

Ted Strickland, Governor Deborah S. Delisle, Superintendent of Public Instruction

To: School Meal Programs Directors

From: Brigette Hires, Assistant Director, School Meal Programs

Date: September 17, 2010

Re: School Year 2011 – School Meal Programs Important Dates, Deadlines,

Memoranda, and Contact Information

Welcome to School Year (SY) 2011. In an effort to assist schools in having a smooth transition into the SY 2011, please take time to note the following important information regarding the operation and reimbursement process of the USDA School Meal Programs.

### **DIRECT CERTIFICATION: DEADLINE IS SEPTEMBER 30, 2010**

- All Local Education Agencies (LEAs) utilizing free and reduced price applications for meal eligibility determinations must complete the Direct Certification process.
- LEAs are no longer required to complete and return a paper Interagency Agreement to the Ohio Department of Education (ODE).
- LEAs must answer a Direct Certification assurance question on the Claims Reimbursement and Reporting System (CRRS) 2010-2011 Sponsor Application. This assurance question replaces the paper Interagency Agreement previously required.
- LEAs will be sent the Direct Certification list by the appropriate Ohio Education Computer Network (OECN) Center.
- For OECN contact information, please reference the Direct Certification Manual, version 2010-2011 available on the ODE website.
- If the Direct Certification list is not available through an OECN, please complete an Electronic Media Request Form available in the Direct Certification Manual. Mail or fax this form to the Ohio Department of Education, Office for Safety, Health and Nutrition, attn: Brigette Hires at 25 S. Front St; Mail Stop 303; Columbus, OH 43215, or fax to 614-752-7613.

### STELLAR AWARD: DEADLINE IS SEPTEMBER 30, 2010

- The 2010 Stellar Award Application is now available electronically and may be completed by using the ODE website.
- To complete the Stellar Award Application:
  - 1) Go to the CRRS login page and click on "Stellar Award" or login to the CRRS program and click on "Stellar Award" in the left hand margin.
  - 2) Simply answer the questions and submit by **September 30, 2010** for consideration of the award based on school year 2009-2010.

# 2010-2011 SCHOOL MEALS PROGRAM SPONSOR APPLICATION SUBMISSION AND HEALTH INSPECTION DATA COLLECTION: *DEADLINE IS OCTOBER 15*, 2010 FOR RETURNING SPONSORS.

- The SY 2011 School Meal Programs Application must be completed in CRRS, and approved by the ODE Office for Safety, Health, and Nutrition (OSHN) no later than October 15, 2010 (unless a July claim will be made Deadline is September 29).
- Before the SY 2011 application can be approved, each LEA must complete the SY 2010 Health Inspections Summary form in CRRS. The Health Inspections Summary form is available by clicking the green "go" button entitled "Health Inspections (prior year)" in the 2011 CRRS Application Menu.
- If the building is operating a school meal program for 10 or fewer serving days in the first or last month of school, the SFA should combine that building's claim for the first or last month with another claim (such as combining August 2010 with the September 2010 claim). If a school will complete the claims in this manner, please do not click on August (and/or June) on that building's site application when entering the "Operating Months" for any given meal program.
- The Commodity Program designation (Co-op or State) chosen on the 2011 CRRS Sponsor application is for Commodity Program participation in the 2011-2012 School Year. SFAs chose the 2010-2011 SY Commodity Program designation on the 2010 CRRS application.
- Please update all names and email addresses in the Sponsor Application to help facilitate the disbursement of school meal related information to the appropriate contact people.

IMPORTANT: In order to process any claim for reimbursement submitted for July 2010 an LEA must have a complete and approved application on file with ODE no later than September 29, 2010.

# VERIFICATION OF FREE AND REDUCED STUDENT MEAL APPLICATIONS: DEADLINE FOR PROCESS COMPLETION AT THE LEA LEVEL IS <u>NOVEMBER 15</u>, <u>2010</u>. LEAS MUST ENTER THE VERIFICATION SUMMARY IN CRRS BY <u>JANUARY 15</u>, 2011.

- The 2010-2011 Verification Instruction Manual is now available on the ODE School Meal Programs website
- The sample size for Verification is based on the number of paper applications on file as of October 1<sup>st</sup>.
- Students approved for free meal benefits through Direct Certification or extension of Direct Certification benefits to additional siblings in a household *are not* subject to Verification and are not included in the total count of applications.
- All LEA Verification activities must be completed by November 15, 2010 (all letters to households mailed indicating dates of eligibility changes, if any).
- The Verification Summary must be submitted, without errors in CRRS and be in error free status before the November claim may be processed. The final deadline date of Verification result submission is January 15, 2011.
- The November claim cannot be submitted until the CRRS Verification Summary is complete.
- If you have any questions about verification, please contact your School Meal Programs Regional Consultant.

### **OHIO SENATE BILL 210**

- The State of Ohio has recently passed legislation that will impact school food service operations.
- Below is a synopsis of the bill language and the corresponding effective dates. As
  additional details become available, ODE, OSHN will publish updates on the ODE
  website. Go to <a href="https://www.education.ohio.gov">www.education.ohio.gov</a> and search SB 210. Requirements of the bill
  include:
  - Restricts the sale of certain foods and beverages to students during the regular school day and before- and after-school programs in school districts, community schools, STEM schools, and chartered nonpublic schools, beginning July 1, 2011.
  - Exempts from the restrictions food and beverages sold in connection with (1) a school-sponsored fundraiser or other event held outside of the regular school day or (2) an interscholastic athletic event.
  - > Specifies that, when the Department of Education obtains free computer software for assessing the nutritional value of foods, it must provide the software free of charge to each public and chartered nonpublic school.
  - ➤ Requires school districts to adopt standards governing beverage sales on school premises (in addition to food sales as under continuing law), and applies the requirement to adopt standards for food and beverage sales on school premises to community schools, STEM schools, and chartered nonpublic schools.
  - ➤ Requires each school district, community school, STEM school, and chartered nonpublic school to designate staff to prepare an annual report regarding compliance with the standards for food and beverage sales.
  - Prohibits the placement of vending machines in classrooms, except in specified circumstances.
  - Permits breakfast provided as part of a federal school breakfast program to be offered in the classroom. Please note that school breakfast must be served in accordance with the federal School Breakfast Program regulations for schools to receive reimbursement i.e. school breakfast must be served in the morning and not overlapping with the National School Lunch Program.
  - ➤ Provides that, if the General Assembly appropriates funds for this purpose, students eligible for breakfast at a reduced price will receive it free of charge. Funds are not currently appropriated for this purpose.

