Food and Nutrition Service

Park Office Center

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SUBJECT: Area Eligibility in Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The purpose of this memorandum is to revise guidance on the use of school and census data to establish area eligibility in the Child and Adult Care Food Program (CACFP), the At-Risk Afterschool component of CACFP, the Summer Food Service Program (SFSP), and the Seamless Summer Option (SSO) of the National School Lunch Program (NSLP). In 2014, Food Nutrition Service (FNS) consolidated previous guidance, simplified the area eligibility determination process to reduce administrative burden on State agencies and Program operators, and clarified how the Community Eligibility Provision (CEP) relates to area eligibility determinations. This memorandum further streamlines program administration by removing the requirement that FNS Regional Offices approve weighted average calculations. This memorandum supersedes: SP 10-2015, CACFP 04-2015, SFSP 03-2015, *Area Eligibility in Child Nutrition Programs*, November 21, 2014[1]

Data Sources and Establishing Area Eligibility

The two primary sources of data that may be used to determine whether a site is area eligible are school data and census data. The Richard B. Russell National School Lunch Act (NSLA) allows the use of school data to establish area eligibility in the CACFP [42 U.S.C. 1766(f)(3)(A)(ii)(I)(bb)] and SFSP [42 U.S.C. 1761(a)(1)(A)(i)(I)]. The NSLA also allows the use of census data to establish tier I eligibility for CACFP day care homes [42 U.S.C. 1766(f)(3)(A)(ii)(I)(aa)] and area eligibility for SFSP sites [42 U.S.C. 1761(a)(1)(A)(i)(II)]. The most recent guidance on the use of school and census data for area eligibility determinations in SSO is available at: http://www.fns.usda.gov/school-meals/opportunity-schools.

[1] The 2014 guidance superseded 7 earlier memoranda on area eligibility: SP 49-2014, CACFP 13-2014, SFSP 19-2014, Area Eligibility Using Census Data, May 28, 2014; SP 05-2014, CACFP 02-2014, SFSP 05-2014, Use of School and Census Data, November 12, 2013; SP 03-2014, CACFP 01-2014, SFSP 03-2014, Census Data Release: Fiscal Year 2014, November 8, 2013; CACFP 06-2013, SFSP 11-2013, Eligibility Based on Census Data: 2013 Data Release, February 21, 2013; CACFP 13-2012, SFSP 11-2012, Eligibility Based on Census Data: Revision of 2012 Data Release, April 26, 2012; CACFP 07-2012, SFSP 09-2012, Eligibility Based on Census Data: 2012 Data Release, February 13, 2012; and SFSP 18-99, Certifying Eligibility of Sites Serving American Indian or Alaska Native Children, February 12, 1999.

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Area eligibility determinations made using either school or census data must be re-determined every five years, in accordance with the NSLA. Once a site establishes area eligibility, the eligibility is effective for a period of five years, regardless of any transition from one Child Nutrition Program to another. However, because area eligibility for CACFP at-risk afterschool meals must be based on school data, SFSP sites that established eligibility using census data must provide additional documentation indicating that they are area eligible based on school data to participate in CACFP at-risk afterschool meals.

Use of School Data

School data may be used to establish area eligibility for the CACFP and for SFSP and SSO, excluding camps. In order for a site to be determined area eligible, school data must indicate that the proposed meal site is located in the attendance area of a school where at least 50 percent of the children are eligible for free or reduced price school meals. To determine area eligibility in situations where public schools routinely bus children from their neighborhood school to other schools or school choice policies are in place, please see memorandum SP 06-2013, CACFP 03-2013, SFSP 03-2013, *Determining Area Eligibility Based on School Data*, November 23, 2012, http://www.fns.usda.gov/sites/default/files/SP06_CACFP03_SFSP03-2013os.pdf.

CACFP regulations require State agencies to coordinate with their State's NSLP administering agency to obtain a list of schools, including elementary, middle, and high schools in the State where at least 50 percent of their enrolled children are eligible for free or reduced price school meals. This information must be provided by the NSLP State agency each year by February 15, and must be based on data from a designated month, most commonly the month of October [7 CFR 210.9(b)(21); 7 CFR 226.6(f)(1)(viii)(A); and 226.6(f)(1)(ix)(A)]. While SFSP regulations do not require State agencies to designate the use of school data from one particular month, FNS encourages using school data from the month designated for CACFP.

At the discretion of the applicable CACFP and SFSP State agencies, in situations where data from a more recent month in the school year is available and would establish area eligibility for an otherwise ineligible location, school data from that month may be used to establish area eligibility.

Community Eligibility Provision

As an alternative to collecting individual applications for free and reduced price meals, the Community Eligibility Provision (CEP) allows schools and local education agencies with a high percentage of low-income children to offer free meals at no cost to all students through the NSLP and School Breakfast Program [42 USC 1759a(a)(1)(F) and 7 CFR 245.9(f)].

