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Determining Eligibility

Local Education Agencies (LEAs) participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) are required to serve free and reduced-price meals to students determined eligible by current income eligibility guidelines, direct certification, homeless, runaway, migrant, Head Start, Early Head Start and Even Start Program approval. Eligibility determinations are valid for the entire year. Households that have been selected for verification may have their benefits changed during the verification process.

NOTE: Local educational agency (LEA) means a public board of education or other public or private nonprofit authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public or private nonprofit elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public or private nonprofit elementary schools or secondary schools. The term also includes any other public or private nonprofit institution or agency having administrative control and direction of a public or private nonprofit elementary school or secondary school, including residential child care institutions (RCCIs), Bureau of Indian Affairs schools, and educational service agencies and consortia of those agencies, as well as the State educational agency in a State or territory in which the State educational agency is the sole educational agency for all public or private nonprofit schools. In Texas, organizations that contract directly with Texas Department of Agriculture's (TDA's) U.S. Department of Agriculture (USDA) federally funded nutrition programs are called Contracting Entities or CEs. The School Nutrition Programs (SNPs) are identified as a nutrition program and, as such, LEAs (like school food authorities) are considered CEs. In context of determining eligibility, the term LEA is used in place of CE since LEA is recognized by the Texas Education Agency.

Applications/Letter to Households

Parents and/or guardians must complete the necessary forms to determine if the student is eligible to participate. Households must be provided with the Letter to Households and the Meal Application form on or about the beginning of the school year. The income eligibility guidelines and any required revisions to the media release, household letter and application form to reflect changes in the eligibility criteria are generally available in late spring or after the end of the current school year at www.squaremeals.org. The current forms must be used each year and should not be reformatted.

Directly certified students do not have to receive an application nor a Letter to Parents but should receive a notice of eligibility. See Direct Certification.

Residential child care institutions (RCCIs): Refer to Section 26, Residential Child Care Institutions, for additional information regarding eligibility for children residing in an RCCI and emergency shelters.

Benefits Prior to Processing Applications

Households that wish to qualify for eligibility must submit an application within the first 30 operating days of the school year. The LEA must implement the status of children in that household immediately upon approval of that application.

Therefore, local school officials are encouraged to expedite eligibility determinations for all new enrollees.

If a sibling was not listed on last year's application but comes from a family with children who were eligible for free meals last year, the LEA should add the sibling to last year's application. All children on the application may be claimed at last year's level of benefits for the first 30 operating days of school or until a new application is received and processed. A new application is required after the first 30 operating days of school.

The number of approved eligible students carried over to the current school year must be adjusted for students who graduated or withdrew from the district. After 30 operating days from the beginning of school, students without new applications must have their benefits terminated. The master roster should reflect those adjustments.

The carryover period is in place to allow schools an appropriate amount of time to process applications, especially in large CEs. However, it is not the intent that schools delay the processing of applications. Instead, schools must process applications as they are received and promptly notify the household.

Applications for Prospective Students Not Currently Enrolled

An LEA can allow parents to complete a meal application for students not currently enrolled, for example kindergarten pre-registration at the conclusion of the school year, by using the free and reduced-price meal application form for that school year. The eligibility status for that student must be based on the Income Eligibility Guidelines for that current school year. The eligibility status of this child applies only to the first 30 operating days of the new school year. An application for the current school year must be distributed to determine eligibility for the remainder of the year. This must occur within the first 30 operating days from the beginning of the current school year.

For children transferring in the same LEA from a school using Provision 2, the new school should carryover the previous year's eligibility only if the prior year was a base year and the child's individual eligibility information is available.

Carryover of the eligibility status from the previous year also applies to children in Head Start Programs *if* the CE administers both the Head Start Program and the school in which the child attends kindergarten.

Residential Child Care Institutions (RCCIs): Refer to Section 26, Residential Child Care Institutions for information regarding eligibility.

Types of Applications

TDA provides prototype application packets for multi-child applications and multi-use applications in both English and Spanish.

Multi-Child Applications

A multi-child application permits a family to establish eligibility for all school age children in the household. Advantages of using this application are more students are identified for eligibility, burdensome paper is eliminated and the number of applications required to be verified is reduced.

Multi-Use Applications

The Multi-Use Application for free and reduced-price meals enables parents and/or guardians to grant permission to the LEA to share the eligibility determinations for students receiving free and reduced-price meals for purposes other than the SNPs. LEAs that anticipate disclosure specifically to Medicaid or the state Children's Health Insurance Program (CHIP) must notify households of this potential disclosure and give the households the opportunity to decline the disclosure.

Applications and Other Household Materials for Limited English Proficient Households

LEAs should have a process for determining whether they have Limited English Proficient (LEP) parents/guardians in their schools and the language needs of these households. Once an LEA becomes aware of household's communications needs, the LEA must communicate with them in a manner that provides the household with meaningful access to information that is provided to non-LEP parents. LEAs are encouraged to include the School Nutrition department when planning outreach to LEP parents/guardians to ensure that all households served by the LEA are adequately notified by the SNP.

In addition, NSLP regulations require that any communication with households for eligibility determination purposes must be in an understandable and uniform format and to the maximum extent practicable, in a language that parents and guardians can understand. See below for information regarding school meal application translations.

By taking these steps, LEAs can help ensure that low-income children whose parents or guardians' primary language is not English can get the school meals for which they are eligible:

1. Identify the primary language of each household that might be eligible for free or reduced-price school meals and communicate with each household in their language.

Some schools may have a system in place to identify parents'/guardians' primary language for communication regarding the student's education. If a system is already in place, LEAs should utilize the system to ensure that communication with households regarding the SNP are in a language that parents/guardians can understand. LEAs can use information gained from using a "Home Language Survey," which is conducted at enrollment to determine the dominant language spoken in the home. As an alternative, LEAs could use USDA's "I speak" worksheet to identify the appropriate language for communicating regarding the SNP. The "I speak" worksheet is located on USDA's website at <http://www.fns.usda.gov/cnd/frp/lspeak.pdf> and on www.squaremeals.org under the appropriate program (NSLP or SBP) click the appropriate "Administration and Forms" for the program under the menu and then select "School Meal Applications and Verification".

Several languages may be used in a community and it is important that all households be offered LEP services. Simply offering the most common alternative language is not sufficient.

2. Provide written translations.

LEAs must ensure that language and communication are not barriers to SNP participation. LEAs may choose to develop written translations of their own materials (including applications submitted online) in the most common languages of households in their schools. If LEAs do not have their own translated application materials, they must at a minimum use the USDA prototype translations available.

The application and letters are available in the following translations and can be accessed on the USDA Food and Nutrition Service (FNS) website at:

<http://www.fns.usda.gov/cnd/frp/frp.process.htm>.

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

3. Provide oral interpretation services.

For households that speak less prevalent languages or have limited literacy, LEAs should identify oral interpretation services available within the school that can be used to communicate with households about free and reduced-price meal benefits. Parents and guardians should not need to rely on family or other household members (especially children) or friends as these people are not always competent to provide quality and accurate interpretations. Partner with other local resources, such as migrant or refugee assistance agencies, when available.

4. Assist with Verification.

LEAs should have a system in place to provide verification letters to each household in the primary language of the parent or guardian in the household, follow-up with households that do not respond to the initial verification request and to provide oral assistance if the parent or guardian has difficulty understanding the written request. Translations of prototype verification materials are available on the FNS website at <http://www.fns.usda.gov/cnd/frp/frp.process.htm>.

5. Serve parents or guardians with limited literacy.

It is important for LEAs to ensure that individuals with limited literacy can understand the application and verification materials. USDA's prototype materials are designed to be comprehensible to someone with low literacy. For parents and guardians who are unable to read, LEAs are expected to provide assistance so that they can understand the application, certification and verification process.

6. Include the required non-discrimination statement.

Households need to understand that they will be treated fairly if they apply for free or reduced-price meals. The letter to households or the application itself **must** include the non-discrimination statement that appears on USDA's prototype application. It is important that the non-discrimination statement is included on either the translated letter to households or the translated school meals application.

Computerized Scanned Application

LEAs have the option of using "scanned meal applications". TDA allows only the prototype Household Application issued annually on the Square Meals website. LEAs that elect to use a scanned meal application must send their prototype scanned meal application to TDA for review. However, TDA does not approve any scanned application documents. TDA will review submitted documents and notify the LEA of any egregious errors noted. The LEA is ultimately responsible to ensure that compliance with state and federal guidelines are being met.

Online/Web-Based Applications

Local Education Agencies (LEAs) are encouraged to make use of technology by providing online/web-based applications. Any online application processing must comply with TDA and USDA requirements. USDA guidelines require that the LEA have specific certifications in place to ensure confidentiality and true and correct information. The application becomes legally binding if submitted according to the USDA guidelines. Further, the identity and location of each person who transmitted information must be captured (such as digital or digitized signatures). Prior to implementation of an electronic or web-based application process, the LEA must submit a letter requesting approval to implement an online application processing system. Once the request is received, TDA will send the LEA a checklist that must be completed in detail outlining the procedures that the LEA will use to collect online applications. The completed checklist must be returned to TDA for approval. The LEA may not begin the process of online/web-based applications until an approval has been made by TDA.

Keep in mind that TDA does not approve specific software, and that USDA and TDA may require paper copies of applications during the Coordinated Review Effort (CRE). Paper applications could be printouts of the applications that were completed online. In addition, the LEA must always be able to provide a paper application to any household that does not wish to use an electronic application system.

Electronic applications are available to households via email to the household, or may be downloaded from the Internet. Web-based applications may be retrieved of a website and printed, then physically signed and returned through ground mail, or downloaded, electronically signed with a legally binding electronic signature and returned via the Web. Household applications may be submitted online from applicants to local agencies, only when local agencies have the capability to allow household to provide a legally binding signature.

TDA does not require paper applications with original signatures when an online application processing system is used with a legally binding electronic signature, such as personal identification numbers (PINs) and passwords.

Requests for Additional Information on Applications

The purpose of the Free and Reduced-price School Meals Applications is to determine if a student's household is eligible for school meal benefits based on income or categorical eligibility. In some instances, LEAs may request additional information on applications, if it could provide a benefit to the applicant. The household is notified that the information will be shared for the purposes of providing that benefit and does not create a real or perceived barrier to participation in the SNP.

Allowing LEAs to obtain data for other purposes on the application for free and reduced-price school meals is intended to provide a way for LEAs to share information with households on the availability of other non-meal benefits and may reduce the paperwork burden on

households. An example of non-meal benefits includes items such as free school books or computers for students that are eligible for free or reduced-price meals. If notice is provided to the households with or on the application and written permission from the household is obtained, if necessary, non-meal benefit programs are permitted access to the eligibility category of the household.

Distribution and processing applications *solely for information about household income* to determine the funding or benefits for programs other than the SNP or to determine eligibility for other programs is **not** permitted. Therefore, funds in the SNP account cannot be used to pay the costs associated with collecting and processing such information.

A school or LEA must obtain the household income information for nonprogram purposes through means other than the household's School Meals Application. If schools or LEAs collect such information for *nonprogram purposes*, the application must not be labeled as applications for meal benefits or give any indication that such benefits are contingent upon a household returning the application.

If LEAs provide households with multi-use applications, which include both meal benefits as well as non-food benefits, they must ensure that the process allows submission of an application solely for free and reduced-price meal benefits.

Schools must not collect information regarding a household's citizenship on the application because citizenship is not a requirement for participation in the SNPs. Doing so would create a barrier to participation by deterring eligible households from applying for meals for their children.

The LEA must not delay application of applications, both on-line applications as well as hard copies of applications if the household fails to provide any information that is not required. For example, if the household fails to include its street address or birth dates, processing of the application cannot be delayed.

The *Eligibility Manual for School Meals* states, "If schools or LEAs collect such information solely for non-NSLP, -SBP or -SMP purposes, the applications may not be labeled as applications for benefits under the school meals/milk programs or give any indication that such benefits are contingent upon a household returning the application."

For example, LEAs may request that households provide a student's birth date on the application for free and reduced-price school meals. Because this additional data does not create a barrier to SNP participation and creates a possible benefit to the student by improving the chances a positive match can be made if chosen for verification with SNAP or TANF thereby minimizing the burden of complete additional forms, an LEA may request this additional information on the application.

Since additional information is not required for a student's certification of eligibility for free and reduced-price school meals, an application, whether paper or electronic, must be considered even if the additional information is not provided.

Some electronic versions of free and reduced-price applications makes a student's birthday as a required field and failure to provide that information results in the application being incomplete or blocks the completion of the application process. This would **not** be allowable. Those barriers to participation must be removed. Any electronic version of a free and reduced-price application requiring additional data **must** be updated so that the software no longer requires the additional data.

If LEAs have a system which requires additional information on an application to be completed must ensure that they have a method in which applications that are categorized as "incomplete" or otherwise blocked for a reason may still be certified as eligible if all the required information has been provided by the household.

An LEA may not request applicants to provide information regarding citizenship. Citizenship information is **not** required for participation in the SNP.

