



Food and  
Nutrition  
Service

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Center

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DATE: August 5, 2016

MEMO CODE: SP 51-2016

SUBJECT: Ensuring Year-long Eligibility in the School Lunch and School Breakfast Programs

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

The purpose of this memorandum is to strongly encourage local educational agencies (LEAs) to accept eligibility determinations from a transferring student's former LEA to minimize disruptions in meal benefits for low-income students and avoid student debt resulting from unpaid meal charges. While most students will change schools at least once between kindergarten and 12<sup>th</sup> grade, data from the Department of Education show that low-income students change schools more often than their peers (see <http://www.gao.gov/products/GAO-11-40>). School changes can be disruptive to learning, but ensuring that students do not have a break in their access to free and reduced price meals can help ensure students and families make a successful transition.

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) play important roles in this process. Over 21 million children currently receive free and reduced price school lunches, providing greater food security for students from low-income families that may struggle to afford nutritious food. Schools and LEAs have made great strides towards ensuring access to free and reduced price school meals, but some eligible students experience a disruption in benefits when moving to a new LEA if they are required to be re-certified for eligibility. This can add to the stress of school transfers for students, which already can be difficult and are often associated with other disruptions in students' lives.

Once a child is determined eligible for free or reduced price school meals, his or her eligibility must remain in effect through the remainder of the school year and for up to 30 operating days into the subsequent school year unless households report changes in their circumstances or there are changes resulting from verification or administrative reviews [42 USC 1758(b)(9)(C); 7 CFR 245.6(c)(1)]. When a student transfers to a new school within the same LEA, the new school must accept the eligibility determination from the student's former school [7 CFR 245.3(c)].

### **Transfers Between LEAs**

When a student transfers to a new LEA, the new LEA is permitted to accept the eligibility determination from the student's former LEA [7 CFR 245.6(a)(4)]. While this is not required, it is a best practice that can ease the student's transition to the new school and ensure that there is no break in meal access. If the new LEA does not accept a transferring student's previous eligibility determination, it can create a lapse in school meal benefits for that student. The new LEA should retain written documentation of the eligibility determination made by the former LEA; an email from the former LEA stating the eligibility status is sufficient. LEAs also are reminded that they do not need a parent or guardian's consent to disclose student information to administrators of other school meal programs to determine a student's eligibility for school meal programs [42 USC 1758(b)(6)(A)] and they can include this information in the transferring student's file.

Given the ease with which information can be shared electronically, the transfer of school meal eligibility determinations can typically be achieved with minimal effort and little or no cost. Therefore, in order to ensure appropriate and timely reimbursements to LEAs and provide transferring students with seamless access to school meal service, FNS strongly encourages LEAs to accept eligibility determinations made by a student's previous LEA.

Please note that, as with all eligibility determinations, the new LEA must make changes to a transferring student's eligibility determination that occur as a result of any required verification or review activities the LEA conducts [7 CFR 245.6(a)(4)]. Additional guidance on administrative review requirements related to transferred eligibility is forthcoming.

### **Benefits of Transferring Eligibility**

Accepting eligibility determinations made by a previous LEA promotes program integrity and reduces the administrative burden on the student's family and the new LEA. When a student transfers between LEAs, there may be a gap in the student's enrollment and certification for free or reduced price meals for a number of reasons. Families may assume the student's eligibility will transfer and may not submit an application in time to avoid this gap. Families also may be overwhelmed by the strain of moving and fail to submit the paperwork; or schools may forget to provide an application to new families amidst the other work involved with successfully transferring a student. Additionally, students eligible for direct certification may miss out because data matches are not done regularly enough to immediately certify a new student.

Providing a more streamlined mechanism to ensure that children remain certified for free and reduced price meals can avoid lapses in meal access which can benefit children and have a positive impact on the financial viability and program integrity of school meal programs:

- Students who are eligible but not certified for free or reduced price meals may be unable to afford meals at the "paid" rate. This can result in unpaid meal charges and a

loss of funds for the school food service account. By accepting the previous LEA's eligibility determination for a transferring student, a new LEA will ensure that the student does not accrue unpaid meal charges before a new determination is made.

- Accepting eligibility determinations from transferring students will ensure that schools receive reimbursements for eligible meals. Schools that fail to accept a transferring student's former eligibility determination could miss out on earned reimbursements.

### **Effective Date of Eligibility**

LEAs that choose not to accept a previous LEA's determination of a transferring student's eligibility have the flexibility to establish the date of application submission, rather than the certification date, as the eligibility date. LEAs exercising this flexibility must do so for all students in all participating schools, must document the submission date, and if a student is determined eligible for free or reduced price benefits, schools must refund any money paid on behalf of the student for reimbursable meals prior to the eligibility determination. This includes forgiving accrued debt from meal charges. See SP 11-2014, *Effective Date of Free or Reduced Price Meal Eligibility Determinations* [http://www.fns.usda.gov/sites/default/files/SP11\\_CACFP06\\_SFSP11-2014os.pdf](http://www.fns.usda.gov/sites/default/files/SP11_CACFP06_SFSP11-2014os.pdf) and SP 51-2014, *Eligibility Effective Date for Directly Certified Students* <http://www.fns.usda.gov/sites/default/files/cn/SP51-2014os.pdf>

### **Special Provisions**

Consistent with language provided in NSLP and SBP regulations titled, *National School Lunch Program and School Breakfast Program: Eliminating Applications through Community Eligibility as Required by the Healthy, Hunger Free Kids Act of 2010* (7 CFR 245.6(c)(2) and 245.9(1)); 81 FR 50194, July 29, 2016), LEAs must provide up to 10 school days (or until a new eligibility determination is made, whichever comes first) of free, reimbursable meals to students who transfer from a Provision school, including schools participating in the Community Eligibility Provision, to a non-Provision school within the same LEA.

In addition, by July 1, 2019, LEAs will be required to provide up to 10 school days of free meals to students who transfer from a Provision to a non-Provision school in a different LEA. State agencies also have discretion to allow LEAs to provide up to 30 operating days (or until a new eligibility determination is made, whichever comes first) of free meals to students who transfer from Provision to non-Provision schools, within or between LEAs, both during and between school years.

Regional Director

State Director

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State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at <http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm>. State agencies should direct questions to the appropriate FNS Regional Office.

**Original Signed**

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Director

Policy and Program Development Division

Child Nutrition Programs