

JULY 22, 1999

SUBJECT: Automatic Eligibility of State-Funded Pre-Kindergarten
Participants for Free Meals in the Child and Adult Care Food Program
(CACFP), the National School Lunch Program (NSLP), and the
School Breakfast Program (SBP)

TO: Regional Directors
Child Nutrition Programs
All Regions

In response to inquiries from three regional offices, we are issuing the attached guidance with regard to the eligibility for free meals of children participating in State-funded pre-kindergarten programs.

Please contact Melissa Rothstein or Ed Morawetz of my staff if you have any questions regarding this matter.

/ORIGINAL SIGNED/

STANLEY C. GARNETT
Director
Child Nutrition Division

Attachment

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Attachment

Background

Recently, we have received several inquiries concerning the possibility of extending automatic free meal eligibility in CACFP, NSLP, and SBP to children participating in State-funded “Head Start-like” pre-kindergarten programs. This memorandum establishes a procedure whereby State agencies administering CACFP, NSLP, and/or SBP may make assessments regarding eligibility requirements in a particular State-funded pre-kindergarten program. Based on those assessments, this memorandum also authorizes a Food and Nutrition Service (FNS) regional office to grant a waiver which would permit children participating in a State-funded pre-kindergarten program with eligibility requirements identical to, or more stringent than, those used by the Federal Head Start Program (i.e., household income may not exceed 100 percent of the Federal income poverty guidelines) to qualify for automatic free meal eligibility in these three programs.

Criteria for Automatic Free Meal Eligibility Based on State-Funded Pre-Kindergarten Program Participation

In order for a State to use a child’s participation in a State-funded pre-kindergarten program as a basis for extending automatic eligibility for free meals to that child, the State agency must ensure that:

- (1) Its State-funded pre-kindergarten program uses income eligibility criteria which are identical to, or more stringent than, the Federal Head Start Program (i.e., household income may not exceed 100 percent of the Federal income poverty guidelines) and counts income (i.e., counts or excludes the same types of income in determining eligibility) in the same manner as the Federal Head Start Program.
- (2) If the State-funded program is modeled on the Federal Head Start Program and can serve some percentage of children from households with income over 100 percent of the Federal income poverty guidelines, it can differentiate between children receiving State funding based on income and children receiving funding based on disability (some of whom may not be income-eligible for Federal Head Start Program benefits).
- (3) If pre-kindergarten funding is provided under more than one State program and the programs use different income standards, it can differentiate between the children in each program.
- (4) Income determinations for the State-funded program do not exceed twelve months in length.

Regional Office Waivers

Once the State certifies that all of these conditions have been met, FNS regional offices are authorized to provide a waiver allowing automatic free meal eligibility to children participating in that State’s pre-kindergarten program for a period of up to one year, commencing no earlier than August 1, 1999. In subsequent years, the waiver could be extended for additional 12-month periods upon the regional office’s receipt of the State agency’s certification that its State-funded program still met these four criteria.