Questions and Answers: Applications Requesting Non-Required Information

1. **Question:** Can a LEA add questions to the application for free and reduced-price school meals that request data (e.g., birth date) not required by USDA?

Answer: Yes. A LEA may request additional information to a free and reduced-price school meals application. However, because such information is not required for certification of eligibility for free and reduced-price school meals, applicants cannot be *required* to enter it on the application. It should be clear to the applicant that the information is not required and the collection of additional information must provide some benefit to the applicant, households must be notified that the information will be shared in order to provide the benefit and collecting the information must not be a barrier to applying for the meal benefits. In addition, an applicant must be able to submit the applications for determination of eligibility for free or reduced-price meal benefits without providing the additional non-required data.

2. **Question:** How should a LEA differentiate between required and non-required information to be included on its electronic free and reduced-price applications, when procuring a larger contract for software and services?

Answer: The LEA should structure the solicitation in a manner that clearly identifies specifications that are required for a contractor to be considered responsive. A LEA should

identify the required information and thus required components of the free and reduced-price meal application in its solicitation of an electronic system. The more defined this is in the solicitation the more likely the solicitation will result in an accurate system, as well as resulting in an opportunity to negotiate a system more likely to fit within the respondents proposed cost structure. A LEA must also be mindful that its staff must have sufficient skill and expertise to evaluate proposals and conduct negotiations in an RFP.

3. **Question:** Can a LEA require the applicant to fill out the non-required information?

Answer: No, an application, whether paper or electronic, must be considered complete for the purposes of determining meal eligibility even if additional, non-required information is not provided.

4. **Question:** What should the LEA do if their current system requires the applicant to enter non-required data in order for the application to be submitted, however, is not able to update the application in time for applications this year?

Answer: Any electronic version of a free and reduced-price application requiring additional data must be updated so that the software no longer requires the additional data. However, if a LEA is not able to update the application in time for the SY 2011-2012, all LEAs should ensure that applications which are categorized as “incomplete” or otherwise blocked for this reason may still be certified as eligible if all the required information has been provided. Please note if the correction is a material change to an existing software contract (changes that alters the terms and conditions of the contract substantially), the LEA may be required to undertake a new procurement for software.

Distribution of Applications

In schools participating in the SNPs, a letter to households and a free or reduced-price meal application must be provided to parents or guardians of all children in attendance at the school.

Letters and applications should be sent to households at the beginning of the school year to allow for the prompt return and review of applications. The distribution should include all children enrolled in the LEA.

CEs must make households aware of the availability of free and reduced-price meals and may even request that households apply, **but school officials may not require that a household submit an application for free or reduced-price meal benefits.** CEs may not use income information given on an application for purposes other than NSLP or SBP benefits.

Although other methods for distributing letters and applications may be acceptable and used successfully, the most common method is to give each child a copy to take home. They do not have to be sent in the mail. For example, the school could include the application in a packet of

school-related information addressed to the parent but carried home by the student at the beginning of the school year. Whatever distribution method is used, it must not identify students who were receiving benefits the prior year, those students on the Direct Certification (DC) list or those students who have already filled out an application.

Designated locations can be operated by the CE prior to school opening to provide households an opportunity to apply for meal benefits. Parents or guardians cannot be required to go to only one particular place to apply for meal benefits. Various language interpreters could provide assistance in accurately completing the application. The most recently dated application takes precedence should duplicate applications exist.

Updated application packets from TDA are provided every year between March and July and are available on TDA's website: www.squaremeals.org. Applications should not be given out at the end of the school year to apply for the following school year.

The following are examples of unacceptable distribution practices:

- A public announcement that applications are available and interested parties may pick up one in the office.
- Schools distributing the letter to parents and application form only to those who request one or to those who received program benefits during the prior school year.
- Distributing the applications only in the lunch line.
- Distributing at the end of the school year to apply for the following school year.

Distribution of Applications in Year-Round School and Prior Year Eligibility

Regulations state that prior to processing applications for the current school year, children from households with approved applications on file from the preceding year may be served reimbursable free and reduced-price meals. Applications from the preceding year may be used to support eligibility only during the 30 operating days following the first operating day at the beginning of the school year.

Applying the above definitions to year-round schools, the prior year's applications may be used for 30 operating days following the first operating day for a given track (e.g., July 1 if it is an operating day of a track operating through the summer or the first operating day of a track that begins on or after July 1). Applications should be distributed on or about July 1 or soon thereafter so that households can provide current income. Eligibility would have to be based on new applications using the new income eligibility guidelines after that 30-operating-day period.

Distribution of Applications by Schools Implementing Direct Certification

If application packets are distributed through the mail, by individualized student packets or other methods that prevent overt identification, parents and/or guardians of directly certified students may be excluded from the distribution of meal applications and Letters to Households. Under this option, households will receive either a letter to parents with an application form or

a letter notifying them that their children are eligible for free meal benefits due to direct certification.

Application Processing Time Frame

Applications should be reviewed and an eligibility determination made within 10 operating days of the receipt of the application. Whenever possible, applications should be processed immediately, particularly for new students who do not have approved applications on file from the previous year.

Complete Application for Various Types of Students

The reviewing official must review each incoming application to ensure the household submitted a complete application. If there are any unresolved inconsistencies or questions concerning the required eligibility information provided, the household's application must be denied. For example, if it is unclear whether the household provided weekly or monthly income, this issue must be resolved before an eligibility determination can be made. The official may contact the household prior to denial, document the details of the contact and date and initial the entry. If the application is complete, the official must then determine the eligibility.

When a new application is approved, the child's eligibility status is effective immediately. The LEA is not required to give households the 10-day adverse action notice if it is a new application. However, the LEA must notify the household in writing of a child's decrease in status. The letter must provide the reason for the decrease or denial of benefits; the right to appeal; instructions on filing an appeal; and a statement that households may reapply for free and reduced-price benefits at any time during the school year. TDA recommends that all households be notified in writing of any eligibility status change. **Meals can be claimed from that day forward.** The new eligibility status is not retroactive; therefore, the LEA cannot claim the student's previous meals under the new status.

Before an eligibility determination can be made, the household must provide the following information:

Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamp) Households/Temporary Assistance to Needy Families (TANF) Assisted Units

The following information must be collected on the application:

1. Name of child.
2. SNAP or TANF eligibility number*:
 - SNAP Numbers:
 - On the TIERS letter, the Eligibility Determination Group Number (EDG #) – an eight or nine-digit number. The eight-digit number can begin with any number except "0". The nine-digit number can begin with any number between "0" and "9".
 - SAVERR case number – a nine-digit number beginning with a "0" or a "1".
 - A copy of the SAVERR award letter, Form H1009, is not acceptable documentation

for eligibility for free meals. The household must submit a meal application indicating the EDG # or SAVERR case number to be eligible to receive free meals. Form H1009 must be attached to the meal application.

- TANF Number – a nine-digit case number beginning with “0” or “1” or any eight digit number that does not begin with a “0”.
3. Signature of an adult household member.

**Eligibility Benefits Transfer (EBT) or Lone Star Card account numbers are not acceptable SNAP case numbers on the application. If this occurs, contact the applicant to obtain the valid SNAP or TANF eligibility number.*

Income Eligible Households:

The following information must be collected on the application:

1. Names of all household members.
2. The amount of current income received by each household member, identified by source such as wages, welfare, alimony, etc., and the frequency with which that income is received; or an indication that no income is received (if no income is received, the “No Income” box must be marked.)
3. Last four digits of the Social Security number of the adult member who signs the application; the “I do not have a social security number” box must be marked if the adult household member does not have a Social Security number.
4. Signature of an adult household member.

Acceptable Adult Signature

Any printed name or cursive signature appearing in the space following the certification statement is an acceptable signature. All legal signatures do not have to be cursive. For example, an “X” could be considered a signature.

Note: An adult is defined as any individual age 21 and older. Therefore, an individual younger than 21 years of age cannot complete and/or sign their own school meals application.

Institutionalized Child

An institutionalized child – one who resides in a residential-type facility that the state has determined is not a boarding school. This child is considered a household of one. An institutionalized child’s income includes funds provided by the Texas Department of Family and Protective Services (DFPS) that are specifically identified by category for the personal use of the child, such as for clothing, school fees and allowances. In addition, other funds received by the child are included as income. For example, income a child earns for full-time or regular part-time employment and money provided by the child’s family for personal use. If no funds are specifically identified for personal use, income should be listed as “0” and the application should be approved for a full year.

1. The following information must be collected on the application: Name of child.

2. Child's personal income.
3. Signature of head of institution

RCCIs: Refer to Section 26, Residential Child Care Institutions for additional information regarding eligibility.

Foster Child

A foster child is categorically eligible for free meals, without further application. This categorical eligibility must be given to any foster child whose care and placement is the responsibility of the DFPS or who is placed by a court with a caretaker household. Households with foster and non-foster children may choose to include the foster child as a household member, as well as any personal income earned by the foster child, on the same school meals application that includes their non-foster children.

In processing the application, the LEA would certify the foster child eligible for free meals, and then make an eligibility determination for the remainder of the household based on the household's income (including personal income earned by the foster child) or any other categorical eligibility information reported on the application. Foster payments received by the family from the placing agency are not considered income and do not need to be reported.

Note: The presence of a foster child in the household does **not** convey eligibility for free meals to all children in the household in the same manner as SNAP or TANF participation does.

Emancipated Child

An emancipated child is a student living alone or as a separate economic unit. Separate economic units are usually characterized by the prorating of most household expenses. Most students paying room and board are usually paying a token amount and are not economically independent of their parents and are therefore not considered to be emancipated.

The following information must be collected on the Application:

1. Name of child.
2. Income of child.
3. Signature of the emancipated child.

Homeless Children

Recognizing the problem of increasing homelessness in our nation, a policy has been established to simplify access to free meals for homeless children under the SNPs.

The following procedures may be used when an application has not been submitted by the household or it is not anticipated that an application will be submitted:

1. Documentation to substantiate free meal eligibility may be used in lieu of individual applications (a list of eligible students signed by the CE's homeless liaison).
2. The director of a homeless shelter where the child resides may complete and submit an

application for the child;

3. Local level officials may complete an application for the child;
4. Local level officials may approve the application for the child for free meals based solely on their knowledge that the child's address is a homeless shelter or that the child has no known address and is indeed homeless; or

At a minimum, this documentation must include the following information:

- Child's name.
- Effective date.
- Residence (shelter, unknown, etc.).
- Signature of determining official.

This list of eligible homeless children must be kept current.

If a homeless child or family is temporarily residing with another household, they are still considered homeless. In this case, the household size and income of the host family should not be taken into consideration when determining the free meal eligibility of the child(ren) designated as homeless.

Additionally, when a host family applies to receive free and reduced-price meals for their own children, the host family may include the homeless child or family as household members if the host family provided financial support to the homeless family, such as shelter, utilities, clothing or food. In this case, the host family must also include any income received by the homeless family. Being listed on the host family's application does not affect the homeless child's eligibility for free meals.

A homeless child remains eligible for free meals for the current school year, plus up to 30 operating days in the subsequent school year, even if that child secures a permanent residence at some point during the current school year.

If a homeless student secures permanent housing but now attends a school in a different LEA, the new LEA may accept the eligibility determination for students provided by the former LEA. However, if the LEA does not elect to accept the eligibility determination from the prior LEA, then the household is required to reapply for benefits with the new LEA. The homeless coordinator may still make a determination that the student is "homeless" and thus eligible for free meal benefits even if the student is considered to have a permanent residence. If the student's status not designated as homeless, the household where the student resides may apply for meal benefits using household size and income or be determined categorically eligible or be directly certified.

Disaster Victim Student

When a household has undergone a disaster and moved in with another household, the host

family's household size and income should not be reported on the application. This situation should exist only through the duration of the disaster.

The following information must be collected on the Application:

1. Name of Child.
2. Household income.
3. Household size.
4. Adult's signature.
5. Last four digits of the Social Security number of the adult who signs the application.

Noncitizen Student

U.S. citizenship is not a factor in the determination of eligibility. An eligibility determination is based on household size/income or the receipt of SNAP/TANF for the child as reported on a completed application. The LEA must apply the same eligibility criteria for citizens and noncitizens. Foreign exchange students are considered noncitizen students.

Households That Provide Income Information and a SNAP/TANF Number

If a multi-child or multi-use application contains a single SNAP/TANF number and income is included on the application which qualifies the household for free meals, approval should be based on the SNAP/TANF number.

If the income and household size make the household eligible for reduced or paid benefits, the LEA should approve the application based on SNAP/TANF.

For households that have students that are directly certified and students that are not directly certified, all students in the household are categorically eligible for free meals.

The LEA must clarify information if any application seems questionable

Incomplete Applications

The household must provide all the required information on the application to be considered complete.

If an application is incomplete, it may be returned to the household or the household may be contacted either by phone or in writing to get the information. The school should document the details of the contact, enter the information received on the application, date and initial the entry. If the application is missing the signature of an adult household member, then the application must be returned to the household. In signing the application, the household member is certifying that the information on the application is true and correct. Every reasonable effort should be made to obtain the missing information prior to denying the

application.

