confirms a child’s eligibility status, no additional verification is required. Medicaid and CHIP records that may be used to verify eligibility will depend upon State income limits for these programs.

- If the State income limit for participation is at or below 133 percent of the Federal poverty line, verification for children approved for **FREE MEALS** is complete.
- If the State income limit for participation is at or below 185 percent of the Federal poverty line, verification for children approved for **REDUCED PRICE MEALS** is complete.

Please see the following table, Direct Verification with Medicaid or CHIP, for more information about direct verification with Medicaid and CHIP.

<b>Direct Verification with Medicaid or CHIP</b>	
<b>States with Medicaid or CHIP Income Limits of 133 Percent or Less</b> [7 CFR 245.6a(g)(3)]:	If the income limit for Medicaid or CHIP is at or below 133 percent of the Federal poverty line, or if households with income at or below 133 percent of the Federal poverty line can be identified through Medicaid or CHIP participation, records from these agencies may be used to verify eligibility.
<b>States with Medicaid or CHIP Income Limits Between 133 and 185 Percent</b> [7 CFR 245.6a(g)(4)]:	If the income limit used for Medicaid or CHIP is between 133 and 185 percent of the Federal poverty line, direct verification information must include: <ul style="list-style-type: none"> <li>• The percentage of the Federal poverty line upon which the applicant’s participation is based; or</li> <li>• The income and household size used by Medicaid or CHIP to determine that the applicant is either at or below 133 percent or between 133 and 185 percent of the Federal poverty line.</li> </ul>

**Documentation Timeframe**

The NSLA requires information used for direct verification to be the most recent information available. This information may not be dated more than 180 days prior to the date of the application. To be consistent with policy established for “regular” verification, direct verification efforts may use information from any point in time between the month prior to application and the time the LEA conducts direct verification.

For direct verification, LEAs and State agencies may use:

- The latest available information for one month, within the 180-day requirement; or
- Information for all months from the month prior to application through the month direct verification is conducted.

For example, a State agency or LEA could use data for the month of September or (if available) data for all months August through October.

If information provided by the public agency does not verify eligibility (i.e. the public agency provides incomplete or inconsistent information) the LEA must proceed with regular verification activities. Households may dispute the validity of income information acquired through direct verification and shall be given the opportunity to provide other documentation. [7 CFR 245.6a(g)(6)].

## **Verification Follow-Up**

The NSLA requires LEAs to conduct verification follow-up activities. To continue the verification process after household notification, the LEA must either determine:

- If the household has submitted adequate information to complete its individual verification activity; or
- If follow-up with the household is needed.

## **Following Up with Households**

The LEA must make at least one attempt to contact the household when the household does not adequately respond to the request for verification [7 CFR 245.6a(f)(6)]. “Non-response” includes no response and incomplete or ambiguous responses that do not permit the LEA to resolve children’s eligibility for free and reduced price meals. The required follow-up attempt may be in writing (mail or e-mail) or by telephone or text message. The LEA must document contact was attempted. Additionally, the LEA must ensure LEP households are provided adequate language assistance and understand the need to respond to the verification request, as outlined in Section 9(b)(8) of the NSLA and USDA LEP guidance.

The LEA must make a follow-up attempt when:

- The household does not respond to the initial request for verification;
- The household submits insufficient or obsolete written evidence;
- The household does not designate collateral contacts; or
- The collateral contacts are unable or unwilling to provide the requested evidence.

When following up with households, the LEA:

- Must inform the household that failure to provide adequate written evidence or failure to designate an adequate collateral contact will result in termination of benefits;
- Must attempt to obtain the missing written evidence or collateral contact information; and
- Must contact the household to complete the verification process, if the collateral contact is unwilling or unable to provide the requested information.

If, after at least one follow-up attempt, the household responds and provides all needed evidence, verification is considered complete for the household. As appropriate, the LEA would complete verification by:

- Informing the household there is no change in benefits;
- Notifying the household its benefits will be increased; or
- Sending notice of adverse action.



