



Food and  
Nutrition  
Service

Park Office  
Center

3101 Park  
Center Drive  
Alexandria  
VA 22302

DATE: August 5, 2016

MEMO CODE: SP 52-2016

SUBJECT: Early Implementation of Eligibility Carryover Period for Students Transitioning from Provision Schools: State Agency Extension Option

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

The purpose of this memorandum is to strongly encourage early implementation of new regulatory provisions which authorize State agencies to allow local educational agencies (LEAs) to provide “carryover” eligibility for free school meals for the first 30 operating days of school year (SY) 2016-2017 to those students transitioning to non-Provision schools from schools participating in the National School Lunch Program (NSLP) and the School Breakfast Program (SBP) under special Provisions, including the Community Eligibility Provision (CEP) [42 USC 1759a]. Allowing LEAs to provide carryover eligibility for students transitioning from Provision schools would limit disruptions in providing meal benefits to low-income students and minimize the burden on the affected LEAs. Meals served to students during the carryover period are claimed at the “free” rate.

NSLP and SBP regulations at 7 CFR 245.6(c)(2) provide that students determined eligible for free or reduced price school meals may have their eligibility status carried over for up to 30 operating days into the subsequent school year or until a new eligibility determination is made, whichever comes first. Carryover of eligibility provides LEAs adequate time to collect and process household applications; to determine student eligibility through participation in certain Federal Assistance Programs or through Other Source Categorical Eligibility; and to determine student eligibility through direct certification data matching at the beginning of the new school year.

Students at schools operating CEP, however, receive free school meals based on eligibility determinations made at the school, group, or district level. Previously, students transitioning from CEP and other Provision schools to non-Provision schools were required to complete applications or be determined eligible through direct certification in order to receive free or reduced price meal benefits at their new school.

The recently published final regulation 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(l)); 81 FR 50194, July 29, 2016) provides State agencies discretion to allow LEAs to provide eligibility carryover for up to 30 operating days (or until a new eligibility determination is made, whichever comes first) to students who transfer from Provision to non-Provision schools, within or between LEAs, both during and between school years.

Although the rule is effective on August 29, 2016, State agencies may implement the discretionary carryover provision immediately to ensure that children moving from Provision to non-Provision schools continue to have access to school meals at the beginning of SY 2016-2017. FNS encourages State agencies to consider early implementation of this discretionary provision of the final rule by allowing LEAs to use this flexibility immediately to ensure these students do not experience a gap in school meal access at the beginning of the school year. There are many benefits to implementing this option:

- *Creating Consistent Carryover Policy:* Providing up to 30 operating days of meals at no cost to students moving from a Provision school to a non-Provision school creates consistency between carryover policies, enhancing operational ease for local program operators and preventing confusion for families.
- *Preventing Unpaid Meal Charges:* Providing up to 30 operating days of meals at no cost to students from a Provision school will ensure they do not accrue unpaid meal charges before an individual eligibility determination is made. Students who are eligible but not certified for free meals may be unable to afford meals at the paid rate, which can lead to unpaid meal charges and an unnecessary loss of funds for the nonprofit school food service account.
- *Supporting Transitioning Students:* By taking advantage of this opportunity, State agencies will support low-income students and their families during a potentially challenging period and ensure a transitioning student enters their new classroom well-nourished and ready to learn.

In addition to implementing this discretionary provision early in SY 2016-2017, FNS encourages State agencies to continue to allow LEAs to provide carryover eligibility for free school meals for the first 30 operating days of the school year to students transitioning from Provision schools to non-Provision schools in subsequent school years.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum

Regional Director

State Director

Page 3

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**

Angela Kline

Director

Policy and Program Development Division

Child Nutrition Programs