Zero Income Applications

If no income is listed on the application, the reviewing official should contact the household for additional information. If the reviewing official is unable to contact the household, the application must be denied because it would be incomplete. If the household enters “0” as income, it should be processed as an income application and the student(s) would be certified eligible for free meals. The eligibility will be valid for the entire school year, plus the first 30 operating days of the following school year. Temporary approval of an application is no longer applicable because of the year long duration of eligibility. If LEAs are concerned with the authenticity of the information provided on an application, they may, on a case by case basis, verify the application for cause.

Questionable/Inconsistent Applications

If there are inconsistencies or questions concerning the required eligibility information provided, the household’s application **must** be denied, unless the inconsistencies or questions are resolved. When there are inconsistencies or questions about provided information, the household must be contacted for clarification prior to the application’s approval. LEAs may not verify for cause prior to approval if there is a reason to suspect the information provided. Only after the determination of eligibility has been made can the LEA begin the verification process.

Frequently questions arise concerning what is to be included as income and what constitutes a household. The following guidance is intended to provide guidelines for those individuals making eligibility determinations. The guidance cannot, however, address each individual situation. Reviewing officials will occasionally have to apply the broad concepts set forth in this guidance to some individual situations. If unusual situations unlike any examples in the guidance arise, the reviewing official should contact TDA.

Eligibility Determination

Eligibility can be determined categorically (SNAP/TANF, homeless, runaway, foster, migrant, Head Start Program, Early Head Start Program and Even Start Program), by income and by direct certification.

1. **Categorical Eligibility**— A child is considered categorically eligible if the child is:
 - A child from a household currently certified to receive SNAP;
 - A child from a household currently certified to receive TANF Assistance Unit;
 - A child that is a foster child whose care and placement is the responsibility of the State or who is placed by a court with a caretaker household.

These children are categorically eligible for free benefits. LEAs **must** provide a household applying for free and reduced-price meals for their child the opportunity to indicate on the

application that the child is categorically eligible for free benefits. When a household submits a complete application that contains: the name of the child, a current SNAP or TANF case number, indication the child is a foster child and an adult signature, the determining official **must** approve the child for free meals. No further application information is required.

All children in a SNAP or TANF household are categorically eligible to receive free meals.

The presence of a foster child in the household does **not** convey eligibility for free meals to all children in the household in the same manner as SNAP or TANF participation does.

LEAs cannot require separate applications for households with some children who are eligible based on categorical eligibility and some who are applying based on household income. An LEA can copy an application to allow them to process different eligibility determinations in mixed household situations.

There are

- **Head Start Program and Early Head Start Program***
Children enrolled in federally-funded Head Start and Early Head Start centers are considered categorically eligible for free meals in both lunch and breakfast programs. A list of students, signed by the Head Start Program and Early Head Start Program Administrator, serves as the approval for eligibility.
- **Even Start Students***
Children at the pre-kindergarten level who are enrolled in the federally-funded Even Start Family Literacy Program are categorically eligible for free meals. Even Start Pre-K children are eligible if their parents are in the Even Start Program and have an Even Start application on file with the LEA. Documentation from the Even Start official should include the child's name, effective date, and confirmation that the child has not yet entered kindergarten.

***Documentation of a child's Head Start/Early Head Start/Even Start participation includes:**

- an approved Head Start/Early Head Start/Even Start application for the child's family; or
- a statement of enrollment in Head Start/Early Head Start/Even Start; or
- a list of children participating in Head Start, Early Head Start or Even Start with the child's name and effective date, and for Even Start--confirmation that the child has not yet entered kindergarten; and
- signature and title of the program official signing the list.

LEAs must determine a child's categorical eligibility to receive free meals as a participant of

Head Start, Early Head Start and Even Start each year. Every twelve months after the initial determination of eligibility, LEAs must obtain current documentation that the child continues to be categorically eligible by being enrolled in Head Start, Early Head Start or Even Start.

- **Homeless**

A homeless child is one who, as designated by the LEA's homeless liaison, resides in an emergency, transition, family violence or DFPS shelter; lives in another family/friend's house due to loss of housing, economic hardship or similar reason; lives in a motel, hotel, structure or vehicle that is not a permanent nighttime residence; temporarily resides with an adult other than their parent or guardian because the parent is suffering financial hardship. For public school, a homeless child must be designated by homeless liaison, not the SNP director or manager. In private schools that do not have a homeless liaison, an official at the LEA can make the determination that the child is categorically eligible and can approve the child to receive free meals. In this case the following documentation is required:

- Child's name;
- Effective date(s); and
- Signature of the official at the CE.

- **Runaway**

A runaway is a child who, as designated by the public school district's homeless liaison or director of the homeless shelter, has become homeless or leaves and remains away from home without parental permission.

- **Migrant**

A migrant child is one who, as designated by the LEA's migrant coordinator, has moved across SFA lines, within the last three years, to accompany or join a parent or guardian who has moved to seek or obtain temporary or seasonal work in agriculture or fishing. If the child has completed a Migrant Education Program (MEP) Certificate of Eligibility (COE) Form signed by an MEP coordinator, this form can also be used to document eligibility for free meals.

2. **Income Eligibility** – Households that are not categorically eligible must provide household size and income information that includes the amount received by each household member, by source. The most current Income Eligibility Guidelines must be applied using total reported income. If the total reported income for the household is within the eligibility limits, the child is eligible for either free or reduced-price meal benefits as applicable.

If a household has only one income source, or if all sources are the same frequency, **do not use conversion factors**. The eligibility must be determined on the income source submitted by the household.

Residential Child Care Institutions (RCCIs)

Institutionalized children are **NOT** categorically eligible for meal benefits. The day school must either have an application on file for each student or documentation of obtaining eligibility from the student's LEA. If an application is complement, the child's income, even if "0," must be identified on the application. RCCIs without day students do not distribute or collect school meal applications.

Determining Household Size

School officials must often use their discretion in making household size determinations. The following list is provided for reference.

- **Adopted Child**—*An adopted child for whom a household has accepted legal responsibility is considered to be a member of that household. Therefore, the household's size and total income is considered in the eligibility determination. Adoption subsidies must be included as income.*
- **Boarding School Students**—*A student in boarding school is considered a member of the household in which he/she normally resides; therefore, household size and total household income are considered in the eligibility determination.*
- **Categorical Eligibility**—*A child or children for whom SNAP/TANF benefits are received or a child or children that are considered a foster child(ren) are automatically eligible for free meals when the household provides a current SNAP or TANF case number on the application or indicates on the application that the child is a foster child. Directly certified students, homeless, runaway and migrant students, Head Start and Early Head Start students, and pre-K Even Start students are also considered categorically eligible.*
- **Child Living with One Parent, Relatives or Friends**—*In cases where no specific welfare agency or court is legally responsible for the child or where the child is living with one parent, other relatives or friends of the family, the child is considered to be a member of the household with whom he/she resides. The size and total income of that household is used to determine the child's eligibility. Children of divorced or separated parents are generally considered part of the household that has custody.*
- **Economic Unit**—*A group of related or unrelated people who share housing and/or all significant income and expenses of its members. Generally, individuals residing in the same house are an economic unit. However, more than one economic unit may reside in the same house. Separate economic units in the same house are characterized by prorating expenses and economic independence from one another.*
- **Emancipated Student**—*A student living alone or as a separate economic unit is considered to be a household of one. In some cases, an emancipated student may be living with relatives or friends,*

none of whom is an adult. If the household is one economic unit, all income and household members must be included to determine eligibility. Age is not a factor in defining an emancipated student.

- **Equal Joint Custody** — *In cases where equal joint custody has been awarded to both parents and the child is considered to be a household member of both households, the child should use the eligibility status that best benefits the child regardless of which parent has the custody at the time.*
- **Family Members Living Apart** — *Members of a household who are temporarily not living with the household are still considered to be members for eligibility purposes. Their income must be included with any other household income when making an eligibility determination. Members of the household who are not living with the household for an extended period of time or who are living overseas should not be included as members of the household for eligibility purposes. Only that portion of income made available by them, or on their behalf, should be counted as income for eligibility determination purposes.*
- **SNAP (formerly Food Stamp) Household** — *Any individual or group of individuals currently certified to receive benefits under the Supplemental Nutrition Assistance Program (SNAP).*
- **Foreign Exchange Students** — *Foreign exchange students are considered members of the households in which they reside. Therefore, the household size and total household income are considered in the eligibility determination.*
- **Foster Child** — *A foster child is a child who is living with a household but who remains the legal responsibility of DFPS or court. A foster child is categorically eligible for free meals, without further application. This categorical eligibility must be given to any foster child whose care and placement is the responsibility of DFPS or who is placed by a court with a caretaker household. Households with foster and non-foster children may choose to include the foster child as a household member, as well as any personal income earned by the foster child, on the same school meals application that includes their non-foster children. In processing the application, the LEA would certify the foster child eligible for free meals, and then make an eligibility determination for the remainder of the household based on the household's income (including personal income earned by the foster child) or any other categorical eligibility information reported on the application. Foster payments received by the family from the placing agency are not considered income and do not need to be reported.*
- **Foster Family** — *Households with foster and non-foster children may choose to include the foster child as a household member, as well as any personal income earned by the foster child, on the same school meals application that includes their non-foster children. Include income, etc. as any other application, but exclude income received for care of the foster child.*
- **Household and Family** — *A group of related or unrelated individuals who are not residents of an institution or boarding house but who are living as one economic unit.*

- **Household of One**— *A one-person household. This term applies to an emancipated child living alone or as a separate economic unit or an institutionalized child. The child is considered to be a separate household only in those cases where the child is living alone or as a separate economic unit. Separate economic units are usually characterized by the prorating of most household expenses. Most students paying room and board are usually paying a token amount and are not economically independent of their parents and are therefore not considered to be emancipated.*
- **Institutionalized Child**— *A child who resides in a residential-type facility that the state has determined is not a boarding school. Such a child is considered a household of one.*
- **Institutionalized Prisoner**— *Prisoners are not household members and may not be counted on the application as household members.*
- **Kinship Care**— *Kinship care arrangements for a child fall into three categories:*
 - **Private kinship care** – *Also known as “informal kinship care”, refers to arrangements made by the parents and other family members, without any involvement from either the child welfare system or the juvenile court system. These children would be included as part of the household if the household submitted a school meals application.*
 - **Voluntary kinship care** – *Children live with relatives and DFPS is involved but DFPS does not take legal custody of the children. In some cases, children have been placed with relatives by a court, and in other cases an arrangement is made by DFPS with no court involvement. In voluntary kinship care, the children are in physical custody of the relatives, but they may remain in legal custody of the parents, or the parents may sign over temporary legal custody to the kin. These children would be included as part of the household if the household submitted a school meals application.*
 - **Kinship foster care** – *Also known as “formal kinship care” or “public kinship care”, refers to cases in which the children are placed in the legal custody by a judge and DFPS then places the child(ren) with grandparents or other kin. **In these situations, DFPS, acting on behalf of the State, has legal custody and must answer to the court, but the kin have physical custody.** DFPS, in collaboration with the family, makes the legal decisions about the child(ren), including deciding where they live. DFPS is also responsible for ensuring that the child(ren) receive medical care and attend school. In kinship foster care, the child’s relative caregivers have rights and responsibilities similar to those of nonrelative foster parents. Thus, the child would be considered a foster child and the LEA should follow the eligibility process for foster children.*
- **Military Families**— *Members of the armed services who are activated, deployed, or ordered to support military operation(s) are counted as household members. Only the portion of the service member’s income made available by them, or on their behalf, to the household should be counted as household income for eligibility purposes.*
- **Permanent Managing Conservatorship**— *Children may be placed with families on a permanent basis. DFPS administers this program. The court maintains overall responsibility for the children’s welfare and these children should be considered “foster children” for the purpose of the*

School Nutrition Programs. Under the School Nutrition Programs, the key factor in determining whether a child has been adopted or placed in foster care is who has legal responsibility for the child. If DFPS or the court continues to have legal responsibility for the child, the child should be considered a foster child, regardless of the financial circumstances of the family with whom he/she has been placed.

- **Student Attending an Institution** — *A student who attends but does not reside in an institution is considered a member of the household in which he/she resides.*
- **Students Away at School** — *Students who are temporarily away at school, for example students attending boarding schools or colleges, should be counted as members of the household.*
- **TANF Assistance Unit** — *Any individual or group of individuals currently certified to receive assistance under the Temporary Assistance for Needy Families (TANF) Program.*

Determining Household Income

Reportable Income

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

- Payment of money for services; including wages, salary, tips, commissions or fees.
- Social Security benefits.
- Supplemental Security Income (SSI).
- Public assistance/welfare payments (TANF, etc.), but not SNAP benefits.
- Alimony or child support payments.
- Unemployment compensation.
- Government civilian employee or military retirement or pension.
- Veteran's payments.
- Private pension, annuities or retirement income.
- Regular contributions from persons not living in the household.
- Strike benefits.
- Workers' compensation or disability benefits.
- Net income for self-employed farmers and businesspersons, net rental income and royalties.
- Dividends or interest on savings or bonds.
- Income from estates or trusts.
- Other cash income, including cash amounts received or withdrawn from savings, investments.
- Trust accounts and other resources that would be available to pay the price of a child's meal.
- Military benefits received in cash, such as housing allowances for military households living off base and food allowances.
- Adoption assistance payments under Title XIX-E of Social Security (medical assistance).