LEAs are encouraged but not required to conduct additional follow-up if a household fails to provide adequate documentation after the first required follow-up. LEAs are permitted to contract with a third party to assist with the required follow-up activity. Any third party is subject to the confidentiality requirements outlined in Program regulations. For more information, see: SP 13-2005: *Verification Activities - Reauthorization 2004 Implementation Memo*, <http://www.fns.usda.gov/verification-activities-%E2%80%93-reauthorization-2004-implementation-memo-sp-13>.

If the household does not respond or fails to provide adequate documentation after the required follow-up (and, if applicable, additional follow-ups), verification is considered complete for the household when notice of adverse action is sent. A household's refusal to cooperate with efforts to verify will result in the termination of household benefits. Households refusing to complete the verification process are counted toward meeting the LEA's required sample of verified applications [7 CFR 245.6a(f)4]

### **When Verification is Considered Complete**

The following examples demonstrate how the LEA determines whether or not a household response is adequate and whether follow-up is required.

- Household Action: The household submits either adequate written evidence or collateral contact corroboration of income or categorical eligibility.
  - Verification Status and Action: Verification is considered complete for this household.
- Household Action: The household submits either adequate written evidence or collateral contact corroboration of income indicating that the children should receive either a greater or lesser level of benefits.

- Verification Status and Action: Verification is considered complete for this household when the household is notified that its benefits will be increased or decreased. If benefits are decreased, a notice of adverse action must be sent before verification is considered complete.
- Household Action: The household indicates, verbally or in writing, that it no longer wishes to receive free or reduced price benefits.
  - Verification Status and Action: Verification is considered complete when the notice of adverse action is sent.
- Household Action: The application provided case numbers. It is determined that no household member is receiving benefits from an Assistance Program.
  - Verification Status and Action: Verification is considered complete when the notice of adverse action is sent.

Households must be notified of any reduction in benefits, and must be informed of their right to reapply for benefits at any time [7 CFR 245.6a(f)(7)]. If benefits are decreased, a notice of adverse action must be sent. LEAs must provide 10 days advance notification to households that are to receive a reduction or termination of benefits, prior to the actual reduction or termination [7 CFR 245.6a(j)].

## **Record Retention**

All verified applications must be readily retrievable on an individual school basis. All documents submitted by the household for the purpose of confirming eligibility, reproductions of those documents, or annotations made by the determining official indicating which documents were submitted by the household and the date of submission also must be retained, along with all relevant correspondence between the households selected for verification and the school or LEA [7 CFR 245.6a(h)]. This documentation, including documentation concerning any appeals, must be kept by the LEA to demonstrate compliance with the verification requirements when LEAs are reviewed by State or Federal officials. The documentation must be kept for a minimum of three years, after the date of the fiscal year to which they pertain.

LEAs must also maintain a description of their verification efforts. The description must include:

- A summary of the verification efforts including the selection process;
- The total number of applications on file on October 1; and
- The percentage or number of applications that are/will be verified by November 15.

The LEA must also be able to demonstrate compliance with the confirmation review requirement and provision of a no-cost telephone number for assistance in the verification process.

### *Individual Applications*

For each application verified, the LEA must keep records of the source of information used to verify the application, such as wage stubs or names and titles of collateral contacts. When verification information is needed for Administrative Review purposes, the LEA must be able to provide the following information for each school selected for review:



- Copies of all relevant correspondence between the households selected for verification and the LEA, including notices of adverse action and records of follow-up attempts, information obtained from collateral contacts, etc.
- One of the following for all documentation used to verify eligibility:
  - All documents submitted by the household or reproductions of those documents;
  - Direct verification results; or
  - Documentation from Assistance Program or Other Categorically Eligible Program officials, with dates of receipt of benefits and date of the information provided.
- Documentation for any change in eligibility as a result of verification, including:
  - The reason for the change;
  - The date the household was notified;
  - The date it became effective, if necessary; and
  - If applicable, records of follow-up attempts and results for termination for non-response.
- The title and signature of the verifying official.
- Criteria for replacing applications for verification.

In cases where the actual documents or photocopies submitted by the household cannot be kept, the verifying official must make a written record of the documents submitted by the household including the type of document (e.g., wage stubs or a letter from an employer, income shown on the document, time period of the income, and the date of the document).