## EXTENDING CATEGORICAL ELIGIBILITY TO ADDITIONAL CHILDREN IN A HOUSEHOLD

- In school year 2010-2011, SFAs must extend eligibility for free meals to all students in what would be considered a "family" for the purposes of applying to the School Meal Programs. A family is defined, for the purposes of applying to the School Meal Programs, as a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.
- If one child in a family is Directly Certified, the SFA must use district enrollment records, a submitted Free and Reduced Price Application, or other school documentation as a reference to determine if there are additional students who are part of the family who were not identified through Direct Certification. If the SFA determines that there are additional students in the family, the LEA must Direct Certify these students for free meals without further need for submission of a meal application and notify the family

- accordingly. A template letter is available in the Direct Certification Manual: <a href="www.education.ohio.gov">www.education.ohio.gov</a>, then Food and Nutrition, then School Meal Programs, then National School Lunch Program Downloadable Documents
- When a household submits a free and reduced price student meal application with a SNAP number (formerly the food stamp program) or Ohio Works First (OWF) case number listed for some, but not all, of their children, the SFA must certify all children as categorically eligible for free meals or milk. The SFA must disregard any income information on an application of which children qualify for free meals based on a SNAP or OWF case number.
- For the purposes of an audit or Coordinated Review Effort (CRE), the SFA must make available the documentation that was used to determine that additional students were in the family.
- For additional guidance on extending categorical eligibility to additional children in a
  household, please reference ODE OSHN policy statement NSLP 13-09 Extending
  Categorical Eligibility to Additional Children in a Household, and USDA policy memo
  SP 25-2010 Questions and Answers on Extending Categorical Eligibility to Additional
  Children. These documents are attached and available on the ODE website.

### FEE WAIVERS FOR STUDENTS QUALIFYING FOR FREE LUNCH

- Ohio Revised Code §3313.642 states that "no board of education of a (public) school district shall charge a fee to a pupil who is eligible for a free lunch...for any materials needed...to participate fully in a course of instruction.". Please note that this revised code language does not affect non-public schools, Community/Charter Schools, and Residential Child Care Facilities (RCCIs)
- In April 2010, the ODE, OSHN consulted with the USDA regarding the requirement to obtain parent/guardian consent prior to release of meal application and direct certification data to persons who are determining if students qualify for fee waivers. <u>USDA verified that parents/guardians *must* provide consent in order for School Officials to share the student meal application and direct certification data with persons determining instructional fee waiver eligibility.</u>
- SFAs must use the "Sharing Information with Other Programs" form to obtain parent consent for any children who are certified for free meals through direct certification and for all other local education initiatives.
- The "Prototype Direct Certification Eligibility Notification Letter" in the Direct Certification Manual (Page 11) contains a Fee Waiver Statement that may be used instead of the separate Sharing of Information with Other Programs form.
- A Question and Answer document regarding Instructional Fee Waivers is available on the ODE website at <a href="www.education.ohio.gov">www.education.ohio.gov</a>, keyword search: Fee Waiver (and choose Fee Waiver Q and A HB1).

## THE 2009-2010 INCOME ELIGIBILITY GUIDELINES ARE EXTENDED THROUGHOUT THE 2010-2011 SCHOOL YEAR

USDA recently published SP-30 2010 - Update on Publication of Poverty Guidelines and Income Eligibility Guidelines (IEG). This policy memo states that the 2009-2010 IEGs will remain in place for the duration of the 2010-2011 school year. In making eligibility determinations for free and reduced price meals for School Year 2010-11, schools and institutions should continue to utilize the 2009-2010 IEGs. Such determinations shall be effective for the entire 2010-2011 school year and up to 30 operating days of the following school year [2011-2012]).

## USDA POLICY MEMO SP 31-2010: DISCLOSURE REQUIREMENTS IN CHILD NUTRITION PROGRAMS

This policy memo details the opportunities and limitations for child nutrition programs to disclose student meal application and direct certification information for uses outside of the child nutrition programs. A copy of this policy memo is enclosed in this mailing.

### NATIONAL SCHOOL LUNCH WEEK: OCTOBER 11-15, 2010

The theme of the week: ""School Lunch - What's on Your Tray?" helps students learn that eating a healthy and nutritious school lunch is essential to help them get the most out of your action-packed day!.

Whether it is a literal school lunch tray, or a busy academic and social calendar, what's on a tray says a lot about a student's personality! The highlight of the "School Lunch - What's on Your Tray?' campaign is a personality quiz that will help you and your students to find out how the school lunch profile stacks up and learn what foods are best to fuel you and keep healthy! The campaign runs from August 2010 to October 2010, culminating in National School Lunch Week, October 11-15, 2010.

For additional information go to: <a href="http://docs.schoolnutrition.org/meetingsandevents/nslw2010/">http://docs.schoolnutrition.org/meetingsandevents/nslw2010/</a>

## VERIFICATION PROCESS TRAINING VIA WEBINAR: OCTOBER $6^{TH}$ , 2010, 1:00-3:00PM

To register, go to the CRRS log in screen (the screen where a user types in their user name and password). Instead of logging into CRRS, click on "Click here to register for training" directly below the user name and password entry prompts. On the next screen, type in your CRRS user name and password in the prompts on the left side of the screen and click continue. Next, Click on the radio button beside the "NSLP - National School Lunch Program - Verification Process" and click continue. Follow the prompts to enter your registration information. Upon entering and submitting your registration information, a confirmation page will appear verifying your registration. The webinar website and telephone dial-in information will be sent to all registrants via email prior to the webinar date. Please enter a valid email address into the registration form so we can send you the webinar information.

If you need to change or cancel your registration, go back to the CRRS log in screen and click "Click here to register for training". On the next screen, type in your confirmation number and last name in the prompts on the right side of the screen and click "modify registration". Please contact your School Meal Programs Regional Consultant if you have any questions.

### 2010 FALL MANAGEMENT CONFERENCE - OCTOBER 20 AND 21, 2010

Salt Fork Resort and Conference Center, US Route 22 East, Cambridge, OH 43725, (1.800.282.7275)

ODE OSHN will conduct The Fall Management Conference at Salt Fork State Park Conference Center October 20 and 21, 2010. The intended audience is school food service directors and managers, and the program will concentrate on attributes related to the Child Nutrition Programs Reauthorization, new processes related to the school meal programs, and State and Federal initiatives impacting the school meal programs.