Income Exclusions

Income **not** to be reported or counted as income in the determination of a household's eligibility for free and reduced-price benefits includes:

- Any cash income or value of benefits a household receives from any federal program that excludes such income by legislative prohibition, such as the value of benefits provided under the SNAP.
- Student financial assistance provided for the costs of attendance at an educational institution, such as grants and scholarships, awarded to meet educational expenses and not available to pay for meals.
- Loans, such as bank loans, since these funds are only temporarily available and must be repaid.
- The value of in-kind compensation, such as military on-base housing or any other non-cash benefit.
- Occasional earnings received on an irregular basis, e.g., not recurring, such as payment for occasional babysitting or mowing lawns.
- Any subsidy a household receives through the prescription drug card program.
- Military benefits received in cash: as part of the Family Subsistence Supplemental Allowance (FSSA).
- Payments made under the National Flood Insurance Program for flood mitigation activities to the owner of the property.
- Rebates provided to families through the Economic Stimulus Act of 2008 are considered one-time lump sum payments.
- Combat Pay – Combat pay is an additional payment that is received by military service members who are deployed, transferred or ordered to serve in a combat zone. Combat pay is received:
 - In addition to the service member's basic pay;
 - As a result of the service member's deployment, transfer to, or service in an area that has been designated as a combat zone*; and
 - Only while they are deployed to, transferred to, or serving in a designated combat zone.
- Deployment Extension Incentive Pay (DEIP) is given to active-duty service members who agree to extend their military service by completing deployment with their units without re-enlisting. This extension applies only until the service members return to their home station. Any additional DEIP payments provided to service members serving at their home station is considered income as they are no longer considered deployed.

When determining eligibility for military service members, refer to the member's Leave and Earnings Statement (LES). Do not count any amounts listed as Combat Pay as household income. Combat pay is also referred to by the U.S. Department of Defense as "Hostile Fire Pay/Imminent Danger Pay" (HFP/IDP). The entry on the military Leave and Earnings Statements (LES) is "HFP/IDP" and may not say "combat pay", however they should be

treated equally. Please keep this in mind when conducting verification of school meal applications.

*A combat zone is any area that the President of the United States designates by Executive Order as an area in which the U.S. Armed Forces are engaging or have engaged in combat.

Current Income

Households **must** report **current** income on a free and reduced-price application. Current income means income is based on the most recent information available. This may be for the current month; the amount projected for the first month the application is made for or for the month prior to the application. If this income is higher or lower than usual and does not fairly or accurately represent the household's actual circumstances, the household may project its annual rate of income based on the following guidelines:

- **Projected Income for Seasonal Workers and Others**

Seasonal workers and others whose income fluctuates usually earn more money in some months than in other months. Consequently, the previous month's income will commonly distort the household's actual circumstances. In these situations, the household may project its annual rate of income and report this amount as its current income. If the prior year's income provides an accurate reflection of the household's current annual rate of income, the prior year may be used as a basis for the projected annual rate of income.

- **Garnished Wages and Bankruptcy**

Income is the gross income received by a household before deductions. In the case of garnished wages and income ordered to be used in a specified manner, the total gross income **must** be considered regardless of whatever portions are garnished or used to pay creditors. A common example of garnished wages includes alimony and child support payments.

- **Self-employment Income**

Self-employed persons may use last year's income as a base to project their current year's **net** income, unless their current monthly income provides a more accurate measure. Self-employed persons are credited with net income rather than gross income as described here.

Net income for self-employment is figured by subtracting business expenses from gross receipts.

- Gross receipts include the total value of goods sold or services rendered by the business.
- Deductible business expenses include cost of goods purchased, rent, heat, utilities, depreciation charges, wages and salaries paid and business taxes (not personal federal, state, or local income taxes).

The value of saleable merchandise consumed by the proprietors of retail stores is not included as part of net income.

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

- **Farm Income**

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

- Gross receipts include the value of all products sold; money received from the rental of farmland, buildings or equipment to others; and incidental receipts from the sale of items such as wood, sand and gravel.
- A farmer's operating expenses include cost of feed, fertilizers, seed, and other farming supplies; cash wages paid to farmhands; depreciation charges; cash rent; interest on farm mortgages; farm building repairs; and farm taxes (but not state and federal income taxes).

- **Military Income/Benefits**

Military benefits received in cash, such as housing allowances for military households living off base and food allowances, must be considered as income. However, the value of in-kind benefits other than cash, such as on-base housing, is not considered as income. The housing allowance for military personnel living in privatized housing will not be counted as income. Only the portion of the deployed service member's income made available by the service member, or on their behalf, to the household where the children are staying should be counted as income.

- **Income for Foster Children**

In determining income for the foster child, only the following should be considered:

- Welfare funds that are identified by category for shelter and care and those identified as special needs funds, such as those for medical and therapeutic needs, are not considered as income. Where welfare funds cannot be identified by category, no portions of the provided funds are considered as income.
- Other funds received by the child. This includes, but is not limited to, monies provided by the child's family for personal use and earnings from employment other than occasional or part-time jobs.

- **Income for Institutionalized Children**

Payments from any source directly received by the institution in a child's behalf are not considered as income to the child. Only income a child earns from full-time or regular part-time employment and/or personally receives while in residence at the institution may be considered as income.

- **Student Income**

The earnings of a student who is a full-time or regular part-time employee must be listed on the application. Occasional earnings, such as baby-sitting, should not be listed on the application.

- **Alimony and Child Support**

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

- **Lump Sum Payments**

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

Questions and Answers Regarding Income Approval

1. **Question:** A household voluntarily provided pay stubs with the application but did not write the amount of each person's income on the application. All other items were completed. According to the pay stubs, the household is eligible for benefits. What should the determining official do?

Answer: Rather than denying the application or returning the application to the household, the determining official may contact the household, by phone or in writing, to ensure that the household submitted all documentation of income. The official should document the comment, enter the information on the application and initial and date the action and return the pay stubs to the family.

2. **Question:** What payments from federal programs are excluded from consideration as income by legislative prohibition?

Answer: The following payments are excluded from consideration as income by legislative prohibition:

- The value of assistance to children and their families under the National School Lunch Act, the Child Nutrition Act of 1966, and the Food Stamp Act of 1977;
- Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- Any payment to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973 to the extent excluded by that Act;

- Payments to volunteers under section 8(b)(1)(B) of the Small Business Act (SCORE and ACE);
- Income derived from certain sub-marginal land of the U.S. that is held in trust for certain Indian tribes;
- Payments received under the Workforce Investment Act (WIA) commonly referred to as Job Training Partnership Act (JTPA);
- Income derived from the disposition of funds to the Grand River Band of Ottawa Indians;
- Payments received under the Alaska Native Claims Settlement Act;
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation;
- Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980;
- Student financial assistance received under Title IV of the Higher Education Act of 1965, including the Pell Grant, Supplemental Education Opportunity Grant, State Student Incentive Grants, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship Programs, to the extent excluded by that Act;
- Agent Orange Settlement Payments to veterans that have been excluded under Public Law 101-201;
- Payments received under the Civil Liberties Act of 1988;
- Payments under the Child Care and Development Block Grant (P.L. 102-508);
- Payments and allowances to individuals participating in AmeriCorps to the extent excluded by the National and Community Service Act of 1990;
- Payments under the Low-Income Home Energy Assistance Act (P.L. 99-125);
- Payments under the Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989 (P.L. 100-707);
- Payments received under the Carl D. Perkins Vocational Education Act, as amended by the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1990 (P.L. 101-392);
- Value of any child care payments made under section 402(g)(1)(E) of the Social Security Act;
- Value of any “at risk” block grant child care payments made under section 5081 of P.L. 101-508, which amended section 402(i) of the Social Security Act;
- Value of any child care provided or paid for under the Child Care and Development Block Grant Act, as amended (P.L. 102-586, Sec. 8(b));
- Mandatory salary reduction amount for military service personnel, which is used to fund the Veteran’s Educational Assistance Act of 1984 (GI Bill), as amended (P.L. 99-576);
- Payments received under the Old Age Assistance Claims Settlement Act, except for per capita shares in excess of \$2,000;
- Payments received under the Cranston-Gonzales National Affordable Housing Act (P.L. 101-625);

- Payments received under the Housing and Community Development Act of 1987;
- Payments received under the Sac and Fox Indian claims agreement (P.L. 94-189, sec. 6);
- Payments received under the Judgment Award Authorization Act;
- Payments for the relocation assistance of members of the Navajo and Hopi Tribes (P.L. 93-531);
- Payments to the Turtle Mountain Band of Chippewas, Arizona (P.L. 97-403);
- Payments to the Blackfeet, Grosventre, and Assiniboine tribes (Montana) and the Papago (Arizona);
- Payments to the Assiniboine Tribe of the Fort Belknap Indian community and the Assiniboine Tribe of the Fort Peck Indian Reservation (Montana) (P.L. 98-124);
- Payments received under the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (P.L. 99-346);
- Payments to the Chippewas of Mississippi Valley (P.L. 99-377); and
- Payments to the Red Lake Band of Chippewas.

Since programs are periodically added to this list, LEAs should contact TDA when there is a question of whether specific payments are to be included as income.

3. **Question:** If a child is approved for free or reduced-price benefits, withdraws from school and then returns to school within the same school year, is that child still eligible for benefits?

Answer: Yes. Approved applications are valid for the duration of the school year.

4. **Question:** If the adjusted gross income on a tax return shows a negative income, can the LEA list \$1 as income instead of \$0 (software doesn't allow negative numbers)?

Answer: TDA would prefer the actual income figure be entered. However, if the LEA's software cannot accommodate a negative figure we would allow the \$1 figure.

Question and Answer Regarding Residential Child Care Institutions (RCCIs)

1. **Question:** Is an application with household size and income information required for students who reside in an RCCI and attend public school during the day?

Answer: Not necessarily. The day school can either have an application on file for each child for whom a free or reduced-price meal is served and claimed for reimbursement or they can share eligibility information from the LEA in which that student normally attends.

Institutionalized children are not to be categorically certified as eligible for free or reduced-price benefits. If an application is completed at the day school, a record of each child's income, even if "0," **must** be identified on the application. LEAs are encouraged to share eligibility information with each other, including LEAs and RCCIs.

Questions and Answers Regarding Rent

1. **Question:** If one household owns a housing unit and rents living space to another household, does the household receiving the rental fee have to report this amount as income?

Answer: Yes. Income includes money derived from rent of room(s), apartment(s), etc. If a household receives rental income from another household, it **must** be included as income.

2. **Question:** If two separate households rent living space (e.g. an apartment or house), and one household gives its portion of the rent to the other household which, in turn, transmits the full rent to the landlord, does the rental income given to the transmitting household count as rental income?

Answer: No. The transmitting household has not received income; rather it is performing a simple financial transaction that does not provide it with additional income.

3. **Question:** Why is service personnel's off-base housing allowance counted as income when the value of on-base housing is not?

Answer: Income is defined as all cash received on a recurring basis. In-kind benefits, by definition, are not cash payments, and, therefore, are not considered as income for the purpose of determining free and reduced-price eligibility. School officials are not in a position to determine the value of in-kind benefits, such as housing for clergy, cars for salespersons, or employee medical or dental benefits. The income exclusion for in-kind benefits is uniform throughout the school meal programs. To treat in-kind benefits provided to military households differently from in-kind benefits provided to the general population would create an inequity. The fact that the value of military on-base housing is more readily identifiable than other sources of in-kind benefits would not lessen the inequity. However, in May 2002, USDA determined the housing allowance for military personnel living in privatized housing will not be counted as income when determining household eligibility for free and reduced-price meals in the School Nutrition Programs.

Computation of Current Income

Households **must** provide the amount of income received, identified by the individual who received it and where it comes from, such as wages, welfare, etc. **It is the responsibility of the reviewing official to compute the household's total current income and compare the total amount to the income eligibility guidelines.** If only one income is given, compare that income to the relevant income eligibility guidelines for that time frame. Do not convert if only one frequency is given.

Errors could occur when weekly income is converted to annual income.

Example: For a household of five that receives one paycheck each week, compare their income to the weekly income eligibility guidelines for a five-person household. If all incomes are received for the same time frame, add all the incomes together and compare the total income to the income eligibility guidelines for that time frame.

Example: If both parents in a family of three receive paychecks each week, add the two incomes together and compare the total to the weekly income eligibility guidelines for a household of three.

When households report incomes for different time periods (e.g., one monthly, one biweekly, one weekly), the reviewing official should convert all listed income amounts to an annual amount. The values resulting from each conversion should not be rounded. The reviewing official totals each conversion to determine total household income and all of the un-rounded converted values and compare the unrounded total to the appropriate Income Eligibility Guidelines for annual income for the household size. The official must then compare the un-rounded converted value and the household size to the income eligibility guidelines and determine the eligibility of the household.