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To determine area eligibility for a CEP school's attendance area, the individual school's identified student percentage (ISP) is multiplied by a factor of 1.6. If the resulting percentage is at least 50, meal sites within the school's attendance area are area eligible. Individual school data must be used to determine area eligibility, even if the school is participating in CEP as part of a group or district claiming with a shared ISP. If the school's ISP is at least 31.25, meal sites located in the attendance area of the school are area eligible (i.e., 31.25% x 1.6 = 50%). ISP data may only be used to determine area eligibility for schools electing CEP. If a school electing CEP collects alternate household income information to be used for other purposes, school data based on these applications may not be used to determine area eligibility.

School districts electing CEP must continue to provide to the NSLP State agency a list of schools under its jurisdiction in which 50 percent or more of enrolled children have been determined eligible for free or reduced price meals, using the ISP multiplied by 1.6 for CEP schools. For more information on CEP, see http://www.fns.usda.gov/school-meals/community-eligibility-provision.

Use of Census Data

CACFP day care homes and SFSP and SSO sites that establish eligibility using census data are required to use the most recent census data available [7 CFR 226.6(f); 7 CFR 225.6(c); SP 39-2014]. In 2005, the Census Bureau began to annually estimate household income using the American Community Survey (ACS). The ACS is an ongoing survey that provides annual estimates, based on sampling data, in order to give communities more current information than the decennial census is able to provide.

In 2012, FNS announced the release of these ACS data annually via memorandum. FNS annually announces the release of these data to State agencies via the CACFP and SFSP subscriptions on GovDelivery at https://public.govdelivery.com/accounts/USFNS/subscriber/new?pop=t. These data are released in October to encourage early recruitment and approval of SFSP and SSO sites and increase Program access.

Prioritizing Data in CACFP

CACFP regulations currently require institutions to first make reasonable efforts to establish area eligibility with school data prior to using decennial census data [7 CFR 226.15(f)]. Census data are now annually estimated and released therefore sponsoring organizations in the CACFP no longer have to first make a reasonable effort to establish area eligibility with school data prior to using census data [7 CFR 226.15(f)].

Geographic Areas Covered by Census Data

CACFP day care homes, SFSP sites, and SSO sites located in a Census Block Group (CBG) or Census Tract in which 50 percent or more of the children are eligible for free or reduced price school meals are considered area eligible for a period of 5 years. CACFP

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day care homes and SFSP and SSO sites are considered area eligible if they are located in a CBG or Census Tract that qualifies under either CACFP or SFSP.

Occasionally, a potential CACFP day care home or SFSP or SSO site is determined not to be area eligible, but is located immediately adjacent to an eligible area. This suggests that children in eligible census block groups may be served by and benefit from a CACFP day care home or summer meal site located in a neighboring census group in close proximity. In recognizing that likelihood and allowing additional flexibility in the use of census data to establish area eligibility, we can ensure area eligibility determinations accurately identify areas in which poor economic conditions exist.

Therefore, based on analysis of the proposed location, and with State agency approval, up to three adjacent CBGs may be averaged, using a weighted average, to determine eligibility. In such a case, CACFP day care homes and SFSP and SSO sites are considered area eligible if the percentage of children eligible for free or reduced price meals in the "referent' CBG and up to two additional adjacent CBGs, when averaged, is 50 percent or more, provided that at least 40 percent of children in each of the individual CBGs are eligible for free or reduced price meals. Census Tracts may not be combined. Due to successful training and implementation of this flexibility, this memorandum removes the requirement that the FNS Regional Office must also review and approve weighted average calculations.

State agencies must consider the following before approving a home or a site to be area eligibility using weighted averages:

- ✓ There are 3 or fewer CBGs in the calculation including the "referent" CBG where the site or facility is located.
- ✓ All CBGs in the calculation have at least 40% children eligible for free or reduced price meals.
- ✓ All CBGs in the calculation are adjacent to the "referent" block group where the site/home is located.
- ✓ The calculation uses the same age groups (i.e., 0-12 or 0-18 year olds) across CBGs.
- ✓ Make sure calculations are done correctly:
    - **Do use weighted averages.**
        - Add numerators of each CBG.
        - Add denominators of each CBG.
        - Divide the sum of numerators and sum of denominators.
    - **Do not** average the percentages of free or reduced price meals in each CBG.

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Reclassification of Day Care Homes

Sponsors must annually inform tier II day care home providers that the providers may ask for a reclassification to be considered when new census data become available each year and that reclassification may be made at any time for tier II homes. If a day care home is currently classified as tier II, but the CBG data demonstrates that the home is now tier I, then the sponsor may immediately change the status of that home to tier I and pay the higher rate of reimbursement for the current and subsequent months. A reclassification to tier I status is good for five years, at which time eligibility for this classification must be reconfirmed. When a home is reclassified, retroactive reimbursement at the higher tier I rates will not be provided for any previous month.