## Section 6: Questions and Answers

### **1. Is the LEA required to provide a no-cost telephone option, even if no households live outside the local calling area?**

Yes. The LEA is not required to have a toll-free number, but parents and guardians must be able to call collect [7 CFR 245.6a(f)(5)]. This helps to ensure parents and guardians can contact the LEA during the LEA's operating hours if they work outside the local calling area.

### **2. What if the LEA is using other agency records to verify applications, and the agency does not respond before the November 15 deadline?**

The LEA should document its attempt to contact the appropriate agency in advance of the November 15 deadline. This would demonstrate good faith, and would be a valid reason for the State agency to extend the deadline.

### **3. A household voluntarily provides pay stubs that conflict with the income information on the household's application. According to the application, the household is eligible for free meals, but according to the pay stubs, it appears the household is not eligible. What should the determining official do?**

Under these circumstances, the LEA official must take appropriate action by either:

- Sending the household a notice of approval and a notice of adverse action at the same time, giving the household an opportunity to resolve the discrepancy during the advance notice of adverse action.
- Sending the household a notice of approval and a verification letter, based on verification for cause, at the same time.

LEA officials are in the best position to determine which action is appropriate. Regardless of the action taken, the inconsistency must be resolved expeditiously.

### **4. How is overtime income counted for the purposes of verification?**

The LEA official should work with the household to determine whether overtime during the verification month is representative of overtime worked in other months. If the overtime is a rare or sporadic source of income, the household's income should be calculated on the regular monthly income without the overtime.

### **5. If a household is paid weekly, and submits a pay stub for a week, must the LEA request pay stubs for a whole month?**

If the weekly pay stub is representative of the household's regular weekly income, one pay stub is sufficient.

**6. What if an application is selected for verification, but the household transfers out of the school district before the information can be verified?**

If a household selected for verification transfers out of a school district before the information can be verified, verification cannot be completed. To meet minimum verification requirements, a new application must be selected.

## Appendix A: Policy Statement

The free and reduced price policy statement must contain, at a minimum, the following:

- Names of officials, or the position of the LEA or school official, designated to make eligibility determinations;
- An assurance that the LEA will determine eligibility in accordance with the current Income Eligibility Guidelines (IEGs);
- The LEA's specific procedures to accept applications for benefits and its direct certification procedures;
- Description of the methods used to collect payments from children paying the full price of the meal or milk or the reduced price of the meal which prevents the overt identification of the children receiving free and reduced price meals or free milk;
- An assurance that the school will abide by the hearing procedures and the nondiscrimination practices;
- A copy of the application form and letter to households;
- A statement that a foster child is categorically eligible for free meals and may be included as a member of the foster family if the foster family chooses to also apply for benefits for other children and an explanation that including children in foster care as household members can help other children in the household qualify for free or reduced price meals. If the foster family is not eligible for free or reduced price meal benefits, this does not prevent a foster child from receiving free meal benefits;
- An explanation that households with children who are categorically eligible under Other Source Categorically Eligible Programs should contact the school for assistance in receiving benefits and indicate the source of their status on the application;
- A statement that State agencies and LEAs will ensure there are no barriers for participation in our Programs for Limited English Proficient (LEP) families and that State agencies and LEAs are required to communicate with parents and guardians in a language they can understand throughout the certification and verification processes;
- LEAs selling competitive foods during a meal service are encouraged to include in the description of how the cafeteria and meal service prevents overt identification of the children receiving free and reduced price meals or free milk; and
- A statement of the measures the LEA has taken to prevent disclosure of confidential free and reduced price eligibility information as required under 7 CFR 245.6(f-k).

The free and reduced price policy statement should also contain a copy of the following:

- Media release;
- Notice to households of approval or denial of benefits;
- Notice to households of selection for verification;
- Notice to households of adverse action; and
- Notice of eligibility, based on direct certification.

### *Amendments*

Unless there is a substantive change made to the free and reduced price policy of the LEA, the policy statement need not be changed and resubmitted for State agency approval. Routine changes, such as inclusion of the new IEGs, are not sufficient to require resubmission.

The LEA must amend its policy statement for any substantive changes to its free and reduced price policy and include a description of the change. In all cases, the LEA must have an approved policy statement on file at the State agency that accurately describes its current free and reduced price policies. Amendments must be submitted for approval by the State agency by October 15. The amendments must be approved by the State agency prior to implementation.