To Compute Annual Income:	
<i>Every Week</i>	<i>Multiply the total gross income by 52</i>
<i>Every Two Weeks</i>	<i>Multiply the total gross income by 26</i>
<i>Twice a Month</i>	<i>Multiply the total gross income by 24</i>
<i>Monthly</i>	<i>Multiply the total gross income by 12</i>

Direct Certification for Free Meal Benefits Eligibility Determination

Direct certification (DC) is a method of directly certifying students who are categorically eligible for free meals due to the household receiving SNAP (formerly food stamps) and TANF benefits. All LEAs, regardless of size, must use DC. TDA makes available information each year through the Texas Unified Nutrition Programs System (TX-UNPS) about children who qualify for SNAP and TANF and were enrolled in the LEA during the prior year. This information is referred to as the “DC list”. For LEAs without access to the DC list, they conduct DC using the letter method. All members of the households with children that are directly certified using the DC list or through the letter method are considered eligible as well.

DC List

The DC list is available for download on TX-UNPS for public schools. The LEA must keep the original (July/August) printout on file for five years. Children are listed alphabetically by LEA by the school where they were enrolled during the preceding school year and are eligible to receive free meals for the current school year without further application. Public ISDs and charter schools only have access to the DC List. Private schools and RCCIs do not have access and should either use the letter method or share income eligibility with the ISDs and charter schools.

All children in a household receiving SNAP or TANF benefits are categorically eligible for free meals. The LEA must extend eligibility for free meals to all children in the household applying for free or reduced-price meals. If a student is on the DC list and other members of the household are not, the names of the other members of the household can now be added to the DC list.

The “original DC list” with the original dates of approval for each child is the one issued in July of every school year. This list must be kept on file even as updates are received. The most current DC list information may be shared with other LEAs, including RCCIs, if necessary.

Example:

LEA 1 has a student enrolled that is listed on the DC list. The student transfers to LEA 2 and the parent tells LEA 2 that the student received free meal benefits at LEA 1. LEA 2 may contact the reviewing official or child nutrition director at LEA 1 and request eligibility information from LEA 1. LEA 1 should share on the portion of the DC list with the transferring student’s name (black out all other names on a copy of the DC list) with LEA 2.

The DC list should not be shared with LEA 2 school personnel that do not have direct responsibility to the child nutrition department.

DC List Updates

The DC list of children who automatically qualify for free meal benefits is being issued monthly. This increases the possibility that different children in the same household may be approved at different benefit levels. Updates should be kept on file with the original DC documentation by the LEA.

LEAs will be notified that the updated list is available through TX-UNPS. There is no specific deadline for LEAs to download this list; however, the DC list updates will change the eligibility status for many students who should receive their new eligibility status within three days of the LEA downloading the monthly update.

Within three days of downloading the DC list update, LEAs must begin providing free meal benefits to students on that list who are not already receiving the benefit. For those students whose benefits are increased to free from either paid or reduced-price, LEAs must notify the household, using the standard Letter of Predetermined Eligibility available at the end of this section. LEAs are not required to send written notification to households whose children are no longer enrolled in the LEA. However, DC list eligibility is good for the entire school year, so students on that list who leave the LEA and later return are eligible to receive free benefits. Students that appear on the DC list who have never received benefits must be notified using the Letter of Predetermined Eligibility. If a child on the DC list was already receiving free meal benefits based on a previously submitted application, the LEA should not send a letter to the household.

The distinction between whether the student is receiving benefits based on an application or based on the DC list is not important to the recipient household. Internal LEA rosters should be changed to reflect that these students are now directly certified and not application eligible for these meals.

If a student on the DC list is already receiving free meal benefits based on a previously submitted application, the DC list approval supersedes the application. That application is not included in the count of approved applications on file for verification purposes.

Applications that become inactive because all the children on it have been added to the DC list must be maintained in an inactive file for five years (three years for private schools and RCCIs).

The DC list may be used all year to determine free meal benefits and should be handled with the same level of confidentiality as applications. The list should not be given to anyone other than child nutrition personnel responsible for determining eligibility.

Direct Certification Using the Letter Method

HHSC sends letters to the households notifying them of their eligibility for SNAP or TANF. The letter may be provided to the school by a household member for determination of eligibility for free meals if they choose to do so.

If the household voluntarily submits information from the Texas Health and Human Services Commission (HHSC), LEAs can certify categorically eligible children for free meals based on that information, thereby eliminating the need for households to submit an application. If a household provides a SNAP or TANF letter to the school or CE, it must be accepted; however it is not considered direct certification. A copy of the letter is the supporting documentation for certifying students in these households.

HHSC has not developed a specific letter to be delivered to SNAP and TANF households with school-age children. So, the LEA may receive any of the following types of HHSC letters from the parent or guardian of a child enrolled in the school:

- Form TF0001, Notice of Benefit Approval;
- Form TF0001, Notice of Case Action; and
- Form H1009, TANF/Food Stamps Benefits Notice of Eligibility.

Form H1009 does not certify the students, only the household. If the household submits Form H1009 to the school, the LEA must have them complete an application using the case number given on that letter to certify the household. The LEA can make a copy of this letter, attach to the application and then the household is exempt from random verification. However, that application must be included in the count of applications on file for the LEA on October 1.

Notification of Predetermined Eligibility

It is required that a letter be sent to each household certified as eligible for free meal benefits through direct certification (unless the household already received a letter due to the children being eligible for free meals based on a previously submitted application). The notice must advise them that: (a) their children are eligible for free meals for the entire year; (b) no further application is required; and (c) the household should notify the school if they do not want their children to receive free benefits.

A prototype letter can be found at the end of this section. LEAs should complete the letter by entering the name, address and telephone number of the contact person and the signature of the reviewing official in the signature block before reproducing on the LEA's letterhead. The school name can be deleted at the LEA's option. **It is strongly recommended that no further reformatting be done.** The LEA's distribution method must prevent overt identification of children eligible through direct certification.

Students who are no longer enrolled in the LEA are not eligible for free meal benefits at that LEA, but eligibility information should be shared between LEAs.

Predetermined Eligible Submitting an Application

One of the difficulties encountered by reviewing officials with regard to the direct certification process is that households submit an application even after they have received the letter of predetermined eligibility. In an attempt to reduce the number of applications received for directly certified students, school officials are encouraged to send the letter of predetermined eligibility to households as early as possible.

If **all children** in the household are directly certified at the beginning of the school year and an application with a SNAP/TANF number is received, the children should be directly certified rather than determining eligibility based on the application.

If an application is received for a directly certified child with income and household size information that qualifies the children for **free meals**, with or without a SNAP/TANF number, the school should disregard the application and consider the children as directly certified. The DC list takes precedence over the application.

If an application with income and household size information that qualifies the household for reduced or paid benefits is received and there are both directly certified children and non-directly certified children on that application, all children on the application are considered directly certified for free meals and the application becomes inactive. The children that were not directly certified should be added to the DC list.

Required Documentation Concerning Notification

Documentation that a letter was provided to the household must be maintained. Note the date that the letter was provided to each household on the list beside the child's name or use another method compatible with existing LEA tracking systems such as "batch" information.

One letter printed from a system does not ensure documentation was maintained. At least one copy of the letter mailed to the household must be maintained to ensure compliance with this requirement.

Once the eligibility determination has been made from the DC list, the original list downloaded from TX-UNPS must be retained as documentation for reimbursement claims.

The DC list should be filed with the applications for free and reduced-price meals and should be readily retrievable by school.

The LEA must also have a system for tracking directly-certified children who 1) transfer within the LEA, 2) do not re-enroll at the beginning of the school, 3) withdraw from school, or 4) enroll later in the school year.

Direct Certification of Siblings

Children in a household with a child or adult receiving SNAP or TANF benefits are considered eligible on the same basis (either directly certified or by a case number) as the person(s) receiving benefits. Therefore, if any member of the household receives SNAP or TANF benefits, all children listed on the application are eligible for free meals. If income is also provided, it should be ignored. However, LEAs must have a record of the basis of eligibility in order to properly apply this policy in the event that a child moves to a new household (and for CRE purposes). Further, when eligibility is extended to additional household members at the request of the household and there is no application in the file, an adult household member must attest to the household size and/or household membership if the LEA's records are not available. This would happen, for example, if only one child was identified through DC and the LEA was unable to identify any other school-age children. In these situations, the LEA could either:

- Have an adult member attest to the household composition by signing a statement listing all members of the household (refer to Part 2, Section F of *Eligibility Manual for School Meals*); or
- Use the application as a way to record this information and have an adult member sign the application.

Questions and Answers on Extending Categorical Eligibility to Additional Children in a Household

Definitions

- **Household and Family** – Economic units as discussed in Part 4, Section B of the *Eligibility Manual for School Meals*. These terms are used interchangeably.
- **Extend or Extension of Eligibility** – All children or adults in the household who are

participating in one or more of the Child Nutrition Programs are categorically eligible for free meals if any child or adult receiving SNAP or TANF benefits is a member of that household.

Determining Eligibility

1. **Question:** How does an LEA apply this policy to applications submitted by household?

Answer: If an LEA receives an application listing at least one SNAP or TANF case number of any member of the household, the LEA must certify all children listed on the application as categorically eligible for free meals.

2. **Question:** How should LEAs apply this policy to their direct certification procedures?

Answer: At a minimum, the notice provided to families indicating that a child has been directly certified for free meals must explain how the household can report any additional children in the household that are not listed on the notice. LEAs are encouraged to establish other methods to identify additional children in a household with one or more children who are directly certified. Please refer to the “Letter of Predetermined Eligibility (Direct Certification)” at the end of this section.

3. **Question:** During a school year, an LEA may learn (for example, from a household) that, although one child in the family was directly certified, additional children in the household are receiving free meal benefits. When would free meal benefits begin for the additional children who were not identified through the direct certification process?

Answer: Benefits would begin on the date these children are certified as eligible. The children are not eligible for retroactive benefits, and the LEA cannot claim free meals for these children retroactively. This also applies to children who become eligible for SNAP or TANF benefits or who submit an application with a case number during the school year.

Applicability

4. **Question:** If a child is categorically eligible for free meals based on enrollment in Head Start, or certification as a homeless, runaway, and foster or a migrant child is eligibility extended to other children in the household?

Answer: No. This policy applies only to children receiving SNAP or TANF benefits.

5. **Question:** Does extension of eligibility apply to direct certification and applications with SNAP or TANF benefits case numbers?

Answer: Yes.

6. **Question:** In some households, the only person receiving SNAP or TANF benefits may be an adult. Does the adult's eligibility extend to the children in the household?

Answer: Yes.

7. **Question:** If a household member receives SNAP or TANF benefits but does not participate in any child nutrition program or attend school, does that person's eligibility extend to a child in the household who attends school?

Answer: Yes, if the child attending school is a member of the same household as the person receiving SNAP or TANF benefits, the child attending school is categorically eligible for free meals. Although the LEA is not required to determine if there are such children in a household, the LEA must extend eligibility if it becomes aware of other household members receiving SNAP or TANF benefits. Also, LEAs are encouraged to revise school meal application to indicate that providing a single case number for any member of the household will establish eligibility for all children in the family.

8. **Question:** How does this policy relate to the concept of economic unit?

Answer: This policy was not intended to change the definition of "Family" or "Household" in 7 CFR 245.2. Family and Household are defined as a group of related or unrelated individuals living together as an economic unit. Therefore, the child who is receiving SNAP or TANF benefits may only "extend" status to other children in the same economic unit.

Determining and Documenting Additional Household Members

9. **Question:** The initial policy memo states that if the LEA does not have an application as a reference, it may use enrollment information to determine additional children who are part of the household. How would the LEA locate additional children?

Answer: To the extent practicable, LEAs should use household composition information that may be available from the CE. Once children have been identified through the direct certification process, schools can search the records of the directly certified children to identify additional children in the household. LEAs also may receive lists that children who are household members of those directly certified. The LEA can then use school district enrollment information to determine whether any of these children attend school within the LEA. Additional household members also may be identified by an adult member of the household.

10. **Question:** What identifiers should the LEA use to establish additional household members? What documentation is required?

Answer: It is up to the LEA to determine identifiers for locating additional household members, but parents' names, home addresses and other specific indicators, if available, may be the most useful. Acceptable documentation includes school meal applications indicating at least one case number, CE enrollment records identifying all children in the household, custody agreements, information that may be provided through the DC list or by HHSC or information from school officials, such as principals or teachers. LEAs also may request that an adult member attest to the household composition.

- 11. Question:** If children in a household are enrolled in both public and private schools, how is information shared to extend eligibility? Are the public schools and private schools required to identify additional children in the household?

Answer: LEAs are not required to identify additional children in the household who are outside their own school district. However, public and private LEAs are encouraged to share information to the extent practicable.

