



United States
Department of
Agriculture

July 7, 2004

Food and
Nutrition
Service

SUBJECT: Duration of Households' Free and Reduced Price Meal Eligibility
Determination - Reauthorization 2004: Implementation Memo - SP 3

3101 Park
Center Drive
Alexandria, VA
22302-1500

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

The Child Nutrition and WIC Reauthorization Act of 2004 (Act) specifies that, effective July 1, 2004, households' eligibility for free and reduced price meals shall remain in effect beginning on the date of eligibility for the current school year and ending on a date during the subsequent school year, as determined by the Secretary. This provision does not apply when the initial eligibility determination was incorrect or when verification of household eligibility does not support the level of benefits for which the household was approved. In those instances, officials must make appropriate changes in eligibility. Additionally, this provision does not apply when a household is given temporary approval.

There are many provisions in the Act affecting the certification/verification process, which must be addressed through the regulatory process. However, to give school food authorities and households the advantages of this provision as quickly as possible, we are implementing this provision through this memorandum.

Beginning school year 2004-2005 and until issuance of a final regulation, school officials will determine household eligibility for free and reduced price meals in the traditional manner, at or about the beginning of the school year. Once approved for free or reduced price benefits, a household will remain eligible for those benefits for a maximum of 30 days after the first operating day in the subsequent school year or when a new eligibility determination is made in the new school year, whichever comes first. The household is no longer required to report changes in circumstances, such as an increase in income of \$50 per month (\$600 annually), a decrease in household size or when the household is no longer certified eligible for food stamps or Temporary Assistance for Needy Families (TANF).

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

The current free and reduced price application package includes instructions for households to report the changes in household income and household size mentioned above. We do not expect State agencies and school food authorities to make changes in their free and reduced price application materials for this school year because the enactment of this legislation is so late in the year. Any changes to the application materials now would be very burdensome to most school districts. However, school food authorities may use other means to notify households that they do not have to report changes. For example, households may be notified via the annual media/public release or notified in their notice of approval for free and reduced price school meals. The Department will revise its guidance as appropriate.

Please note that households may continue to apply for benefits any time during the school year. As noted above, this provision does not apply to households who are provided “temporary” approvals. We continue to encourage determining officials to approve households on a temporary basis when their need for assistance appears to be short-term, such as when the household reports zero income or a temporary reduction in income. A suggested time period for temporary approvals is 45 days unless otherwise stipulated by the State agency. At the end of the temporary approval, school officials must re-evaluate the household’s situation.

If you have any questions, please contact Rosemary O’Connell or Barbara Semper at 703-305-2590.

A handwritten signature in purple ink, reading "Stanley C. Garnett". The signature is fluid and cursive, with the first name "Stanley" and last name "Garnett" clearly legible.

STANLEY C. GARNETT
Director
Child Nutrition Division