Two preconference sessions will be offered the morning of October 20<sup>th</sup>; both start at 8:30AM. The preconference session titles are "Healthier US School Challenge Work Session" and "Basic Training for School Meal Programs". The regularly scheduled conference will begin at noon and end at 5:00 pm on October 20<sup>th</sup>. Conference sessions will continue on October 21<sup>st</sup> at 8:00 am and continue through 5:00 pm. Lunch on October 20<sup>th</sup> and breakfast and lunch on October 21<sup>st</sup> are included in the meeting registration fee.

Registration capacity is 250 participants and the deadline to register is October 8, 2010. Registration fee is \$35 and it must be paid by October 15, 2010. No registration fees will be collected on-site at the conference. Please make checks out to Treasurer-State of Ohio and mail them, Attn: Lynn Coretti, to ODE, OSHN at 25 S. Front St, Mail Stop 303, Columbus, Ohio 43215. To help expedite the handling of the check, please include a photocopy of your conference registration confirmation page in the mailing (a description of the registration process is below).

Participants must make their own lodging arrangements. A block of rooms is currently available at Salt Fork, the rate for the rooms are \$80 single occupancy and \$95 double occupancy. You must reference the OSHN 2010 Fall Management Conference to receive the discounted rate.

To register, go to the CRRS log in screen (the screen where a user types in their user name and password). Instead of logging into CRRS, click on "Click here to register for training" directly below the user name and password entry prompts. On the next screen, type in your CRRS user name and password in the prompts on the left side of the screen and click "Continue". Next, click on the radio button beside the "NSLP - National School Lunch Program Fall Management Conference" and click "Continue". Follow the prompts to enter your registration information. Upon entering and submitting registration information, a confirmation page will appear verifying registration. At the bottom of the confirmation page click "Add Attendee" to register additional people if desired. Please print two copies of the confirmation page and enclose one copy with the registration fee payment. The other copy is for your records.

To change or cancel a registration, go back to the CRRS log in screen and click "Click here to register for training". On the next screen, type in the confirmation number and last name in the prompts on the right side of the screen and click "modify registration". Please contact your School Meal Programs Regional Consultant if you have any questions.

## OHIO FARM-TO-SCHOOL INITIATIVE: CONNECTING OHIO'S CHILDREN, FAMILIES AND SPECIALTY CROP PRODUCERS GRANT

The Ohio Farm-to-School program is expanding its program across the state to more directly target students, parents and families. The purpose of the Connecting Ohio's Children, Families and Specialty Crop Producers Grant is to develop sustainable and replicable models of student-family programming by offering mini-grants to schools or school districts interested in developing farm-to-school programming focused on specialty crops that target the whole family.

A total of \$10,000 has been allocated to this grant program, individual applications can request a minimum of \$500 and up to \$2,000 in funds. The purpose of these mini-grants is to increase child and adult knowledge and consumption of specialty crops in addition to opening up new markets for producers. For a definition and list of specialty crops see the USDA website <a href="http://www.ams.usda.gov/AMSv1.0/scbgpdefinitions">http://www.ams.usda.gov/AMSv1.0/scbgpdefinitions</a>.

Grants are due December 1, 2010. The Ohio Farm-to-School Initiative is a project of Governor Strickland's Food Policy Council and is collaboration between the Ohio Department of Agriculture and the Ohio Department of Education. The mission of the Initiative is to create connections between Ohio schools, farmers and communities. Farm to school activities include a wide range of purchasing and in- and out- of the classroom educational programs. The goals of The Ohio Farm-to-School Initiative are to: 1) Serve healthy food from local farms to school children; 2) Teach students about the path from farm to fork, and; 3) Create new markets and opportunities for Ohio farmers.

The Ohio Department of Agriculture will only accept proposals for consideration of grant funds from public, private, or charter schools and school districts in Ohio. Schools may partner with educational and agricultural non-profit organizations, cooperatives, associations or commodity groups, universities and research institutions. Individuals and partnerships may participate in this grant program by developing and submitting proposals through an eligible applicant. Private individuals and for-profit businesses are not eligible to apply.

To apply to the Children, Families, and Specialty Crop Producers Grant, go to <a href="http://www.agri.ohio.gov/public\_docs/Forms/Grants/FarmToSchool//RFP.pdf">http://www.agri.ohio.gov/public\_docs/Forms/Grants/FarmToSchool//RFP.pdf</a>. Please direct questions to Shoshanah Inwood at (614) 728-6243 or <a href="mailto:Slnwood@agri.ohio.gov">Slnwood@agri.ohio.gov</a>.

### USDA SCHOOL MEAL PROGRAMS BASIC TRAINING

ODE OSHN offers a monthly training for new Food Service Supervisors and Directors, for those wanting a refresher course in the basics of the School Meal Programs and new Sponsors of the School Meal Programs.

Location: The Department of Education, 25 S. Front Street, Columbus, Ohio 42315

Dates: October 5, November 2, and December 7, 2010.

Time: 9:30AM to approximately 3:00PM.

To register for a Basic Training Class, please complete the following steps:

### 1) STEP ONE: Enter or create your SAFE account.

### a. If you have a SAFE account, log in.

- i. Click on the grey box titled "SAFE Account Sign In".
- ii. Select "Sign In" from the menu on the left side of the portal page, and log in with your account name and password.

### b. If you do not have a SAFE account, create one.

- i. Click on the grey box titled "SAFE Account Sign In".
- ii. Select "Sign Up" from the menu on the left side of the portal page. You will need your driver's license or state ID number to register for an account. SAFE Account administrators will send you an e-mail during account setup, and you must respond to complete the process.
- iii. When your account has been created, log in as described above.

### 2) STEP TWO: Complete registration.

- a. Click on "Stars V.2."
- b. Click on "Event Search."
- c. Type in "NSLP" under "Event Name."
- d. Click "Search".
- e. Scroll down the page, if necessary, and click on "Basic Training Workshops."
- f. Click on "Register for selected event."
- g. Click on the check box for the workshop you wish to attend.
- h. Click the "Register" button at lower right.
- i. When your registration information appears, click "Yes" to indicate that it is correct.
- j. The page will indicate that you are registered for the training. Print and retain this confirmation page.

For more information, contact the ODE, OSHN Customer Service Line at 1-800-808-6325 or contact your ODE Regional School Meal Programs Consultant.

### SCHOOL MEAL PROGRAMS NEW CONSULTANT

Sandra Spann – Sandra joined the School Meal Programs in May 2010. Prior to this position, Sandra worked in the ODE Office of Federal Programs for the past 5 years. She has a Masters Degree in Resource Management and is a proud "Marching Band Mom" for her daughter Ashton. She also has a son, Stephen. Welcome Sandra!