The amendments must reflect:

- Changes made necessary by law or regulations;
- Changes made by the LEA (e.g., changes in collection procedures, designation of new approving or hearing officials, changes in procedures for accepting applications, revisions in the letter to households or application for free and reduced price meals or free milk);
- Additional information specified by the State agency.

### *LEAs Operating the Special Milk Program (SMP)*

A free policy statement must be approved by the State agency or FNSRO for LEAs participating in the SMP with the free milk option. LEAs may submit one policy statement for both meals and milk when some of the schools in the district participate in the SMP and others participate in meal programs. Specific instructions on the development of the policy statement and policy approval process are provided to LEAs by the State agency.

## Appendix B: Prototype Applications

### *Paper-Based Prototype*

LEAs are encouraged to use the FNS *Prototype Application for Free and Reduced Price School Meals* to support access to school meals for eligible children. The *Prototype Application* complies with Federal requirements and meets all criteria examined during Administrative Reviews. These materials, updated in SY 2016-2017, may be adapted for direct use by State and local agencies or used as a reference for designing an effective application packet.

The *Prototype Application for Free and Reduced Price School Meals*, which may be viewed and downloaded at: <https://www.fns.usda.gov/school-meals/applying-free-and-reduced-price-school-meals>, is accompanied by the following materials:

- Prototype letter to households, titled *Frequently Asked Questions About Free and Reduced Price School Meals*
- *Prototype Application* instructions, titled *How to Apply for Free and Reduced Price School Meals*
- Prototype information sharing authorizations:
  - *Sharing Information with Medicaid/CHIP*
  - *Sharing Information with Other Programs*
- Prototype verification materials:
  - *We Must Check Your Application*
  - *We Have Checked Your Application*
- Prototype household benefit issuance notifications:
  - *Notice to Households of Approval/Denial of Benefits*
  - *Notice of Direct Certification*

Updates to the paper prototype in SY 2016-2017 included several design modifications intended to simplify the application for households and improve application processing by local officials. Inclusion of these elements on the application is optional:

- The income reporting fields in the paper prototype ask for income sums in whole dollars only. Standard rounding rules apply. To round amounts to the nearest whole dollar, round down amounts from 1 to 49 cents and round up amounts from 50 to 99 cents. For example, a weekly income of \$305.47 would be rounded down to \$305.
- In recognition that children do not receive income on a regular basis, the paper prototype separates income reporting sections for adult and child household members. Household member reporting sections for infants, children, and students up to grade 12 are apart from those for adult household members. This is intended to reduce the risk of duplicate entries and more accurately reflect a list of all household members. Income for children is then totaled into a single reporting field.

- The paper prototype includes a “grade” field in the children and students reporting section. The additional identifying information will assist in the matching of student names to existing enrollment figures.
- The paper prototype includes a “For School or District Use Only” section to assist in the review process for determining officials. This feature was included on prior application designs and has been returned to the application based on feedback from State and local officials.
- The paper prototype has moved the “Source of Income” table from the instructions document to the top of the reverse side of the Prototype Application.

LEAs are encouraged to accept the paper prototype when submitted by households, even if the prototype is not identical to the application provided by the LEA.

FNS has translated all of the paper prototype materials into 49 non-English languages. The translated applications are available on the FNS website: <http://www.fns.usda.gov/school-meals/applying-free-and-reduced-price-school-meals>.

### *Web-Based Prototype*

On November 30, 2016, FNS released its first *Web-Based Prototype Application for Free and Reduced Price School Meals v1.0*. While use of this application’s design and/or programming code is optional, FNS encourages adoption of its critical integrity features.

Reducing error rates in the NSLP and SBP was a key motivation behind the development of the *Web-Based Prototype Application*. The new model application incorporates research-backed design features intended to reduce applicant error that can lead to improper over-certification or mistaken denial of program benefits.

State and local agencies may choose to adapt the *Web-Based Prototype Application* for their own use, or may borrow design features from the prototype when developing their own web-based applications. FNS also encourages software vendors that serve the school market to incorporate any or all of the prototype’s integrity features into their own products. The application was developed using “open source” code, so it is free to use and copy without charge. Notably, the application is mobile-friendly, and will recognize the type of device the applicant is using and adjust accordingly.