- 12. Question:** When an LEA extends eligibility within the first 30 operating days of the new school year to a sibling who is new to the LEA (i.e., enrolled in kindergarten), what documentation is required?

Answer: The LEA should annotate the application or direct certification record to add the sibling and indicate how the determination to extend eligibility to the new student was made (e.g., address match, information from school officials, etc.).

- 13. Question:** In an effort to identify all students in the household of a student who is directly certified, can LEAs use addresses to match children? If software can match addresses, is this sufficient identification or must parents' names, or other identifiers also be used?

Answer: An address match may be sufficient to identify additional eligible children if the LEA determines that only one household resides at that address. LEAs also may use parents' names, parents' social security numbers, or other identifiers to assist in identifying additional children.

- 14. Question:** We may have an address match but other information indicates that more than one household lives at the address or that the address is a multi-unit complex. Does an address match justify extending eligibility when there may be multiple households living at the same address?

Answer: If the LEA is aware that more than one household resides at an address, it should confirm through available records which students reside with children who receive SNAP or TANF benefits. The LEA may need to contact the household to determine their composition and establish eligibility.

Extending and Documenting Extended Eligibility

15. Question: A child is determined eligible for free meals because he/she is a member of a household with someone directly certified or who has a SNAP or TANF case number listed on their application. If that child resides in another household during the certification period, does this policy apply to any children in the second household?

Answer: No. While that child retains free meal status for the remainder of the certification period, if he/she moves to another household, eligibility is not extended to others. Free meal eligibility based on receipt of SNAP or TANF benefits can be extended only to other children who are in the same household as the child receiving SNAP or TANF benefits.

16. Question: A child's parents have shared physical custody during the certification period. How does this policy apply if only one parent's household receives SNAP or TANF benefits?

Answer: If a child is determined eligible for free meals because he/she receives SNAP or TANF benefits in one parent's household, he/she retains eligibility for free meals regardless of where the child is living for the remainder of the certification period. When that child is residing in the second parent's household, the child is a member of that household and because he/she was determined eligible for free meals based on receipt of SNAP or TANF benefits, however, that child's eligibility does not extend to other children in that household.

If a child is not determined eligible for free meals based on his/her own receipt of SNAP or TANF benefits, but on the extended eligibility from another family member in the first parent's household, eligibility is not extended to other members of the second parent's household.

17. Question: How should the LEA document extended status?

Answer: Children in a household with a child or adult receiving SNAP or TANF benefits are considered eligible on the same basis (directly certified or case number) as a person(s) receiving benefits.

However, LEAs must have some record of the basis of eligibility in order to properly apply this policy in the event that child moves to a new household and for review purposes. Further, when eligibility is extended to additional household members at the request of the household and there is no application currently on file, an adult household member must attest to the household size and membership if agency or CE records are not available. This would happen, for example, if only one child was identified through direct certification and the LEA was unable to identify any other school-age children. In these situations, the LEA could either:

- Have an adult member attest to the household composition by signing a statement listing all members of the household with the attesting statement for the application for free and reduced-price meals; or
- Use the application as a way to record this information and have an adult member sign the application.

When there are other records used to extend eligibility, such as an application or CE records, the LEA must indicate on the application, roster or other records which children are eligible based on extended eligibility.

If a child with extended eligibility moves from the household receiving SNAP or TANF benefits to a household not receiving these benefits, that child retains free meal eligibility for the remainder of the certification period. However, because eligibility cannot be extended by this child, the LEA must note, using one of the methods above, extended eligibility for that child when adding that child to the new household.

18. Question: If an LEA determines that additional children are eligible based on the direct certification match of one child, but the household did not file an application, how is the household notified?

Answer: The LEA would include all children on the notification sent to the household regarding direct certification results.

Verification

19. Question: Are applications for children who receive benefits as a result of extending eligibility subject to verification?

Answer: If benefits are extended based on an application with a SNAP or TANF benefits case number, the application is included in the sample and subject to verification. If an application is used only to record and confirm household composition where another child in the household has been directly certified, as discussed in Questions 17, the application is not included in the sample or subject to verification because verification is not required for children identified through direct certification.

Options for Distribution of Notification

LEAs that implement direct certification are not required to send the letter to parents and application form to those households eligible under direct certification if these materials are distributed through the mail, individual student packets or other methods that prevent the overt identification of children eligible through direct certification. Under this option, households will receive either a letter to parents with an application or a letter notifying them that their children are eligible for free benefits.

Effects of Direct Certification, Head Start, Early Head Start, Even Start, Homeless, Foster, Migrant and Runaway on Verification (Categorically Eligible)

Households whose children are determined eligible through use of the direct certification (DC) list are exempt from verification requirements. When the LEA count of applications on file on October 1 is taken for the purpose of determining the number of applications to be verified, children who are categorically eligible should **not** be included in the count. Also, directly certified children should **not** be counted as verified. Implementation of direct certification will reduce the LEA's verification effort by reducing the number of applications on file, thus reducing the minimum required verification sample.

Prior Benefits of Direct Certification

Prior year direct certification benefits may be carried forward only for the first 30 operating days of the current school year. If an application is not received from the household during this period, benefits must be terminated on the 31st operating day. Children who are no longer enrolled are not eligible for free meal benefits.

The DC list is good for the entire year. If a student is on the list, he/she is eligible for free meals regardless of when during the year he/she enrolls in the LEA. If the student leaves and returns, he/she is still DC.

Head Start and Early Head Start Categorical Eligibility for Free Meals

Children who are enrolled in the Head Start Program and Early Head Start are automatically eligible for free meal benefits in the Child Nutrition Programs without further application or eligibility determination. The policy only applies to Head Start and Early Head Start children who are enrolled as regular students in academic programs in the school.

Other providers and off-campus sites for Head Start or Early Head Start may be eligible through programs, such as the Child and Adult Care Food Program (CACFP), which is administered by TDA. LEAs have no responsibility to provide service to these off-campus sites. The reviewing official should obtain documentation of the Head Start and Early Head Start participants, which includes a list of the names of the Head Start or Early Head Start students and a statement certifying that those students are currently enrolled as participants in the Head Start Program or Early Head Start Program. The documentation must include the signature of a Head Start or Early Head Start employee authorized to provide the certification on behalf of the Head Start or Early Head Start office and the date. The LEA must maintain the list on file and a new list must be obtained at the beginning of every school year.

Verification of Head Start or Early Head Start Eligible

Verification of eligibility is not required for those children who have been determined categorically eligible for free meals based on documentation obtained annually from Head Start or Early Head Start.

Siblings of Head Start or Early Head Start Eligible

Siblings of Head Start and Early Head Start eligible students are not categorically eligible. Households must complete an application for eligibility for those children not enrolled in either Head Start or Early Head Start.

Letter of Predetermined Eligibility for Head Start or Early Head Start

The Letter of Predetermined Eligibility form at the end of this section should be used to notify students of their eligibility for free meals based on Head Start or Early Head Start certification.

Even Start Categorical Eligibility for Free Meals

Pre-K children participating in the Even Start Family Literacy program are categorically eligible for free meals. For a child to be categorically eligible for free meals based on their participation in Even Start, three criteria must be met.

- The school or institution that is providing the child with Even Start services must be participating in the Child and Adult Care Food Program (CACFP), NSLP, SBP, or Summer Food Service Program (SFSP).
- The child must be enrolled as a participant in a federally-funded Even Start Family Literacy Program.
- The child must be at the pre-kindergarten level. **Once a child has entered kindergarten, that child loses his or her categorical eligibility for free meals based upon Even Start.**

Siblings of Even Start Eligible Students

Siblings of Even Start eligible students are not categorically eligible. Households must complete an application for eligibility for the siblings of Even Start students at or above the pre-kindergarten level.

Documentation to be Even Start Categorically Eligible

Documentation of a child's participation in a federally funded Even Start program and documentation that the child is at the pre-kindergarten level must be provided by an Even Start official. Documentation of a child's Even Start participation could include the following:

- An approved Even Start application for the child's family.
- A statement of enrollment in Even Start.
- A list of children participating in Even Start with appropriate Even Start official's signature.

Recertification of Categorical Eligibility

At the beginning of each year, the official responsible for determining eligibility for free and

reduced-price meals in the NSLP and SBP must re-establish categorical eligibility for each Even Start child.

Adult Participation in Even Start

The NSLP is a program for children. The fact that an adult may be in the Even Start Literacy Program and/or taking other classes has no bearing on whether the adult is eligible for participation in the NSLP. The only situations in which meals to adults are eligible for reimbursement under the NSLP are when the adults are:

1. enrolled in a GED program that meets in the school during the school day; or
2. enrolled in a school of high school grade or under and therefore meet the definition of "child".

In #2 above, the adult student would be included in the SFA's total enrollment of students for funding and other purposes the same as other students of high school grade or under.

The Even Start program involves many different adult activities mostly involving adults who accompany their children to school and participate in their children's curricula or learn parenting and other "life" skill classes or English as a second language (ESL), etc. However, some of these adults are officially enrolled in the school or in GED classes. In those instances, these adults may be eligible for free, reduced-price or paid meal benefits in the NSLP as long as the classes are held during the day. However, when the adults are merely serving in some adjunct capacity for their children's classes (i.e., adults who happen to be in the school during the day), they would need to pay the adult price for the meal.

Any adult who wish to obtain free or reduced-price meals under the NSLP in the two situations outlined above must complete a school meals application.

Record Retention

The documentation establishing eligibility in Even Start must be maintained on file for five years for public schools and three years from private schools and RCCIs and should be readily available to USDA, TDA, and other appropriate agencies.

Termination of Even Start Eligibility

When a child is no longer categorically eligible for free meals under Even Start eligibility, the child's family must be provided an opportunity to apply for free and reduced-price meals under the standard free and reduced-price application procedures or obtain eligibility through direct certification.

Homeless, Runaway, Foster and/or Migrant

Children who are considered homeless, runaway, foster and/or migrant are categorically eligible to receive free meals.

Questions and Answers Regarding Categorical Eligibility of Foster Children

General

1. **Question:** Who is covered by this provision?

Answer: Any foster child formally placed by a State child welfare agency or court with a caretaker household. Foster children formally placed in kinship care by a welfare agency or court are included in this group. It does not apply to informal arrangements that may exist outside of State or court based systems. In Texas, the State child welfare agency is the Texas Department of Family and Protective Services (DFPS).

2. **Question:** Do Tribal child welfare agencies fall in the category of “an agency that administers a state plan under part B or E of title IV of the Social Security Act” under this provision?

Answer: If the Tribal child welfare agency is directly responsible for the administration of a title IV-B program or a title IV-E program (meaning, the Tribal child welfare agency has submitted an approved title IV-B or title IV-E plan), or if the Tribal child welfare agency operates under an agreement with a title IV-E agency for the placement and care of children eligible under section 472(a) of the Social Security Act, the agency would be considered “an agency that administers the State plan under part B or E of the Social Security Act.”

3. **Question:** Do Tribal court placements fall under this provision?

Answer: Yes, if the Tribal court has jurisdiction over the foster child placement.

4. **Question:** Is this provision retroactive and if so what action must be taken for foster children in the 2010-2011 School Year who currently do not receive free meals?

Answer: We do not require this provision be implemented retroactively and therefore no action is required for children currently enrolled. However, if a child is known to be a foster child, it is encouraged that LEAs make them categorically eligible immediately.

5. **Question:** Can LEAs obtain documentation from a private foster care agency?

Answer: Yes, if the private foster care agency operates under approval and authority of the DFPS and is responsible for placing the foster child in a caretaker household.

Application Process

6. **Question:** Does an application need to be completed for a foster child?

Answer: If LEAs do not initially receive documentation for a categorically eligible foster

child, an application identifying the child as a foster child does not need to be completed. The household may submit documentation or the LEA may obtain documentation that the child is a foster child. Additionally, a household may now include foster children on their application. TDA is coordinating with DFPS to provide LEAs documentation regarding foster children.

7. **Question:** Is documentation from DFPS or a local foster agency required for a foster child who is identified on an application?

Answer: Not unless the household application is selected for verification.

8. **Question:** If a foster child is listed on a family's application as a household member and that household happens to be selected for verification, does the school need anything extra for verification?

Answer: It depends on the situation. If a household is chosen for verification and the foster child included on the application was identified by DFPS or a local foster agency, then no additional verification is needed for the foster child. The rest of the household would have to comply with verification. If no information from DFPS or a local foster care agency, then documentation verifying the foster child's status would be required.

9. **Question:** What documentation must be provided if a foster child is listed on a household application that is selected to be verified?

Answer: Documentation from DFPS or a local foster care agency or the court where the foster child received placement is acceptable for verification. Direct contact from the foster care agency or court (for example, a list of foster children is sent to the LEA) is also acceptable documentation for verification.

10. **Question:** Are foster children still considered a household of one?

Answer: No. Foster children are categorically eligible so are no longer considered a household of one. In addition, foster children can now be included as part of the household on applications that include their non-foster children.

11. **Question:** Who decides whether to include a foster child on a household application?

Answer: The household decides whether to include the foster child on their household application with non-foster children.

