United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive
Alexandria, VA
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DATE: October 31, 2014

MEMO CODE: SFSP 01-2015, CACFP 01-2015

SUBJECT: Duration of Income Eligibility Determinations: Guidance and Q&As

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This memorandum provides guidance and clarification regarding individual income eligibility determinations and durations in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP). This memorandum discusses the duration of eligibility, change in household income, and the elimination of temporary approval in CACFP and SFSP as well as establishing claiming percentages in CACFP. This memo supersedes CACFP 07-2014, SFSP 12-2014, *Guidance on Income Eligibility Determinations and Durations* issued January 16, 2014, and revises guidance related to the income eligibility effective date. Attachment A includes answers to frequently asked questions.

Eligibility Duration

In accordance with 7 CFR 226.23(f), CACFP institutions must collect and report to State agencies free, reduced-price, and paid meal eligibility information. Such information must be updated annually and may not be more than 12 months old. Income eligibility forms should be considered current and valid until the last day of the month in which the form was dated one year earlier.

Effective Date

CACFP institutions have flexibility concerning the effective date of certification for Program benefits. For the purposes of non-school institutions, the date to be used to make this determination may be either the date the parent or guardian signed the income eligibility form or the date on which the sponsor or independent center official signs the form to certify eligibility of the participant. However, if the date of parent signature is not within the month of certification or the immediately preceding month, the effective date must be the date of certification. Please note, the date of submission by the parent or guardian is not required to be recorded on the income eligibility form.

This flexibility applies only to eligibility determinations made based on complete applications containing all required information (see part 3C of the *Eligibility Manual for School Meals available at* http://www.fns.usda.gov/sites/default/files/EliMan.pdf).

These provisions also apply to the determination of eligibility for free meals under the SFSP when individual children's eligibility must be established by sponsors in accordance with 7 CFR 225.15(f).

Schools participating in CACFP and SFSP have the flexibility of using either the income eligibility form submission date as the effective date of eligibility or the date on which the school official signs the form to certify eligibility of the participant. To maintain consistency throughout all Child Nutrition Programs, schools may not use date of parent or guardian signature as that flexibility is not available to National School Lunch Program operators. Schools and school sponsors should refer to SP 11-2014, CACFP 06-2014, SFSP 11-2014, *Effective Date of Free or Reduced Price Meal Eligibility Determinations*, December 3, 2013 [http://www.fns.usda.gov/sites/default/files/SP11_CACFP06_SFSP11-2014os.pdf] for additional guidance.

CACFP institutions and SFSP sponsors must decide which date they will rely on as the effective date and apply this date to all income eligibility forms submitted on behalf of all participants.

Change in Income

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) modified requirements related to reporting changes in income during the period of eligibility covered by the application. Households are not required to report changes in circumstances, such as an increase in income, a decrease in household size, or when the household is no longer certified eligible for benefits through the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF).

Therefore, once a household is approved for free or reduced price or tier I benefits, the household remains eligible for those benefits for a period not to exceed 12 months, regardless of any change in household income.

Elimination of Temporary Approval

The final rule, "Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program," eliminated the practice of temporary approvals for free or reduced price meal benefits (76 FR 66849, October 28, 2011). The Child Nutrition and WIC Reauthorization Act of 2004 extended the eligibility period in the NSLP to 12 months, eliminating the use of temporary approvals. Because income guidelines for determining eligibility in CACFP and SFSP must align with those of the NSLP, this provision also applies to CACFP and SFSP.

Previously, temporary approval was encouraged when the need for assistance seemed short-term, such as when a household experienced a temporary reduction in income or when no income was reported. Year-long eligibility did not apply when a household was given temporary approval. At

the end of the temporary approval period, determining officials re-evaluated the household's situation. Now, all approvals are for an entire year. Year-long eligibility includes households that report no income on their income eligibility forms.

Establishing Claiming Percentage

In accordance with 7 CFR 226.9(b)(2), State agencies must establish claiming percentages, no less frequently than annually, on the basis of enrolled participants eligible for free or reduced price meals. During any month in which a claiming percentage is being established, because an income eligibility form is valid until the last day of the month that it was originally dated, any income eligibility forms expiring that month should be included in determining that claiming percentage. The claiming percentage may then still remain valid for up to 12 months. Claiming percentages are intended to capture the number of eligible children at a facility during one period of time. Including all currently valid income eligibility forms, regardless of when they expire within that month, is consistent with this intent.

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.



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Attachment

ATTACHMENT A

Questions and Answers

1. **What methods may schools participating in CACFP and SFSP use to establish the effective date of eligibility?**

   School participating in CACFP and SFSP may use either the date of submission or the date of certification to establish the effective date of eligibility as described in previously issued guidance for NSLP [CACFP 06-2014, *Effective Date of Free or Reduced Price Meal Eligibility Determinations*, December 3, 2013 available at http://www.fns.usda.gov/sites/default/files/SP11_CACFP06_SFSP11-2014os.pdf]. Schools may not use date of parent or guardian signature.

2. **What methods may non-school CACFP institutions and SFSP sponsors use to establish the effective date of eligibility?**

   Non-school CACFP institutions and SFSP sponsors may use either the date of parent signature or the date of certification to establish the effective date of eligibility.

3. **How should CACFP institutions and SFSP sponsors notify the State agency of which method they will use to establish the effective date of eligibility?**

   CACFP institutions and SFSP sponsors are encouraged to inform the State agency of this decision. During reviews, State agencies must ensure the same method has been applied to all individual income eligibility determinations. However, if the date of parent signature is not within the month of certification or the immediately preceding month, the effective date must be the date of certification.

4. **For non-school CACFP institutions and SFSP sponsors, if a form is signed and dated by the parent on January 12, 2014, until what date is it considered valid?**

   It is considered valid from January 1, 2014, through January 31, 2015.

5. **For non-school CACFP institutions and SFSP sponsors, if an individual income eligibility form is signed and dated by the parent on February 23, but is not received by the sponsor and certified until March 2, for which month does the income eligibility determination become effective? What if the form is received and certified April 2nd?**

   If the CACFP institution or SFSP sponsor is using the date of parent signature to determine eligibility, an individual income eligibility form signed and dated by a parent in February and certified in March would be valid effective February 1.

   However, if the form was received and certified in April, meaning there was a delay in either submitting or certifying the form through the entire month of March, the form is valid effective April 1. Because the date of parent signature is not within the month of certification or the immediately preceding month, the effective date must be the date of certification.

6. **When using the date of parent signature to establish the effective date of eligibility, what protocol must be taken if an incomplete or unsigned individual income eligibility form is submitted?**

   An incomplete individual income eligibility form must be returned to the household for completion. If the form is resubmitted without an updated signature and date and, if the date of parent signature is not within the month of certification or the immediately preceding month, the effective date must be the date of certification.

7. **Are centers and providers required to date stamp income eligibility forms when they are submitted by the parent or guardian?**

   Date stamps upon submission are not required for non-school CACFP institutions and SFSP sponsors. The effective date of eligibility is either the date of parent or guardian signature or the date of certification. Date of submission is not an optional effective date; therefore, no date stamp indicating date of submission is required.