Area Eligibility Established Using Census Data between February 13, 2012, and April 6, 2012

The Census Bureau incorrectly categorized children with missing poverty information as eligible for free and reduced price meals in the dataset released by FNS on February 13, 2012. This coding error resulted in an overestimate of the number of children eligible for free or reduced price meals in the affected block groups.

State agencies monitoring SFSP, SSO, and CACFP sponsors that determined area eligibility using census data released between February 13, 2012, and April 6, 2012, should ensure that eligibility was re-determined for FY 2013. SFSP sites located within the affected CBGs for which eligibility determinations were made using the inaccurate data were permitted to maintain their eligibility for fiscal year (FY) 2012, but eligibility redeterminations were required for FY 2013. For purposes of CACFP, eligibility redeterminations for tier I day care homes located within the affected block groups were required by September 30, 2012, but State agencies were permitted to establish an earlier date. Eligibility determinations for CACFP day care homes and SFSP or SSO sites for which eligibility was determined after April 6, 2012, must have been made using the corrected data.

Accessing the Data

Census Tract and CBG data are now available through the FNS Area Eligibility Mapper, which is located at http://www.fns.usda.gov/areaeligibility. The FNS Area Eligibility Mapper was published in 2014 and intended for State agencies and sponsors to determine area eligibility in CACFP, SFSP, and SSO. The map also can be used to conduct weighted averaging as discussed above.

State agencies and sponsors may view, filter and download these data in a variety of formats, and at any time, through the Open Data Portal, at http://data.cacfp-sfsp.opendata.arcgis.com/datasets/3f2d86cd76d44fe39cec3b96a9417bbc_0. Please be aware of the long download times, due to the large file size.

Two independent organizations have developed online mapping tools that may help State agencies and sponsors identify potentially eligible CBG. These maps are constructed

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from the same data files and sponsors may use these sites to determine if a site is potentially eligible. However, sponsors are still required to show the weighted average calculation to and secure the approval of the State agency for all weighted average area eligibility determinations. The two tools are:

- Food Research and Action Center's (FRAC) Summer Food Mapper, http://www.fairdata2000.com/SummerFood/
- Share Our Strength's No Kid Hungry Averaged Eligibility Map, https://bestpractices.nokidhungry.org/sponsor-center/averaged-eligibility-map

Instructions for determining eligibility using these data and tools are available at: http://www.fns.usda.gov/sites/default/files/Census%20Instructions%202014_0.pdf.

Use of Other Approved Data Sources in SFSP

In SFSP, area eligibility also may be established by using documentation from other approved sources to demonstrate that 50 percent or more of the children in a defined area are eligible for free or reduced price school meals [7 CFR 225.2]. Eligibility determinations using approved alternative data also remain in effect for five years. Among others, approved alternative data sources may include:

- Departments of Welfare
- Zoning Commissions
- USDA's Rural Development Housing Authorities
- Housing and Urban Development (HUD) Housing Authorities
- Local Housing Authorities

For example, if an SFSP site is located in a HUD housing authority development and it does not qualify based on school or census data, the site may be considered area eligible using HUD data if residents of the housing development meet income eligibility requirements that are equivalent to or more restrictive than the SFSP requirements. The State agency and sponsor must work with the agency that maintains the data to confirm this information.

SFSP and SSO Sites Serving Children of Migrant Workers

Area eligibility also may be established upon a determination that an SFSP or SSO site predominantly serves the children of migrant workers [SFSP 04-2007, *Migrant Site Eligibility Determinations*, February 23, 2007, http://www.fns.usda.gov/sites/default/files/SFSP_04-2007.pdf]. Migrant sites operate similar to open or restricted open sites, as defined by Program regulations at 7 CFR 225.2, and may receive reimbursement for up to three meals per day served to any children in attendance [7 CFR 225.16(b)(4)].

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To confirm migrant status, sponsors must submit information obtained from a migrant organization that certifies that the site serves the children of migrant workers. If the site also serves non-migrant children, the sponsor must certify that the site predominantly serves migrant children [7 CFR 225.6(c)(2)K)]. Unlike other data sources, sites determined to be eligible based on information from migrant organizations, must be annually re-determined. State agencies are encouraged to work closely with sponsors of migrant sites to obtain documentation from migrant organizations.

SFSP and SSO Sites Serving American Indian or Alaska Native Children

Area eligibility can be established for SFSP and SSO sites that are located in areas in which poor economic conditions exist. The SFSP regulations define these areas as a geographic area where at least 50 percent of the children enrolled at the site are eligible for free or reduced priced meals under the NSLP [7 CFR 225.2]. Sponsors may document area eligibility by submitting documentation from a Tribal authority which certifies that the proposed site is located on a Tribal reservation, on trust land, or in an Alaska Native village where 50 percent or more of the children in the defined area are eligible for free or reduced price school meals. This provision is similar to the provision in 7 CFR 225.6(c)(2)(i)(K), which simplifies certification of migrant sites. This policy supports the expansion of access to SFSP and SSO to American Indian and Alaska Native children and reduces paperwork burden for sponsors and families.

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.

Original Signed

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