*The Web-Based Prototype Application* materials are not structured for direct or immediate use by households. These materials must be adapted and integrated with appropriate data management systems maintained at the State and/or local levels prior to household use. The *Web-Based Prototype Application* will require some initial investment in order to complete this integration, and the cost will vary depending on a number of factors, including any systems already in place and capabilities of available information technology (IT) resources. However, the extensive

coding work that contributed to the development of the prototype as-released represents a significant down payment on the total programming and implementation costs associated with designing a web-based application from the ground up.

The FNS website provides many resources related to the *Web-Based Prototype Application*, including a web-based interactive demo, Q&A guidance, a comprehensive guide, and a downloadable copy of the source code for the electronic application. To view the resources, please visit: <http://www.fns.usda.gov/school-meals/web-based-prototype-application>. The demonstration version of the application on the USDA web site is just a model. School districts must not direct their families to the demo; it is not a national school meal application.

States may adopt/adapt any or all of these materials, or develop their own State specific forms. States may also permit local level agencies to design application materials. Local officials seeking guidance or information about prototype application materials for their State may contact the State agency responsible for the administration of the CNPs. State agency contact information is available at: <http://www.fns.usda.gov/school-meals/school-meals-contacts>.

# Appendix C: Prototype Agreement for Disclosure of Free and Reduced Price Information

## *I. Purpose and Scope*

[Insert Name of Determining Agency] and [Insert Name of Receiving Agency] acknowledge and agree that children's free and reduced price meal and free milk eligibility information obtained under provisions of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (NSLA) or Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (CNA) and the regulations implementing these Acts is confidential information. This Agreement is intended to ensure that any information disclosed by the (insert name of determining agency) to the (insert name of receiving agency) about children eligible for free and reduced price meals or free milk will be used only for purposes specified in this Agreement and that the (insert name of determining agency) and (insert name of receiving agency) recognize that there are penalties for unauthorized disclosures of this eligibility information.

## *II. Authority*

Section 9(b)(6)(A) of the NSLA (42 U.S.C. 1758(b)(6)(A)) authorizes the limited disclosure of children's free and reduced price meal or free milk eligibility information to specific programs or individuals, without prior parent/guardian consent. Except that, the parent/guardian must be provided the opportunity to decline to share eligibility information prior to the disclosure for identifying children eligible for benefits under or enrolling children in the State Medicaid Program and the Children's Health Insurance Program (CHIP). Additionally, the statute specifies that for any disclosures not authorized by the statute, the consent of children's parents/guardians must be obtained prior to the disclosure.

The requesting agency certifies that it is currently authorized to administer the following program(s) and that information requested will only be used by the program(s) indicated.

**Note:** Section 9(b)(6)(A) specifies that certain programs may receive children's eligibility status only, without parental consent. Parental consent must be obtained to disclose any additional eligibility information. Section 9(b)(6)(D)(ii) specifies that for State Medicaid or CHIP, parents must be notified and given an opportunity to elect not to have information disclosed. Social Security Numbers may only be disclosed if households are given notice of the disclosure and the uses to be made of their Social Security Numbers as required by Sec.7 of the Privacy Act.



<b>CHECK ALL THAT APPLY</b>		
<b>Program</b>	<b>Information Authorized</b>	
Medicaid or the State Children's Health Insurance Program (CHIP), administered by a State or local agency authorized under titles XIX or XXI of the <i>Social Security Act</i> . <b>Specify Program:</b>	All eligibility information unless parents elect not to have information disclosed.	<input type="checkbox"/>
State health program other than Medicaid/CHIP, administered by a State agency or local agency. <b>Specify Program:</b>	Eligibility status only; Prior consent not required.	<input type="checkbox"/>
Federal health program other than Medicaid/CHIP <b>Specify Program:</b>	No eligibility information unless prior parental or guardian consent is obtained.	<input type="checkbox"/>
Local health program <b>Specify Program:</b>	No eligibility information unless prior parental or guardian consent is obtained.	<input type="checkbox"/>
Child Nutrition Program under the National School Lunch Act or Child Nutrition Act <b>Specify Program:</b>	All eligibility information; consent not required.	<input type="checkbox"/>
Federal/State or local means tested nutrition program with eligibility standards comparable to the <i>National School Lunch Program</i> <b>Specify Program:</b>	Eligibility status only; consent not required.	<input type="checkbox"/>
Federal education program <b>Specify Program:</b>	Eligibility status only; consent not required.	<input type="checkbox"/>