12. **Question:** If a household chooses to include a foster child on their household application, are they required to report any personal income received by that foster child?

Answer: Yes. Households must report any personal income received by the foster child on their household application. As before, foster payments received by the family from the placing agency are not considered income and do not need to be reported.

13. **Question:** Can SFAs determine the eligibility for the non-foster child(ren) both by including the foster child as a household member, and not including the foster child as a household member and give the better benefit level to the non-foster child(ren)?

Answer: Yes.

14. **Question:** Now that foster children can be considered part of the household, can their eligibility be extended to other non-foster children in the household?

Answer: No. The presence of a foster child in the household does not make all children in the household eligible for free meals in the same manner as SNAP and TANF participation does.

15. **Question:** If the foster child leaves the household and returns to his/her home located within the same LEA, is the foster child still eligible for free meals, even though the student is no longer considered a foster child?

Answer: Yes, a foster child's eligibility is in effect from the date of eligibility for the current school year and for up to 30 operating days in the subsequent school year.

16. **Question:** If a child is in a home for just a few days in an emergency placement, can the foster family count the child and apply for benefits?

Answer: Yes, a household may apply for eligibility at any time.

Applications

Time Frame for Processing Applications

Applications should be reviewed and an eligibility determination made within 10 operating days of the receipt of the application. Whenever possible, applications should be processed immediately, particularly for new students who do not have approved applications on file from the previous year.

Once a current application is approved, a student's eligibility status is effective immediately and must be implemented within three days. Once determined eligible for free or reduced-price meals, meals must be claimed from the date of approval forward. The only exception is during the first 30 operating days of a new school year, during which the LEA must provide

benefits to a child based on the child's status at the end of the last school year. The new eligibility status is not retroactive. Therefore, the LEA cannot claim the student's previous meals under the new status.

Decline of Benefits by Parents

After eligibility has been established and the parent is notified, the parent has the right to decline the benefits. The LEA must properly document the parent's decline by name of contact, date and initial. The school should respect the family's wishes and allow the child to pay the reduced-price charge or paid charge. The application should correctly reflect the approved status with documentation that the parent declined benefits. The parent can elect to place the child on a status lower than he was approved. Meals must be claimed at the lower status the parents requested and the application should reflect that.

If meals are charged by the student who declined benefits, the charge should be at the category the parent requested.

Information Regarding Transferring Eligibility Status

When a student transfers to another LEA, the new LEA may accept the eligibility determination from a copy of the transferred student's meal application from the former LEA, however the accepting LEA will not incur liability for the accuracy of the initial determination made by the previous LEA. The accepting LEA should review the application for arithmetic errors and ensure the correct eligibility was determined. If an error was made, the accepting LEA must notify the household to submit a new application. The accepting LEA must make changes that occur as a result of verification activities or coordinated review findings conducted.

Provision 2

When a child transfers within the same LEA from a school on Provision 2, a new application or direct certification is required unless the transfer is in a base year and the child's individual eligibility information is available. If the transfer is done in a non-base year, a new application is required. This also applies when a child transfers to another CE.

Household Failure to Apply

Local officials may complete an application for a student **known to be eligible** if the household fails to apply. When exercising this option, the school official **must** complete an application on behalf of the student based on the best household size and income information available and make an eligibility determination. **The source of the information must be noted on the application.** The last four digits of an adult household member's Social Security number, household names and signature of an adult household member need not be secured. The household **must** be notified that the student has been certified and is receiving free or reduced-price benefits. These applications should be excluded from verification.

This option is intended for limited use in **individual** situations and **must** not be used to make eligibility determinations for categories or groups of children.

Hardship Cases

Households that are not categorically eligible or income eligible cannot be approved for benefits. USDA has no provisions for making exceptions based on unusual household circumstances, such as high medical expenditures, etc.

Notification of Eligibility or Denial

All households **must** be notified of their eligibility. LEAs must provide a letter to households of their child's eligibility for free or reduced-price benefits in two ways:

- By a written letter to the household; or
- Allowing the household to contact the LEA via telephone to obtain eligibility information. If the LEA chooses to allow the household to contact the LEA via telephone, the telephone number provided to the household must be the same telephone number provided on the school meals application and must be free of charge to the household.

LEAs must document and keep track of both those households that did call for eligibility information and those households that did not call for eligibility information. For those households that did **not** call the LEA, the LEA must either notify the household orally or by written notice. TDA recommends a written letter be used to provide the LEA with documentation that the household is notified of their free and reduced-price benefits. A written letter is always required when there is a denial in benefits.

Households **denied** benefits **must** be given a written letter of the denial. Parents or guardians should be notified of the eligibility determination as soon as possible. The letter **must** advise the household of:

- the reason for the denial of benefits.
- the right to appeal.
- instructions on how to appeal.
- a statement that households may reapply for free and reduced-price benefits at any time during the school year.

A sample letter is at the end of this section.

A new lower eligibility determination should be implemented only after the household has been notified.

Changes in Eligibility after the Initial Approval Process

Whenever an action taken by the school or the LEA results in a reduction or termination of benefits, the household **must** be provided the 10-calendar day advance notice of adverse action.

When there is an increase in the level of benefits, the LEA must notify the household and

implement the change within three operating days of the benefit level change.

Changes in the status of an application may be maintained in a computer instead of being noted on the application. School officials **must** ensure that the changes are readily retrievable by the LEA for each school and are provided to state and federal reviewers along with the applications during a review of the applications. Status changes should include the date of the change, the category to which the student was changed and the initials of the person who made the change.

Changes in Household Circumstances

Approved applications are good for the entire school year, plus the first 30 operating days of in the subsequent school year.

Reapplying for Program Benefits in Same Year

Households that reapply due to termination of benefits (free or reduced to paid) as a result of verification **must** submit income documentation. Schools may request income documentation from all other households reapplying for benefits, at the discretion of the LEA.

After the first 30 operating days of school, many students are terminated because of failure to submit a new free and reduced-price meal application for the new school year. Since their eligibility is a carryover from the previous year and current year benefits have not been terminated, they are not required to submit income documentation with the new application, unless their application is selected for verification.

Maintaining a Roster

LEAs should develop and maintain a roster that includes the child's name and eligibility category and the date the application was approved. Information on the roster should match information on the application.

Homeless shelters must maintain a list containing the child's name, birth date, entrance and exit dates, residence (shelter) and signature of the determining official. Any changes to the list should be documented as they occur. If the child's eligibility status changes, the new eligibility and the date of the change should be noted.

Residential Child Care Institutions (RCCIs): For information regarding maintaining a roster in RCCIs, refer to Section 26, Residential Child Care Institutions.

Appeal Process

A household may appeal the denial of their application or the level of benefits for which they have been approved. The hearing procedures outlined in the CE's free and reduced-price policy statement **must** be followed. Hearing requirements are described in "Application Agreement" and in the CE's policy statement.

Record Keeping

All free and reduced-price applications, including applications from households denied benefits and inactive applications, **must** be kept on file for a minimum of five years in public schools and three years in private schools and RCCIs after the end of the fiscal year to which they pertain, except if audit findings have not been resolved, the applications **must** be maintained as long as required for resolution of the issues raised by the audit.

For applications from households approved for benefits, the reviewing official should indicate the date each application is approved, and the level of benefit for which each child is approved, and sign or initial the application.

For applications from households denied benefits, the reviewing official **must** identify and retain on file the reasons for the denial. Records should also include the date of the denial, the date the denial notice is sent and the name of the reviewing official. These may be noted directly on the application.

For Changes in Application Status — Manual Systems

When a student's eligibility changes or the student transfers to another school, the date of change or transfer should be noted on the application, any roster used and/or otherwise maintained. The change should be initialed and dated on the application. Current applications must be on file and there must be records to support transfers of students out of the school. Refer to Use of Automated Systems in Application Approval Process found in this section.

Disclosure of Confidential Information

The Healthy Meals for Healthy Americans Act of 1994, P.L. 103-448, amended the National School Lunch Act (NSLA) to allow, without consent, limited disclosure of information about free and reduced-price meal eligibility. The disclosure limitations apply to all the SNPs.

USDA has authorized determining agencies to disclose free and reduced-price meal eligibility information to the extent authorized in the statute. "Determining agency" means TDA or the LEA that makes the free and reduced-price meal eligibility determination.

Disclosure of Eligibility Information Chart

Recipient of Information	Information that May be Disclosed to Recipient	Required Notification and Consent
<i>Students Nutrition Programs</i> under the National School Lunch Act or Students Nutrition Act	All household information and benefit status	Prior notice and consent not required
<i>Federal/State or Local means tested nutrition programs</i> with eligibility standard comparable to the NSLP	Name and eligibility status of the student	Prior notice and consent not required
<i>Federal education programs</i>	Name and eligibility status of the student	Prior notice and consent not required
<i>State education programs</i> administered by a State agency or local education agency (the individuals must be directly connected with administration of the specified program and be on a “need to know” basis)	Name and eligibility status of the student	Prior notice and consent not required
For persons directly connected with program administration of <i>No Child Left Behind Act</i>	Name and eligibility status of the student	Prior notice and consent not required
Teachers providing educational services under the <i>No Child Left Behind Act</i> are classified in “need to know” status	A list of children qualified as economic disadvantaged, but without specific eligibility of students	Prior notice and consent not required
<i>Local education programs</i>	No eligibility information, unless parental consent is obtained	Must obtain parental consent
<i>Medicaid or the State Children’s Health Insurance Program (SCHIP)</i> , administered by a State or local agency authorized under titles XIX or XXI of the Social Security Act to identify and enroll eligible students	All eligibility information, unless parents elect not to have information disclosed	Prior notice to and the opportunity for parents to decline to have their information disclosed – Social Security Number may be included.
<i>State health program</i> other than Medicaid/SCHIP, administered by a State agency or local education agency	Name and eligibility status of the student	Prior consent not required
<i>Federal health programs</i> other than Medicaid/SCHIP	No eligibility information, unless parental consent is obtained	Must obtain parental consent
<i>Local health program</i>	No eligibility information, unless parental consent is obtained	Must obtain parental consent
<i>Comptroller General</i> of the United States for purposes of audit and examination	All household information and benefit status	Prior notice and consent not required
<i>Federal, State or local law enforcement officials</i> investigating alleged violations	All household information and benefit status	Prior notice and consent not required
<i>Federal Communications Commission (FCC)</i> conducting E-Rate Audits	Student number and eligibility status of the student	Parental consent not required. Local Education Agencies may redact all information that does not directly link a student to his/her number, including name and address

Disclosure of eligibility information about participants beyond that authorized by the statute is permitted only with consent. The entity receiving the information from the determining agency may use the information only for the purpose authorized and may not share the information further. In no case are determining agencies required to disclose eligibility information. Providing aggregate information that does not identify individuals continues to be permitted without consent.

The issues of privacy and confidentiality of personal data are complicated as well as sensitive. Therefore, prior to developing disclosure policies, we recommend that determining agencies discuss the disclosure provisions with legal counsel. At a minimum, determining agencies that decide to disclose information that identifies individuals must follow these guidelines. These guidelines apply to eligibility information regardless of the manner in which the information is maintained including, but not limited to, print, tape, microfilm, microfiche and electronic communication.

Approved Programs/Agencies to Disclose Names and Eligibility Status

LEAs may disclose, without consent, participants' names and eligibility status (whether they are eligible for free or reduced-price meals) to persons directly connected with the administration or enforcement of the following programs:

- Federal education programs, such as Title I and the National Assessment of Educational Progress.
- State health or state education programs provided the programs are administered by a state agency or a local education agency. (Examples: TAKS, PEIMS, grant proposals.) Representatives of state or local education agencies evaluating the results and compliance with student assessment programs would be covered only to the extent that the assessment program was established at the state, not local level.
- Federal, state or local means-tested nutrition programs with eligibility standards comparable to the NSLP.
- Federal Communications Commission (FCC) auditors conducting E-audits.

Federal Communications Commission (FCC) E-Rate Audits

The FCC, through the Universal Service Administrative Company (USAC), administers the E-Rate program. The USAC provides discounts to schools to obtain affordable telecommunication and Internet access. The discount rates are based on the percentage of children who are approved for free and reduced-price school meals. The USAC has contracted with private firms to conduct audits of the discount rates given to schools. Specifically, auditors have requested a list of students eligible for free and reduced-price meals under the NSLP who are enrolled in the selected schools, along with the meal applications for those students.

The release of information regarding students eligible for free and reduced-price meals and meal applications to auditors is permitted. The Richard B. Russell National School Lunch Act (NSLA), section 9(b)(6) allows the release of certain student eligibility information to Federal education programs. USDA has worked with the FCC to ensure that their audit protocols comply with the requirements of the NSLA.

As long as the audit protocols listed below are followed, LEAs may share individual children's information with authorized FCC auditors. The applicable protocols are to:

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

FCC auditors cannot verify the accuracy of the LEA's determinations (conduct verification of applications) and cannot contact the household or other sources (such as assistance agencies or employers) to confirm the information on the meal application. However, auditors may:

- Ensure the information on the application was accurately processed; i.e., that the income and the number of persons in the household were totaled correctly and the appropriate Income Eligibility Guidelines were used;
- Confirm that the children listed on rosters as eligible for free or reduced-price meals have approved applications on files; and
- Confirm that the number of children used for statistical purposes is based on approved applications.