### CONTACT ODE: SCHOOL MEALS REGIONAL CONSULTANTS:

Listed below are the 2010-2011 ODE School Meals Regional Consultants and the counties they service. *Please note that several region assignments have shifted*:

- Mary Ann Delagrange phone number (888) 332-8656 and email
   Mary.Delagrange@ode.state.oh.us
   . Mary Ann serves Cuyahoga, Geauga, and Lake Counties including RCCIs in these counties.
- 2. **Adrienne Durrett** phone number (614) 466 –9523 and email Adrienne. Durrett@ode.state.oh.us . Adrienne serves Adams, Brown, Butler, Clermont, and Hamilton Counties including RCCIs in these counties.
- 3. **Connie Heck** phone number (614) 466 –9267 and email Connie.Heck@ode.state.oh.us. Connie serves Ashland, Coshocton, Erie, Holmes, Huron, Knox, Licking, Lorain, Medina, Richland, and Wayne Counties including RCCIs in these counties.
- 4. Garrett "Chip" Kane phone number (614) 995-5044 and email Garrett.Kane@ode.state.oh.us. Chip serves Crawford, Delaware, Hancock, Lucas, Marion, Morrow, Ottawa, Sandusky, Seneca, Wood, and Wyandot Counties including RCCIs in these counties.
- 5. Cheryl Ommert phone number (614) 466 –9262 and email Cheryl.Ommert@ode.state.oh.us . Cheryl serves Ashtabula, Mahoning, Portage, Summit, and Trumbull Counties including RCCIs in these counties.
- 6. **Lisa Shepherd -** phone number (614) 466-1878 and email Lisa.Shepherd@ode.state.oh.us . Lisa serves Allen, Auglaize, Darke, Defiance, Fulton, Hardin, Henry, Mercer, Miami, Paulding, Putnam, Shelby, Van Wert, and Williams Counties including RCCIs in these counties.
- 7. **Liz Solomon** phone number (614) 466-9273 and email Liz.Solomon@ode.state.oh.us . Liz serves Champaign, Clark, Clinton, Fayette, Greene, Highland, Logan, Madison, Montgomery, Preble, Union, and Warren Counties including RCCIs in these counties.
- 8. **Sandra Spann** phone number (614) 728-8095 and email Sandra.Spann@ode.state.oh.us . Sandra serves Belmont, Carroll, Columbiana, Guernsey, Harrison, Jefferson, Monroe, Morgan, Muskingum, Noble, Perry, Stark, Tuscarawas, and Washington Counties including RCCIs in these counties.
- 9. **Sarina Wilks** phone number (614) 995-3866 and email Sarina. Wilks@ode.state.oh.us. Sarina serves Athens, Fairfield, Franklin, Gallia, Hocking, Jackson, Lawrence, Meigs, Pickaway, Pike, Ross, Scioto, and Vinton Counties including RCCIs in these counties.

### School Meal Programs Calendar of Annual Events

**Program Years are July 1 - June 30** 

Date	Event	Local Education Agency/School Food Authority		
		(LEA/SFA) action required		
Monthly	Monthly Claims for Reimbursement are due	By the 10 <sup>th</sup> of each month, submit prior month's claim into CRRS. Final submission date is the 45 <sup>th</sup> day after the end of the claiming month.		
Monthly	Basic Training classes	Every month, OSHN offers a Basic Training class which reviews the requirements of the National School Lunch, School Breakfast and After-School Care Snack Programs. Everyone is welcome. Self-register using your SAFE Account at <a href="https://www.education.ohio.gov">www.education.ohio.gov</a> .		
May-July	Child Nutrition Summer Regional Meetings (when offered)	Register with the OSHN office to attend the Child Nutrition Summer Regional Meetings.		
July	Student Applications for Free and Reduced- Priced Meals published on OSHN web site	Using the prototype that is published, save on LEA letterhead and distribute to families along with the Letter to Parents and Sharing of Information. Major changes require pre-approval from OSHN.		
July	Public Release is published on OSHN web site	Save on LEA letterhead and mail to local or regional newspaper. Publication of the release is not required.		
July	Sharing of Information form is published on OSHN web site	Written parent or guardian consent is required before students' free and reduced-price eligibility information can be disclosed to local education programs INCLUDING Fee Waivers— for example, students' eligibility for fee waivers, free text books or reduced summer school fees. Each local program must be written on the form (no blanket statements allowed).  The parent/guardian must be able to limit consent to only those programs with which he or she wishes to share information.  Mail/distribute this form with the Student Applications for Free and Reduced-Priced Meals to households.		
July 15	Prior School-Year's May claim deadline	Submit reimbursement claim for May or May/June (combine May and June if June contains 10 or fewer claiming days).		
July/August	Direct Certification lists are available	Contact your ITC to obtain the Direct Certification list. If your school does not do business with an ITC, mail the Media Request Form (in the DC packet) to receive the list on CD-ROM. Mail Notification of Eligibility Letter to Households (in the Direct Certification Manual).		
July/August	Medical/Dietary Notes	Obtain medical notes from physicians for any child that requires special food. See Accommodating Children with Special Dietary Needs in the School Meals Program.		
August/ September	Fall Management Conference (when	Register in CRRS to attend the biennial Fall Management Conference, which is usually held for one and one-half days at		

	offered)	one of Ohio's State Parks. This year the Management Conference is being held at Salt Fork State Park October 20-21.
October 1	Count the number of Approved Student Meal Applications to begin the Verification Process	Count all approved Free and Reduced Student Meal Applications to begin the Verification Process. Select 3% of approved applications and mail the form titled "We Must Check Your Application" to households. Direct Certified children and their siblings are not subject to verification.
October 15	Current Program-Year CRRS Application approval deadline	Deadline for the Sponsor and all Site Applications, Supporting Documents, and Health Inspection Summary Form to be approved in CRRS in order to claim August meals.
Every other October	Fall Management Conference (when offered)	Attend the biennial Fall Management Conference, which is usually held for one and one-half days at one of Ohio's State Parks.
November 14	Final date to submit August/September claims	If August contains 10 or fewer serving days, combine those days with the September claim for reimbursement.
November 15	Verification deadline	The Verification Process must be completed by this date (Verification Results and Notice of Adverse Action letters must be sent; this is <i>not</i> the deadline to submit the Verification Summary in CRRS).
January 14	Verification Summary Report due	Last day to log-on to CRRS and submit the Verification Summary Report in order to claim November. Must be submitted without error prior to making November claim for reimbursement.
February	Summer Food Service Program training	Register with the OSHN office to attend a SFSP training session for both New and Existing Sponsors
March/April	Seamless Summer Option Program	Contact your Regional Consultant if your school(s) will be offering Intervention classes over the summer. You may be eligible to serve meal under the Seamless Summer Option if site is 50% Free and Reduced.
May	Next Program-Year application is published in CRRS	Create the next Program-Year Sponsor and Site Applications in CRRS. Submit all Supporting Documents and Health Inspection Summary.