### ***III. Responsibilities***

[Insert Name of Determining Agency] will:

When required, secure the consent of parents/guardians prior to any disclosure not authorized by the National School Lunch Act or any regulations under that Act, unless prior consent is secured by the receiving agency and made available to the determining agency;

For State Medicaid and CHIP, notify parents/guardians of potential disclosures and provide opportunity for parents/guardians to elect not to have information disclosed;

Disclose eligibility information only to persons directly connected to the administration or enforcement of programs authorized access under the National School Lunch Act or regulations under the Act or to programs or services for which parents/guardians gave consent.

[Insert Name of Receiving Agency] will:

Ensure that only persons who are directly connected with the administration or enforcement of the (insert name of the Program) and whose job responsibilities require use of the eligibility information will have access to children's eligibility information:

Specify by name(s) or title(s) \_\_\_\_\_

Use children's free and reduced price eligibility information for the following specific purpose(s):

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Inform all persons that have access to children's free and reduced price meal eligibility information that the information is confidential, that children's eligibility information must only be used for the purposes specified above, and the penalties for unauthorized disclosures.

Protect the confidentiality of children's free and reduced price meal or free milk eligibility information as follows:

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Specifically describe how the information will be protected from unauthorized uses and further disclosures.

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Description of Procedures to Transfer Meal Eligibility Information (may be completed by either the determining agency or receiving agency)

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Describe the procedures for transferring students' meal eligibility information from the determining agency to the requesting agency/program so as to limit the number of individuals who have access to the information.

(Describe)

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#### *IV. Effective Dates*

This agreement shall be effective from \_\_\_\_\_ to \_\_\_\_\_.

#### *V. Penalties*

Any person who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (Section 9(b)(6)(C) of the National School Lunch Act; 42 U.S.C. 1758(b)(6)(C)) or a regulation, any information about a child's eligibility for free and reduced price meals or free milk, shall be fined not more than a \$1,000 or imprisonment of not more than 1 year or both.

#### *VI. Signatures*

The parties acknowledge that children's free and reduced price meal and free milk eligibility information may be used only for the specific purposes stated above, and that unauthorized use of free and reduced price meal and free milk information or further disclosure to other persons or programs is prohibited and a violation of Federal law, which may result in civil and criminal penalties.

Requesting Agency/Program Administrator:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Determining Agency Administrator:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_

*\*Any attachments will become part of this agreement.*

## Appendix D: Policy Memos

May 10, 2017	<a href="#">SP 29-2017</a> : 2017 Edition: Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools
March 23, 2017	<a href="#">SP 23-2017</a> : Unpaid Meal Charges: Guidance and Q&A
March 15, 2017	<a href="#">SP 19-2017</a> : Reporting Annual Income on School Meal Applications
December 1, 2016	<a href="#">SP 08 CACFP 04 SFSP 03-2017</a> : Area Eligibility in Child Nutrition Programs
December 1, 2016	<a href="#">SP 09-2017</a> : 2017 Edition of Questions and Answers for the National School Lunch Program's Seamless Summer Option
October 7, 2016	<a href="#">SP 04-2017</a> : Model Functional Requirements for State and Local Information Technology Systems
September 30, 2016	<a href="#">SP 61-2016</a> : Fall 2016 Edition: Community Eligibility Provision: Planning and Implementation Guidance
September 9, 2016	<a href="#">SP 54-2016</a> : Community Eligibility Provision: Guidance and Updated Q&As
August 10, 2016	<a href="#">SP 43-2016 (v.2)</a> : Ensuring Access to Free and Reduced Price School Meals for Low-Income Students
August 8, 2016	<a href="#">SP 51-2016</a> : Ensuring Year-long Eligibility in the School Lunch and School Breakfast Programs
July 8, 2016	<a href="#">SP 46-2016</a> : Unpaid Meal Charges: Local Meal Charge Policies
July 8, 2016	<a href="#">SP 47-2016</a> : Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments
May 24, 2016	<a href="#">SP 37-2016</a> : Meaningful Access for Persons with Limited English Proficiency in the School Meal Programs: Guidance and Q&As
April 29, 2016	<a href="#">SP 34-2016</a> : Revised Prototype Free and Reduced Price Application Materials for SY2016-17
December 28, 2015	<a href="#">SP 21-2016</a> : Fiscal Year Reporting Timeline and Reporting Table

