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POLICY STATEMENT

School Breakfast Program - Eligibility for Severe Need Rates

Source: USDA SP - 23

Code: NSLP 13-2008

Audience: All LEAs

Effective Date: 6/11/2008

Replaces: ODE policy memo issued October 13, 2004

Program: NSLP

INTRODUCTION

This memorandum states the Ohio Department of Education (ODE), School Breakfast Program (SBP) policy for eligibility of severe need reimbursement for new school buildings. This policy is based on the United States Department of Agriculture (USDA) Federal regulations 7 CFR 220.9(e) and Public Law 108-265.

STATEMENT OF POLICY

A. AN OVERVIEW OF SEVERE NEED REIMBURSEMENT ELIGIBILITY FOR THE SCHOOL BREAKFAST PROGRAM (SBP)

- 1. Section 220.9(e) of the School Breakfast Program (SBP) regulations outline criteria for schools to qualify for severe need breakfast program reimbursement.
- 2. Historically, 40 percent or more of the lunches served to students at a school in the second preceding school year must be served free or at a reduced price for a school to qualify for severe need reimbursement for the SBP.
- 3. Prior to the Child Nutrition and WIC Reauthorization Act of 2004, 7 CFR 220 did not permit SBP new school building sites to receive severe need reimbursement for breakfast.
- 4. Public Law 108-265, a component of the Child Nutrition and WIC Reauthorization Act of 2004, allows Local Educational Agencies (LEAs) the opportunity to claim eligibility for

severe need reimbursements for the SBP for schools where the 40 percent criteria in the second preceding year criteria has not been met.

B. DETERMINING ELIGIBILITY FOR SEVERE NEED REIMBURSEMENT IN NEW SCHOOLS

- 1. Instances in which data from the second preceding year of another school(s) is valid for use at a new school building include:
 - A school changes its name with no change in location or student membership; or
 - A school moves to a new building with no changes in the student membership; or
 - A combination of the above two items; or
 - Two or more severe need schools combine their entire student membership into one school
- 2. In the above examples, if the data from the second preceding year showed that the previous school (or schools) served 40 percent or more of their lunches free or at a reduced price, the new school could then qualify for severe need rates.
- 3. In instances where a majority of the students were transferred from severe need schools, new schools may demonstrate that they qualify for severe need reimbursement if they serve at least 40 percent of their lunches free or at a reduced price for the first three claims of the current year. Severe need reimbursements to these new schools will have retroactive effect encompassing the three months that were used to establish the school's eligibility.
- 4. Through the Claims Reimbursement and Reporting System (CRRS), ODE OSHN will continuously assess the applicability of this rule in allowance of new schools to receive severe need rates. Additionally, LEAs should contact ODE OSHN when opening new buildings of which may qualify for severe need breakfast rates for expedited evaluation.

Please keep this memo on file for reference. A copy of the memo is available for downloading from the ODE website at: http://www.ode.state.oh.us/. If you have any questions regarding this memo, please contact your NSLP regional consultant.

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