### 2010-2011 Claim Deadlines

Claim Month	Claim Deadline	Claim Month	Claim Deadline
September, 2010	November 14	March, 2011	May 15
October, 2010	December 15	April, 2011	June 14
November, 2010	January 14	May, 2011	July 15
December, 2010	February 14	June, 2011	August 14
January, 2011	March 17	July, 2011	September 14
February, 2011	April 14	August, 2011	October 15

# Ohio Department of Education Office for Safety, Health and Nutrition Nutrition Program Policy Memo

### POLICY STATEMENT

Extending Categorical Eligibility to Additional Children in a Household

**Source:** USDA Memo SP-38 2009 and the USDA Eligibility Manual for School Meals

Code: NSLP 13-09

Audience: All Local Education Agencies (LEAs)

**Effective Date:** 09/21/2009

Replaces: ODE NSLP Memo 10-08

**Program:** NSLP, CACFP, SFSP

### INTRODUCTION

On August 27, 2009, the United State Department of Agriculture (USDA) published USDA Policy Memo SP 38-2009. This policy memo modifies the former USDA policy related to categorical eligibility for free meals or free milk for children who are members of a household receiving assistance through the Food Assistance Program (SNAP, formerly the Food Stamp Program) or Ohio Works First (OWF). The process published in USDA Policy Memo 38-2009 supersedes the process published on page 16 and pages 47-48 in the USDA Eligibility Manual, January 2008 edition.

### STATEMENT OF POLICY

### A. OVERVIEW OF SCHOOL MEAL PROGRAM ELIGIBILITY BASED ON FOOD STAMP NUMBERS

- 1. Per Federal Regulations 7 CFR 245.6 (c), when a household submits a Free and Reduced Price School Meals Family Application containing the required SNAP (formerly the Food Stamp Program), or OWF case number, any children in school to which the case number pertains must be approved for free meal benefits.
- 2. Commencing with school year 2008-2009, section 9 of the Richard B. Russell National School Lunch Act mandates Local Education Agencies (LEAs) to participate in Direct Certification and permits Direct Verification of children in food stamp households.
- 3. On August 27, 2009, USDA released policy memo SP 38-2009 which modifies the process for approving Free and Reduced Price Student applications and Direct Certification lists for additional students in a household if at least one student is approved for free meal benefits through either Direct Certification or provision of a SNAP or OWF case number on a Free and Reduced Meal Application.

# B. PROCEDURE FOR EXTENDING CATEGORICAL ELIGIBILITY TO ADDITIONAL CHILDREN IN A HOUSEHOLD BASED ON FREE AND REDUCED PRICE SCHOOL MEAL FAMILY APPLICATIONS CONTAINING SNAP OR OWF CASE NUMBERS

- 1. In Ohio, SNAP and OWF case numbers contain 10 numerical digits.
- 2. Per USDA Policy Memo SP 38-2009, when a household submits an application with case numbers listed for some, but not all, of their children, the LEA must certify all children as categorically eligible for free meals or milk.
- 3. Disregard any income information on an application of which children qualify for free meals based on a SNAP or OWF case number.

25 South Front St. ML 303 Columbus, Ohio 43215

# Ohio Department of Education Office for Safety, Health and Nutrition Nutrition Program Policy Memo

### C. PROCEDURE FOR EXTENDING CATEGORICAL ELIGIBILITY TO ADDITIONAL CHILDREN IN A HOUSEHOLD BASED ON DIRECT CERTIFICATION DATA

- 1. Per USDA Policy Memo SP 38-2009, commencing in the 2009-2010 School Year, LEAs must extend eligibility for free meals to all students in what would be considered a "family" for the purposes of applying for free or reduced price meals or free milk.
  - a. \*A family is defined, for the purposes of applying for free or reduced price meals or free milk, as a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.
- 2. If one child in a family is Directly Certified, the LEA must use district enrollment records, a submitted Free and Reduced Price Application, or other school documentation as a reference to determine if there are additional students who are part of the family who were not identified through direct certification.
- 3. If the LEA determines that there are additional students in the family, the LEA may Directly Certify these students for free meals without further need for submission of a meal application.
- 4. For the purposes of an audit or Coordinated Review Effort (CRE), the LEA must make available the documentation that was used to determine that additional students were in the family.

### D. CARRY OVER OF MEAL BENEFIT ELIGIBILITY INTO THE NEXT SCHOOL YEAR

1. For the purposes of carry-over into a new school year, LEAs must extend categorical eligibility, to the extent feasible, to newly enrolled siblings within a family who were approved for free meals through Direct Certification or provision of a SNAP or OWF case number on a Free and Reduced Price Meal Application.

Please keep this memo on file for reference. A copy of the memo is available for downloading from the Ohio Department of Education (ODE) website at: <a href="http://www.education.ohio.gov/">http://www.education.ohio.gov/</a>. If you have any questions regarding this memo, please contact your ODE School Meal Programs Regional Consultant at 1-800-808-6325. The School Meal Programs are administered by the Ohio Department of Education, Office for Safety, Health, and Nutrition. The Office is located at 25 S. Front St, Mail Stop 303, Columbus, OH 43215.

Prepared By: Brigette Hires Approved By: Cecelia Torok



# United States Department of Agriculture

**DATE:** May 3, 2010

Food and Nutrition Service

**MEMO CODE:** SP 25 -2010; CACFP 11 -2010; SFSP 10 -2010

3101 Park Center Drive Alexandria, VA 22302-1500 **SUBJECT:** Questions and Answers on Extending Categorical Eligibility to Additional Children in a Household

**TO:** Regional Directors

**Child Nutrition Programs** 

All Regions

**State Directors** 

**Child Nutrition Programs** 

All States

This memorandum provides questions and answers relating to policy memorandum SP 38-2009, CACFP 08-2009, SFSP 07-2009, Extending Categorical Eligibility to Additional Children in a Household, dated August 27, 2009. That memorandum extended categorical eligibility for free meals or free milk for children who are members of a household receiving assistance from the Supplemental Nutrition Assistance Program (SNAP), the Food Distribution Program on Indian Reservations (FDPIR) or the Temporary Assistance to Needy Families (TANF) Program. All Child Nutrition Programs are subject to this policy.