December 7, 2015	<a href="#">SP 16 CACFP 06 SFSP 10-2016</a> : Disclosure Requirements for the Child Nutrition Programs
October 8, 2014	<a href="#">SP 02-2015</a> : Online Fees in the School Meal Programs
June 19, 2014	<a href="#">SP 51-2014</a> : Eligibility Effective Date for Directly Certified Students
April 30, 2014	<a href="#">SP 44-2014</a> : Questions and Answers Related to the Independent Review of Applications
April 24, 2014	<a href="#">SP 42 SFSP 17 CACFP 11-2014</a> Sharing Aggregate Data to Expand Program Access and Services in Child Nutrition Programs
January 22, 2014	<a href="#">SP 17-2014</a> : Discretionary Elimination of Reduced Price Charges in the School Meal Programs
December 3, 2013	<a href="#">SP 11 CACFP 06 SFSP 11-2011</a> : Effective Date of Free or Reduced Price Meal Eligibility Determinations
June 25, 2013	<a href="#">SP 48-2013</a> : Extending Flexibility for RCCIs in the NSLP
May 17, 2013	<a href="#">SP 40 CACFP 13 SFSP 13-2013</a> : Q&As Regarding the Participation of Head Start Programs in Child Nutrition Programs
November 28, 2012	<a href="#">SP 09 CACFP 04-2013</a> : Streamlining At-risk Meal Participation for School Food Authorities
August 24, 2012	<a href="#">SP 45-2012</a> : Preventing Overt Identification of Children Certified for Free or Reduced Price School Meals
July 16, 2016	<a href="#">SP 38-2012</a> : Residential Child Care Institutions exception for safety if serving Multiple Age/Grade Groups
April 10, 2012	<a href="#">SP 13-2012</a> : Verification for Cause in the School Meal Programs
October 24, 2011	<a href="#">SP 02-2012</a> : Verification and Reporting of Foster Children
June 15, 2011	<a href="#">SP 40-2011</a> : Outreach to Households on the Availability of the School Breakfast Program
April 1, 2011	<a href="#">SP 26 CACFP 15 SFSP 10-2011</a> : Eligibility of Children Evacuated from Japan and Bahrain

December 6, 2010 [SP 11 CACFP 02 SFSP 01-2011](#): Effects of Busing on Area Eligibility in the CACFP, SFSP, and Afterschool Snack and the Seamless Summer Option served through NSLP

September 15, 2010 [SP 06 CACFP 03 SFSP 04-2010](#): Exclusion of Military Combat Pay

May 3, 2010 [SP 25 CACFP 11 SFSP 10-2010](#): Q&As on Extending Categorical Eligibility to Additional Children in a Household

April 19, 2010 [SP 22 CACFP 10 SFSP 08-2010](#): Categorical Eligibility—Temporary Assistance to Needy Families

January 29, 2010 [SP 17 CACFP 07 SFSP 07-2010](#): Eligibility of Haitian Refugees for the Child Nutrition Programs

August 27, 2009 [SP 38 CACFP 08 SFSP 07-2009](#): Extending Categorical Eligibility to Additional Children in a Household

September 29, 2008 [SP 40-2008](#): Reaffirmation of Policy on Limited Disclosure of Children's Eligibility Information to the National Assessment of Educational Progress (NAEP)

March 26, 2008 [SP 18-2008](#): Rebates from the Economic Stimulus Act of 2008

January 15, 2008 [SP 07-2008](#): Charter School Involvement in the NSLP and SBP

June 15, 2007 [SP 12 CACFP 09 SFSP 07-2007](#): Electronic Record and Reporting Systems

