



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: National School Lunch Program, School Breakfast Program and Special Milk Program Sponsors

FROM: Paul F. Flinter, Chief
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: June 18, 2008

SUBJECT: Operational Memorandum #21-08

- I. Automatic Eligibility for Free Meal Benefits Extended to All Children Enrolled in Head Start
- II. Clarification of the Terms Local Education Agency and School Food Authority

I. Automatic Eligibility for Free Meal Benefits Extended to All Children Enrolled in Head Start

This memorandum provides guidance regarding amendments to the Richard B. Russell National School Lunch Act (NSLA) that extend automatic eligibility for free meal benefits, including free milk, to all children enrolled in Head Start and participating in child nutrition programs.

On December 12, 2007, the President signed *The Improving Head Start for School Readiness Act of 2007* (Public Law 110-134) which contains several significant revisions to the Head Start program, including amendments to the eligibility criteria in section 645 of the Head Start Act (42 U.S.C. 9840). Public Law 110-134 also amends sections 9(b)(12)(A)(iii) and 17(c)(5) of the NSLA to correspond with the new eligibility criteria.

Head Start serves primarily children from families with household incomes at or below the Federal poverty level. However, a small proportion of children in families with household incomes above the poverty level may be served. In the past, only those children who were income eligible for Head Start were considered automatically eligible for free meals in the child nutrition programs.

Public Law 110-134 makes *any* child enrolled in Head Start automatically eligible for free meals without further application or eligibility determination. Therefore, even a child who is not from a household with an income at or below the poverty level is automatically eligible for free meals if they are enrolled in Head Start.

Institutions and school food authorities (SFA) may now establish eligibility of all Head Start enrollees through documentation provided by the Head Start program. The United States Department of Agriculture (USDA) will be updating the relevant eligibility guidance to reflect this change.

All reimbursable meals served to children enrolled in Head Start may be claimed at the free rate. Institutions and SFAs may submit revised claims to collect reimbursement for all meals served to Head Start enrollees that were not previously claimed at the free rate. All such reimbursable meals served on December 12, 2007, and beyond may be claimed. **The following steps outline the process for filing revised school Child Nutrition reimbursement claims due to changes in Head Start:**

1. Prepare a revised reimbursement paper claim form (ED 103) for each affected month. A copy is enclosed.

The only changes to the originally-filed reimbursement claims that will be accepted for processing are changes to reflect the re-categorization of eligibility counts for Head Start participants. There should be NO other changes to meal counts on this form and the revised total of free, reduced an paid meals must add up to the original total on the original online claim. This is an exception to the

normal claim revision process and it should not be associated with the claim filing deadlines previously outlined in Operational Memorandum #1-08 dated October 25, 2007. A copy may be downloaded at http://www.sde.ct.gov/sde/LIB/sde/pdf/DEPS/Nutrition/OPmemos/08/OM_01_08.pdf.

- 2. Submit the revised claims to the Child Nutrition Unit no later than September 15, 2008.** Revised claims should be addressed to the attention of Avis Kelly, Child Nutrition Programs, 25 Industrial Park Road, Middletown, CT 06457.

If claims are revised to retroactively claim meals at the free rate, SFAs must refund any money they received from the families of Head Start children who were not previously eligible for free meals.

II. Clarification of the Terms Local Education Agency and School Food Authority

Prior to 2004, the term “school food authority (SFA)” was used for local agencies administering the school meals programs. In 2004, the Child Nutrition and WIC Reauthorization Act (Reauthorization Act) added the term “local educational agency” (LEA) to identify the entity responsible for application, certification and verification activities for the NSLP, School Breakfast Program (SBP) and Special Milk Program (SMP). The *Eligibility Manual for School Meals* uses the term LEA for references made regarding application, certification and verification processes and uses the term SFA when discussing other activities. Therefore, it is important to understand the differences between the two terms and use the term LEA when referring to the application, certification and verification processes.

Local educational agency means:

- the public board of education or other public or private nonprofit authority legally constituted within a State for the administrative control of public or private nonprofit schools in a political subdivision of a State;
- an administrative agency or a combination of school districts or counties that is recognized by the State;
- any other public or private nonprofit institution or agency having administrative control and direction of a public or private nonprofit schools, residential child care institutions; or
- the State educational agency in a State or territory in which the State educational agency is the sole educational agency for all public or private nonprofit schools.

School Food Authority is defined as the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate the school meals programs in those schools.

A copy of the *Eligibility Manual for School Meals* may be found at: <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Nutrition/EligibilityManual.pdf>.

Questions pertaining to this memorandum may be directed to:

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Enclosure