These questions and answers respond to inquiries received from regional offices and State agencies. Because School Year 2009-2010 is nearly over, we did not include questions that only addressed implementation of this policy. We will update the Eligibility Manual for School Meals and the prototype application to reflect this policy prior to the next school year.

State agencies should contact their regional office if they have any questions.



Cynthia Long
Director
Child Nutrition Division

Attachment

The following are definitions of the terms used in this memorandum.

"Household" and "family" are used as defined in 7 CFR 245.2 and as they relate to economic units as discussed in Part 4, Section B of the Eligibility Manual for School Meals; in this memorandum, these terms are used interchangeably.

"Extended or extension of eligibility" means that 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, FDPIR or TANF benefits is a member of that household. Any child or adult receiving SNAP, FDPIR or TANF benefits is always categorically eligible for free meals and their eligibility extends to all household members attending school or participating in the Child and Adult Care Food Program (CACFP) or the Summer Food Service Program (SFSP).

### **DETERMINING ELIGBILITY**

### Q1. How does an LEA apply this policy to applications submitted by households?

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

### Q2. How should LEAs apply this policy to their direct certification procedures?

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 who 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. See the section of this document entitled "DETERMINING AND DOCUMENTING ADDITIONAL HOUSEHOLD MEMBERS" for ways to identify additional children.

Q3. During a school year, an LEA may learn (for example, from the household) that, although one child in the family was directly certified, additional children in the family are not receiving free meal benefits. When would free meal benefits begin for the additional children who were not identified through the direct certification process?

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, FDPIR or TANF benefits or who submit an application with a case number during the school year.

### **APPLICABILITY**

Q4. If a child is categorically eligible for free meals based on enrollment in Head Start, or certification as a homeless, runaway, or migrant child, is eligibility extended to other children in the household?

No. This policy applies only to children receiving SNAP, FDPIR, or TANF benefits.

Q5. Does extension of eligibility apply to direct certification and applications with SNAP, FDPIR or TANF benefits case numbers?

Yes.

Q6. In some households, the only person receiving SNAP, FDPIR, or TANF benefits may be an adult. Does the adult's eligibility extend to the children in the household?

Yes. Although they are not required to determine if there are adult household members receiving SNAP, FDPIR or TANF benefits, LEAs are encouraged to revise school meal applications to indicate that providing a single case number for any member of the household will establish eligibility for all children in the family.

Q7. If a household member receives SNAP, FDPIR 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?

Yes, if the child attending school is a member of the same household as the person receiving SNAP, FDPIR 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, FDPIR or TANF benefits. (See also Q and A 14.) Also, as noted above, LEAs are encouraged to revise school meal applications to indicate that providing a single case number for any member of the household will establish eligibility for all children in the family.

### Q8. How does this policy relate to the concept of economic unit?

This policy was not intended to change the definitions 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, FDPIR or TANF benefits may only "extend" status to other children in the same economic unit.

### DETERMINING AND DOCUMENTING ADDITIONAL HOUSEHOLD MEMBERS

Q9. The initial policy memo states that if the LEA does not have an application as a reference, it may use school district enrollment information to determine additional children who are part of the household. How would the LEA locate additional children?

To the extent practicable, LEAs should use household composition information that may be available from the school district. 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 from the State SNAP agency lists of 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.

## Q10. What identifiers should the LEA use to establish additional household members? What documentation is required?

It is up to the LEA to determine identifiers for locating additional household members, but parents' names, home addresses, and other specific household indicators, if available, may be the most useful. Acceptable documentation includes school meal applications indicating at least one case number, school district enrollment records identifying all children in the household, custody agreements, information that may be provided by the SNAP, FDPIR or TANF agencies, or information from school officials such as principals or teachers. LEAs also may request that an adult member attest to the household composition as discussed in Q and A 17.

# Q11. 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?

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

# Q12. 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?

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.).

Q13. 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?

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.

Q14. We may have an address match but other information indicates that more than one household lives at that 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?

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, TANF or FDPIR benefits. The LEA may need to contact the households to determine their composition and establish eligibility.

### EXTENDING AND DOCUMENTING EXTENDED ELIGIBILITY

Q15. 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, FDPIR, or TANF case number listed on the application. If that child resides in another household during the certification period, does this policy apply to any children in the second household?

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, FDPIR or TANF benefits can be extended only to other children who are in the same household as the child receiving SNAP, FDPIR or TANF benefits.

# Q16. 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, FDPIR or TANF benefits?

If a child is determined eligible for free meals because he/she receives SNAP, FDPIR 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, FDPIR or TANF benefits, eligibility extends to other children in that household.

If a child is not determined eligible for free meals based on his/her own receipt of SNAP, FDPIR, 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.

### Q17. How should the LEA document extended status?

Children in a household with a child or adult receiving SNAP, FDPIR or TANF benefits are considered eligible on the same basis (directly certified or case number) as the 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 a 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 school district 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 and milk (see 7 CFR 245.6(a)(9) and Part 2, Section F. of the Eligibility for School Meals Manual); 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 school districts 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, FDPIR or TANF benefits to a household <u>not</u> 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.

Q18. 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?

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

### CHILD AND ADULT CARE FOOD PROGRAM (CACFP) SPECIFIC QUESTIONS

Q19. If one child in a household is receiving SNAP, FDPIR or TANF benefits, does that make all of the children in the household categorically eligible for free meals in the CACFP?

Yes. Children receiving SNAP, TANF or FDPIR benefits are categorically eligible for free meals in the CACFP. If one child in the household is receiving any of these benefits, categorical eligibility extends to the other children in the household.

Q20. If a non-area eligible family day care home provider is not receiving SNAP, FDPIR or TANF benefits but a child in her household is receiving these benefits, is the provider eligible to receive CACFP tier I reimbursement rates?

Yes. If at least one child in a household is receiving SNAP, FDPIR or TANF benefits and, therefore, is categorically eligible for free meals in CACFP, this categorical eligibility extends to the entire household. Therefore, a family day care home provider in that family would be considered eligible for tier I reimbursement rates based on the child's receipt of benefits.

Q21. Under the CACFP, if a child who is receiving SNAP, FDPIR or TANF benefits moves in with a family that was not previously eligible for free meals or tier I rates, would that child's receipt of SNAP, TANF or FDPIR benefits extend categorical eligibility to the rest of the family? What if the child has moved from another State?