May 1, 2007 [SP 10 CACFP 07 SFSP 06-2007](#): Update on Electronic Transactions in the Child Nutrition Programs

January 29, 2007 [SP 04-2007](#): Scanned Income Applications

August 31, 2006 [SP 32-2006](#): Clarification of Direct Verification

August 25, 2006 [SP 30 CACFP 14 SFSP 07-2006](#): U.S. Armed Forces Family Supplemental Subsistence Allowance – Permanently Excluded from Income Consideration for the Child Nutrition Programs

July 25, 2006 [SP 27-2006](#): Verification Sample Size

March 2, 2006 [SP 14-2006](#): Reauthorization 2004: Communications Concerning Verification Activities

- February 9, 2006      [SP 12-2006](#): Commercial Software Used in School Nutrition Programs
- December 23, 2005    [SP 08-2006](#): Reauthorization 2004: Communication with Households
- October 29, 2005      [SP 02 CACFP 02 SFSP 01-2006](#): Treatment of Family Subsistence Supplemental Allowance and National Flood Insurance Program payments in Income Eligibility Determinations for Food and Nutrition Service Programs
- August 30, 2005      [SP 17-2005](#): Initial Carry-over of Previous Year's Eligibility - Reauthorization 2004: Implementation Memo - SP 17
- March 10, 2005        [SP 13-2005](#): Verification Activities - Reauthorization 2004 Implementation Memo SP-13
- September 17, 2004    [\[No Code\]](#): Guidance on Determining Categorical Eligibility for Free Lunches and Breakfasts for Youth Served under the Runaway and Homeless Youth Act

*The full list of current NSLP policy memoranda is available on the [School Program Policy Page](#). Policy memorandum specific to the other CNPs are available on the [CACFP Policy Page](#) and the [SFSP Policy Page](#).*

## Glossary of Acronyms

CACFP	Child and Adult Care Food Program
CEP	Community Eligibility Provision
CFR	Code of Federal Regulations
CHIP	Children's Health Insurance Program
CNA	Child Nutrition Act
DEIP	Deployment Extension Incentive Pay
DOD	Department of Defense
EBT	Electronic Benefit Transfer
FDPIR	Food Distribution Program on Indian Reservations
FERPA	Family Educational Rights and Privacy Act
FNS	Food and Nutrition Service
FNSRO	Food and Nutrition Service Regional Office
FSSA	Family Subsistence Supplemental Allowance
FYSB	Family and Youth Services Bureau
IEGs	Income Eligibility Guidelines
ISP	Identified Student Percentage
LEA	Local Educational Agency
LEP	Limited English Proficiency
NAEP	National Assessment of Educational Progress
NFIP	National Flood Insurance Program
NSLA	National School Lunch Act
RCCI	Residential Child Care Institution
ROAP	Regional Office Administered Program



SBP	School Breakfast Program
SFA	School Food Authority
SMP	Special Milk Program
SFSP	Summer Food Service Program
SNAP	Supplemental Nutrition Assistance Program
SSI	Supplemental Security Income
SSN	Social Security Number
SY	School Year
TANF	Temporary Assistance to Needy Families
WIC	Special Supplemental Nutrition Program for Women, Infants, and Children
USDA	United States Department of Agriculture

## Additional Resources

To keep up to date on Child Nutrition Program regulations, policy, and application changes, program operators can use the following resources:

- **Child Nutrition Programs - PartnerWeb** (State agencies only)  
<https://www.partnerweb.usda.gov>
- **USDA-FNS School Programs Website**  
<http://www.fns.usda.gov/school-meals/child-nutrition-programs>
- **USDA-FNS School Programs Policy Page**  
<https://www.fns.usda.gov/school-meals/policy/all>
- **GovDelivery**  
<https://service.govdelivery.com/accounts/USFNS/subscriber/new>
- **Code of Federal Regulations Part 245 - Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools**  
[https://www.ecfr.gov/cgi-bin/text-idx?SID=923dcc3cddf97f5b00569aaea0206369&mc=true&tpl=/ecfrbrowse/Title07/7cfr245\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=923dcc3cddf97f5b00569aaea0206369&mc=true&tpl=/ecfrbrowse/Title07/7cfr245_main_02.tpl)