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

Because these auditors are bound by TDA's disclosure of confidentiality requirements, they cannot share or otherwise release individual information. The FCC has instructed their auditors that the LEA may redact all information from the application that does not directly link a student to his/her student number. The LEA may redact the student's name, address, etc. as long as the student number and approved eligibility status were visible.

Disclosing Additional Application Data to Approved Programs/Agencies

The disclosure of information other than names and eligibility status to the programs authorized only to receive participants' names and eligibility status also requires written consent. For example, LEAs may disclose names and eligibility status to a federal education program, but if the program requests family size, LEAs must obtain consent prior to disclosure.

Disclosing Eligibility Information without Parental Consent

In addition to names and eligibility status, LEAs may disclose, without consent, all eligibility information obtained through the free and reduced-price meal eligibility process (including all information on the application or obtained through direct certification or verification) to the following:

- Persons directly connected with the administration or enforcement of the programs authorized under the NSLA or Child Nutrition Act of 1966 (CNA). This includes the NSLP, SBP, SFSP, CACFP and the Special Milk Program (SMP). This means that program eligibility information collected for any one of the Child Nutrition Programs may be shared with another Child Nutrition Program, 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 parental consent, to a SFSP administered by another entity.
- The Comptroller General of the United States for purposes of audit and examination.
- 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 authorized to have access to names and eligibility status.

Disclosing Eligibility Information Requiring Parental Consent

The disclosure of participants' names and any eligibility information that identifies them individually to programs or individuals not specifically authorized by the NSLA requires written consent. Some programs that may request names and eligibility information for which consent prior to disclosure is required include the following:

- Federal health programs, such as Medicaid or the Children's Health Insurance Program (CHIP);
- Local health and local education programs and other local level activities. The disclosure of children's eligibility for free and reduced-price meals to determine children's eligibility for free textbooks, reduced fees for summer school or free eyeglasses from the Lion's Club requires consent when these are local initiatives and not state programs; and
- Any other federal, state or local program or individual not outlined.

Consent Statement Requirements

The consent statement must be in writing. It may be obtained at the time of application, such as on a multi-use application, or at a later time. The consent statement must conform to the following requirements:

- The consent statement must identify the information that will be shared and how the information will be used.
- The consent statement must 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 may be signed by any adult household member.

- The consent statement must state that failing to sign the consent statement will not affect eligibility or participation for the School Nutrition Programs and that the information will not be shared by the receiving program with any other entity or program.
- The parent/guardian/adult must be able to limit consent to only those programs with which he or she wishes to share information. For example, the consent statement could use a check-off system under which the applicant would check or initial a box to indicate that he or she wants to have information disclosed to determine eligibility for benefits from a particular program.

Recommendation for Agreement between LEA and Entity Requesting Information

Prior to disclosing or using any information for purposes other than the program for which the information was obtained, TDA recommends that the LEA enter into a written agreement with the entity requesting the information. We suggest the agreement 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 uses and disclosures and describe the penalties for unauthorized disclosure.

At a minimum, 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 \$1,000 or imprisonment of not more than one year or both.

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

Penalties for Improper Disclosure of Information of Individuals

The NSLA establishes a fine of not more than \$1,000 or imprisonment of not more than one year, or both, for publishing, divulging, disclosing or making known in any manner or extent not authorized by federal law, any eligibility information. This includes the disclosure of eligibility information by one entity authorized under the NSLA to receive the information to any other entity, even if that entity would otherwise be authorized to receive the information directly from the LEA.

Family Educational Rights and Privacy Act (FERPA)

FERPA (Family Educational Rights and Privacy Act) regulations on releasing education records fall under the Federal Department of Education. NSLP regulations apply to these programs when releasing program information. Therefore, FERPA regulations do not apply to the NSLP.

Use of Automated Systems in Application Approval Process

The use of automated systems in the approval process of applications for free and reduced-price meals has increased in recent years. In an automated system, the manual completion of the eligibility section on the application form is counterproductive. The LEA's system must have the capability to generate a daily listing (master roster) of all eligible students, the basis of approval (income, directly certified, categorical, homeless, runaway and migrant categorical, Head Start categorical, Early Head Start categorical and Even Start categorical), the eligibility status, the date of approval and other significant dates, such as withdrawal and reentry.

Changes in the status of an application may be maintained in a computer instead of being noted on the application. School officials must ensure that the changes are readily retrievable by school and are provided to state and federal reviewers along with the applications during a review of the applications. Status changes should include the date and the category to which the student was changed. The LEA must have the reviewing official sign each application or sign a listing (referred to as Batch Transmittal) of the applications approved on a daily basis. This is an alternative to signing all applications after they are approved through the use of automation.

Maintaining Applications

Applications may be maintained either at the school or at a central location. Centrally located applications must be readily retrievable by school. School officials must be able to separate the applications for an individual school from the others in the LEA to support the reviewed school's claim for reimbursement. The applications for an individual school need not be housed in that school nor do they need to be filed separately from the applications of other schools. However, they must be readily retrievable by school and available in the LEA during a review. Changes in eligibility status must be made within the required time frames.

It is not possible to create a "model" application maintenance system that meets the needs of every school participating in the program. However, it is possible to cite the essential features that all systems must have to operate efficiently.

Categories for Maintaining Applications

Four categories of applications must be maintained:

1. Free
2. Reduced-Price
3. Denied
4. Withdrawn

It is not required that applications in each of the above listed categories be filed separately from the others. However, it must be possible for school officials to separate applications by category when called upon to do so.

In manual systems free, reduced-price, denied, and the date of the determination are indicated on the bottom of the application form in the area reserved for information recorded by the reviewing official. In an automated system, the level of benefits for which a student was approved (or denied) and the date of the determination should be indicated by the student's name on the computer printout. This information must be available not only on a current basis but also for prior months. When printouts are used for issuing the medium of exchange, updates provided to the cashier should be added to the master printout with the date that the update became effective. If and when an updated master printout is issued to the cashier, it should be crosschecked with the printout that is currently in use. Any discrepancies should be resolved with the central office. The previously used printout should not be discarded but retained as documentation that supports prior months' reimbursement claims.

LEAs using a computerized system to determine eligibility are not required to complete the "school use" section of the application as long as eligibility determination can be tracked. Applications on computerized systems must be designated by eligibility. Changes to household size, income, etc. must be documented on the application form as well as on the computer. The change should be initialed and dated on the application. The application form is the official document from which eligibility is determined.

Maintenance of Alternative School Applications

LEAs operating an alternative school or county-wide juvenile detention centers (JDC) must establish procedures for maintaining applications for counting and claiming of reimbursable meals.

One accepted procedure is for the host LEA (physical site of the school campus) to keep copies of the students' applications, direct certification eligibility or roster with each students' eligibility on file from the "sending LEA." The host LEA, which is providing meal service, may claim reimbursement for eligible students in the proper category. In some situations a student's attendance in such a school may be short-term (a few days) or long-term (entire school year). Adjustments and notations should be entered on the Accuclaim records to justify the claim when applicable and to document current numbers of approved students.

Another acceptable procedure is the host LEA could charge the other LEAs for the number of meals served to their students. The charge would be at a price to recoup the cost of providing the meals. The host school would not claim these meals even as a paying student. The host LEA would not have to keep a copy of the visiting students' meal applications. The other LEAs or home LEAs would pay the host school the billed amount and the home LEAs would claim the meals at the approved status for those students. If the LEA wants to use a different procedure than the ones mentioned, contact TDA.

Reimbursable meals served to eligible students may be claimed by the host LEA or the home LEA but **must not be claimed by both LEAs**.

Maintenance of Withdrawn Students' Applications

If a student eligible for benefits withdraws/drops out from an LEA and returns within the school year, the LEA can reactivate that student's status without collecting another application.

Letter of Predetermined Eligibility (Direct Certification)

Date:

Dear Parent or Guardian:

Our records indicate that the child/children listed below live in your household and is/are eligible for free school breakfast, lunch, and afterschool snack. This child/These children will automatically receive free meals beginning immediately. If a child in your household is not listed below, please call the school at **[phone number]**. We hope this will make it easier for your child/children to take part in the School Nutrition Programs. Also, this child/children may qualify for free or low-cost children's health insurance. For more information on low-cost children's health insurance, please call toll-free (877) 543-7669.

Child/Children's Name(s)	School Name
_____	_____
_____	_____
_____	_____
_____	_____

At the beginning of the school year a letter to parents and an application for free and reduced-price meals are distributed to each household. Do not fill out or return an application for the child/children listed above.

If you do not want the free meals for your child/children or if you have any questions about this program, please contact:

Name – Title

Address

Telephone

(Signature of Reviewing Official)

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Letter of Predetermined Eligibility (Head Start and Early Head Start)

Date:

Dear Parent or Guardian:

Our records indicate that the Head Start or Early Head Start child listed below lives in your household and is eligible for free school breakfast, lunch, and afterschool snack. This child will automatically receive free meals beginning immediately. We hope this will make it easier for your child to take part in the School Nutrition Programs.

Child's Name

School Name

At the beginning of the school year a letter to parents and an application for free and reduced-price meals are distributed to each household. Do not fill out or return an application for the Head Start or Early Head Start child listed above.

If you do not want the free meals for your child/children, or if you have any questions about this program please contact:

Name – Title

Address

Telephone

(Signature of Reviewing Official)

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

Letter of Predetermined Eligibility (Even Start)

Date:

Dear Parent or Guardian:

Our records indicate that the Even Start child listed below lives in your household and is eligible for free school breakfast, lunch, and afterschool snack. This child will automatically receive free meals beginning immediately. We hope this will make it easier for your child to take part in the School Nutrition Programs.

Child's Name

School Name

At the beginning of the school year a letter to parents and an application for free and reduced-price meals are distributed to each household. Do not fill out or return an application for the Even Start child listed above.

If you do not want the free meals for your child/children, or if you have any questions about this program please contact:

Name – Title

Address

Telephone

(Signature of Reviewing Official)

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Letter of Predetermined Eligibility (Migrant)

Date:

Dear Parent or Guardian:

Our records indicate that the child/children listed below live in your household and is/are eligible for free school breakfast, lunch, and afterschool snack due to your family's migrant status. This child/These children will automatically receive free meals beginning immediately. We hope this will make it easier for your child to take part in the School Nutrition Programs.

Child/Children's Name(s)	School Name
_____	_____
_____	_____
_____	_____
_____	_____

At the beginning of the school year a letter to parents and an application for free and reduced-price meals are distributed to each household. Do not fill out or return an application for the child/children listed above. However, an application must be completed and returned to the school for any child/children living in the same household but not listed above.

If you do not want the free meals for your child/children or if you have any questions about this program please contact:

Name – Title

Address

Telephone

(Signature of Reviewing Official)

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Letter of Predetermined Eligibility (Foster Child/Children)

Date:

Dear Parent or Guardian:

Our records indicate that the child/children listed below reside in your household and is/are eligible for free school breakfast, lunch, and afterschool snack due to being a foster child. This child/These children will automatically receive free meals beginning immediately. We hope this will make it easier for your foster child/children to take part in the School Nutrition Programs.

Child/Children's Name(s)	School Name
_____	_____
_____	_____
_____	_____
_____	_____

At the beginning of the school year a letter to parents and an application for free and reduced-price meals are distributed to each household. **Please do not fill out or return an application for the foster child/children listed above.** You must; however, complete and return a Free and Reduced-Price School Meal Application for all other children living in your household that you wish to be approved for free and reduced-price meal benefits if the child's name is not listed above. If you submit an application for a child or children living in your household that is not listed above, you may also include the name(s) of the foster child or children on that application as being members of your household.

If you do not want the free meals for your foster child/children or if you have any questions about this program please contact:

Name – Title

Address

Telephone

(Signature of Reviewing Official)

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Letter to Household of Approval/Denial of Benefits

Child(ren)'s Name(s): _____

School: _____ Teacher/Grade: _____ Date _____

Dear _____:

Your application for free and reduced-price meals for your child(ren) has been:

_____ Approved for free meals.

_____ Approved for reduced-price meals at _____ cents for lunch, _____ cents for breakfast and _____ cents for snacks served at the afterschool care program.

_____ Denied for the following reason(s):

_____ Income over the allowable amount.

_____ Incomplete application. Complete the following information:

If you do not agree with the decision, you may discuss it with (insert name and phone number of the LEA reviewing official). You also have a right to a fair hearing. To request a fair hearing, call or write the following official:

Name and Title: _____

Address: _____

Phone: _____

You may reapply for benefits at any time during the school year. If you are not eligible now but have a decrease in household income, become unemployed, have an increase in household size or qualify for the Supplemental Nutrition Assistance Program (SNAP) (formerly food stamps) or Temporary Assistance for Needy Families (TANF), you may fill out another application at that time.

Sincerely,

Reviewing Official

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