Regardless of how a child becomes part of a household, the policy applies. Eligibility determinations are made at a point in time. As discussed in Q and A's 15 and 16, if a child moving to another household, even in another State, is receiving SNAP, FDPIR, or TANF benefits, at that point in time the child is eligible for free meals and eligibility is retained for the duration of the certification period. Further, other children in the household become eligible for free meals based on that child's receipt of benefits and an adult member of the household providing family home day care services under CACFP would be eligible for tier I reimbursement rates.

Q22. If an adult in the household participates in the Adult Day Care component of the CACFP and is categorically eligible based on receipt of SNAP, TANF or FDPIR benefits, does categorical eligibility extend to other children or adults in the household participating in a child nutrition program?

Yes. The adult's eligibility extends to the other household members.

### Q23. What documentation must a child care institution have on file?

As discussed in Q and A 17, documentation must be maintained indicating the basis for a child's eligibility for free meals. Generally, institutions should obtain an application which includes the SNAP, FDPIR or TANF case number of the recipient household member. Alternatively, if a child's eligibility is based on a school-age household member's receipt of benefits, the institution may maintain certification from the child's school that he or she is eligible for free or reduced price meals either through direct certification or application. See Q and A 17 for more detailed documentation alternatives.

### **VERIFICATION**

### Q24. Are applications for children who receive benefits as a result of this memo subject to verification?

If benefits are extended based on an application with a SNAP, FDPIR 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 Q and A 17, the application is not included in the sample or subject to verification because verification is not required for children identified through direct certification.

## Q25. For the purposes of the FNS-742, Verification Summary Report, how are children coded?

Children who are eligible based on extended categorical eligibility are classified under the same category as the person who extended the eligibility. If the person who extended eligibility was directly certified, all children would be coded as directly certified. Likewise, if a child is listed on an application with a person's SNAP, FDPIR or TANF case number, then all children would be coded based on the provision of a case number.



### United States Department of Agriculture

**DATE:** August 23, 2010

Food and Nutrition Service

3101 Park

22302-1500

**MEMO CODE:** SP 31-2010; CACFP 17-2010; SFSP 15-2010

SUBJECT:

Disclosure Requirements for the Child Nutrition Programs

Center Drive Alexandria, VA **TO:** 

Regional Directors

**Child Nutrition Programs** 

All Regions

**State Directors** 

**Child Nutrition Programs** 

All States

We have received a number of inquiries from local educational agencies (LEAs) about the suitability of releasing eligibility information. FNS strongly encourages States and LEAs to utilize data-sharing authorities appropriately to expand access to programs and services and support effective operation of educational programs. However, recent inquiries from program operators have indicated that they are being asked to share information that is not releasable and/or that eligibility information is being requested by or for persons who do not have a legitimate need for it.

This memorandum restates the statutory and regulatory requirements for disclosure of information concerning children who are eligible for free or reduced price meals in any of the Child Nutrition Programs. While the large majority of requests for eligibility information are related to the school meal programs, we are also including the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP) to remind State agencies and local institutions that the disclosure requirements also apply to these programs.

### Please keep in mind that:

- the statutory and regulatory requirements limit when information may be released without the written consent of the child's parent or guardian;
- the release of data by an LEA is always optional, not required;
- an agreement or memorandum of understanding (MOU) between State or local agencies may be required and, even if not required, is useful; and
- aggregate information will often meet the needs of the requestor and should be used whenever possible. However, LEAs, institutions, sponsors, etc. are cautioned about release of aggregate data when individual children's eligibility may be deduced. For example, individual identities of children in a specific classroom may be deduced since this is a very small subset in a school.

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### **Statutory and Regulatory Requirements**

Section 9(b)(6) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1758(b)(6)) delineates the restrictions on the disclosure and use of information obtained from an application for free and reduced price meals, as well as the criminal penalties for improper release of information. Note that while the law discusses applications, the disclosure requirements also apply to information obtained through the direct certification process. A copy of this section of the law is attached for reference. We recommend that State agencies and LEAs and, as applicable, CACFP institutions, sponsoring organizations and family day care home providers and SFSP sponsoring organizations, cite the law when responding to requests for release of information.

The regulations implementing the law are as follows:

Program	Definition of Disclosure	Provisions on Privacy Act Notice and Disclosure to Other Programs
Special Milk Program for	7 CFR 215.2(i-1)	7 CFR 215.13a(f)-(l)
Children		
Summer Food Service	7 CFR 225.2	7 CFR 225.15(f)-(l)
Program		
Child and Adult Care Food	7 CFR 226.2	7 CFR 226.23(e) and (i)-(n)
Program		
National School Lunch and	7 CFR 245.2	7 CFR 245.6(a) and (f)-(k)
School Breakfast Programs		

### Guidance

Part 7 of the Eligibility Manual for School Meals, January 2008 edition, provides specific guidance on applying the statutory and regulatory requirements. The manual may be found at: http://www.fns.usda.gov/cnd/guidance/default.htm. A convenient source of information is the manual's "Disclosure Chart" which briefly outlines various types of requestors and any restrictions on receipt of information. The chart is attached to this memorandum for your reference.

Examples of specific programs that are authorized, by law, to receive eligibility status of individual children are the No Child Left Behind Program and the National Assessment of Educational Progress (NAEP). The name and eligibility status only may be shared with these programs without prior notice and consent.

However, in recognition of the importance of health insurance for children, the law and regulations provide special procedures for sharing of eligibility information with Medicaid and the State Children's Health Insurance Program (SCHIP) in accordance with the required agreement. All eligibility information may be shared unless the child's parent or guardian elects not to share the information. To allow the parent/guardian to decline, the LEA must include a form that explains sharing with Medicaid/SCHIP; i.e., unless the parent/guardian signs and

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submits the "opt out" form, eligibility information will be shared with Medicaid/SCHIP. A sample of an "opt out form" is included in our prototype application package which may be found at: http://www.fns.usda.gov/cnd/frp/frp.process.htm. The NSLA specifies the "opt out" procedure for Medicaid/SCHIP purposes; therefore, LEAs cannot use the same form used for prior consent to release eligibility information for other programs.

Our guidance emphasizes that, in addition to being authorized to receive information, there must be a "need to know." For instance, while Federal education programs are authorized, not all persons administering an education program in the school district need to access information (e.g., teachers, principals or guidance counselors). State and local agencies must be assured that persons receiving a child's free/reduced price eligibility information have a legitimate need to know.

Periodically, schools will be asked to release eligibility information to a non-custodial parent or to a parent who has split custody. For example, a father shares custody with the children's mother but believes that the mother has misrepresented household circumstances and that the children should not be eligible for free or reduced price meals. These requests are not permitted under the statute or regulations without written permission from the person who signed the application. If there is any question about releasing this information for custody or divorce actions, local officials should contact the school district's attorneys for assistance.

