



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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**DATE:** August 24, 2012

**MEMO CODE:** SP 45-2012

**SUBJECT:** Preventing Overt Identification of Children Certified for Free or Reduced Price School Meals

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

This memorandum serves as guidance on the requirements for preventing overt identification of children certified for free or reduced price school meals. In addition, we are providing suggestions about methods school food authorities (SFAs) could use to avoid overt identification as much as possible.

#### **Defining Overt Identification**

Overt identification is any action that may result in a child being recognized as potentially eligible to receive or certified for free or reduced price school meals. SFAs must assure that a child's eligibility status is not disclosed at any point in the process of providing free or reduced price meals, including notification of the availability of free or reduced price benefits; certification and notification of eligibility; provision of meals in the cafeteria; and the point of service.

#### **Preventing Overt Identification of Directly Certified Children**

SFAs are not required to provide applications to parents when children are eligible for free meals through direct certification, but must assure that these children are not overtly identified through the method used to distribute applications. If an SFA distributes applications to individual households, such as by mail (including e-mail), or in individual student packets; or online availability, applications do not have to be provided to households in which all children are determined eligible through direct certification. If the distribution method is not individualized, all households must be provided applications. (See 7 CFR 245.6(b)(10)).

#### **Prohibited Actions**

The following actions are prevented by law and regulation:

- Publicizing or announcing eligible households or children's names;
- Using different mediums of exchange (see below for additional discussion);
- Having separate dining areas, service times or serving lines;

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.

- Limiting choices of reimbursable meals; and
- Requiring that children work for their meals.

(See the Richard B. Russell National School Lunch Act section 9(b)(10), 42 U.S.C. 1758(b)(10), and 7 CFR 245.8.)

### **Media of Exchange Restrictions**

Of particular concern is prevention of overt identification in the food service area, especially at the point of service. Any meal cards, tickets, tokens or other methods to obtain reimbursable meals cannot be coded or colored in a manner that would overtly identify free and reduced price eligible children. In addition, SFAs must take steps to assure that rosters, computer-screens or other equipment used at the point of service cannot be viewed by anyone not needing the information, especially students. Further, the information on the rosters or screens should be masked or coded to avoid other students discerning any student's eligibility status.

SFAs are encouraged to use prepayment systems as much as possible to limit exchange of money which inadvertently can indicate a student's eligibility status. SFAs must make reasonable efforts to publicize and encourage use of prepayment options by students and parents. SFAs should provide multiple ways to make prepayments, such as on-line, multiple locations within the school, especially when students are arriving or changing classes, and remind parents through e-mail, notices, or other means, when a student's balance is low.

### **Food Service Area Considerations**

SFAs are prohibited from having separate dining areas, service times or serving lines or limiting the choices of reimbursable meals based on a student's eligibility status. In addition, SFAs choosing to sell competitive foods during the meal service are encouraged to ensure the operation of the sale of competitive foods does not inadvertently result in eligible children being identified. Ways to limit overt identification related to the sale of competitive foods include:

- Limit competitive foods to those also offered as part of reimbursable meals on the reimbursable lunch lines;
- Offer competitive foods on the same lines as reimbursable meals are offered; or
- Only allow competitive foods to be purchased with a pre-paid card.

### **Monitoring**

SFAs must avoid any policy or practice that has the effect of overtly identifying eligible children. Where necessary, local education agencies should promptly update their policy statements, implementation procedures, and operations to comply with this guidance. State agencies must assure that SFAs' practices address ways to prevent overt identification. This includes reviewing policy statements and point of service systems for new SFAs submitting applications for

Regional Directors  
State Directors  
Page 3

participation in the school meals programs. Further, State agencies are required to review the policy statement and the medium of exchange used as part of the general areas when conducting administrative reviews.

State agencies are reminded to distribute this memo to program operators immediately. SFAs with questions regarding this memorandum should contact their State agency. State agencies should contact their Regional office with any questions.

**Original Signed**

Cynthia Long  
Director  
Child Nutrition Division