### **Inter-Agency Agreements**

Our regulations and guidance address agreements between agencies in order to facilitate sharing information. For Medicaid/SCHIP, the State agency administering the Child Nutrition Programs and the State agency administering Medicaid and SCHIP or the LEA and the local Medicaid/SCHIP agency must enter into agreement. We recommend that an agreement or MOU be used to share information for other purposes such as other Federal or state education programs. The agreement should detail the procedures for data sharing, persons who will have access to the information and why they need the information, etc. Please refer to sections 245.6(j), 215.13a(k), 225.15(k) and 226.23(m) of the regulations and Part 7, Section I. of the eligibility manual for more information on agreements.

### **Parental Consent for Information Sharing**

If a request for information is not authorized under the statute or when authorized release is limited to name and eligibility status, the release can always be made with informed consent by the parent or guardian. A common example of programs that would require written consent from a parent/guardian are local or state waivers of fees (for books, athletic activities, etc.) related to eligibility for free or reduced price school meals. Our prototype application package (http://www.fns.usda.gov/cnd/frp/frp.process.htm) includes a suggested form that may be sent by LEAs at the time of application or when services or programs become available. This form allows parents or guardians to authorize release. The parents/guardians must be told the purpose of the program or service and what information will be shared. Further, forms must be

Regional Directors State Directors Page 4

completed annually as consent cannot be extended from one school year to the next. If a child is directly certified, LEAs must provide parents/guardians with this information and the consent form; for example, if the LEA sends written notices of direct certification eligibility, the information and consent form could be included. State and local agencies administering the CACFP and SFSP should modify the consent form to meet their needs.

### **Expectations**

We understand that LEA staff and, more specifically, school-level food service personnel are frequently asked to provide free and reduced price eligibility information about individual children and may have concerns about releasing information. As noted above, while FNS does encourage and support appropriate sharing of information, each request must be carefully reviewed. In order to properly release eligibility information, an official must first determine if the request is from one of the programs or sources authorized under the statute. If so, the official must ensure that the person(s) who would receive and use the information have a legitimate need to carry out an authorized activity.

The State agency must ensure that all CACFP staff at the institution, sponsoring organization or family day care home provider level and appropriate LEA staff have a thorough understanding of the policies on release of children's eligibility information. We recommend that there be a primary contact at the LEA-level, such as the food service director, rather than staff at individual schools. This should allow for more consistent and appropriate application of the disclosure requirements. We strongly urge LEA officials and CACFP staff to contact the State agency office that administers the Child Nutrition Programs if they have any questions or concerns about release of information before they provide the information. In turn, State agencies should contact their regional office to discuss requests for information and any questionable practices. FNS wants to assist LEA and State agency officials in assuring that the disclosure requirements are correctly applied.



Cynthia Long
Director
Child Nutrition Division

Attachments

#### RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

[As Amended Through P.L. 111–80, Effective October 21, 2009] Section 9. NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS (42 U.S.C. 1758) (b) (6) USE OR DISCLOSURE OF INFORMATION.—

- (A) IN GENERAL.—The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in paragraph (3)(F), (4), or (5), shall be limited to—
  (i) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (including a regulation promulgated under either Act);
- (ii) a person directly connected with the administration or enforcement of—
- (I) a Federal education program;
- (II) a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.)); or (III) a Federal, State, or local means-tested nutrition program with eligibility standards comparable to the school lunch program under this Act;
- (iii)(I) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and
- (II) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by this paragraph or paragraph (3)(F), (4), or (5);
- (iv) a person directly connected with the administration of the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.) solely for the purposes of—
- (I) identifying children eligible for benefits under, and enrolling children in, those programs, except that this subclause shall apply only to the extent that the State and the local educational agency or school food authority so elect; and
- (II) verifying the eligibility of children for programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and
- (v) a third party contractor described in paragraph (3)(G)(iv).
- (B) LIMITATION ON INFORMATION PROVIDED.—Information provided under clause (ii) or (v) of subparagraph (A) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits is made or for whom eligibility information is provided under paragraph (3)(F), (4), or (5), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.
- (C) CRIMINAL PENALTY.—A person described in subparagraph (A) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

### (D) REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.—

A State that elects to exercise the option described in subparagraph (A)(iv)(I) shall ensure that any local educational agency or school food authority acting in accordance with that option—

- (i) has a written agreement with 1 or more State or local agencies administering health programs for children under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.) that requires the health agencies to use the information obtained under subparagraph (A) to seek to enroll children in those health programs; and
- (ii)(I) notifies each household, the information of which shall be disclosed under subparagraph (A), that the information disclosed will be used only to enroll children in health programs referred to in subparagraph (A)(iv); and
- (II) provides each parent or guardian of a child in the household with an opportunity to elect not to have the information disclosed.
- (E) USE OF DISCLOSED INFORMATION.—A person to which information is disclosed under subparagraph (A)(iv)(I) shall use or disclose the information only as necessary for the purpose of enrolling children in health programs referred to in subparagraph (A)(iv).

<b>F</b>	be Disclosed	Consent
Programs under the National School Lunch Act or Child Nutrition Act	All eligibility information	Prior notice and consent not required
Federal/State or local means tested nutrition programs with eligibility standards comparable to the NSLP	Eligibility <b>status</b> only	Prior notice and consent not required
Federal education programs	Eligibility <b>status</b> only	Prior notice and consent not required
State education programs administered by a State agency or local education agency	Eligibility <b>status</b> only	Prior notice and consent not required
Local education programs	NO eligibility information, unless parental consent is obtained	Must obtain parental consent
Medicaid or the State children's health insurance programs (SCHIP), administered by a State or local agency authorized under titles XIX or XXI of the Social Security Act to identify and enroll eligible children	All eligibility information, unless parents elect not to have information disclosed	Must give prior notice to parents and opportunity for parents to decline to have their information disclosed
State health programs other than Medicaid/SCHIP, administered by a State agency or local education agency	Eligibility <b>status</b> only	Prior consent not required
Federal health programs other than Medicaid/SCHIP	NO eligibility information, unless parental consent is obtained	Must obtain parental consent
Local health program	NO eligibility information, unless parental consent is obtained	Must obtain parental consent
Comptroller General of the United States for purposes of audit and examination	All eligibility information	Prior notice and consent not required
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 that are authorized to have access to names and eligibility status	All eligibility information	Prior notice and consent not required

Information that May

**Required Notification and** 

**Recipient of Information**