



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Sponsors of the National School Lunch, School Breakfast and Special Milk Programs
FROM: Cheryl Resha, Education Manager
Bureau of Health/Nutrition, Family Services and Adult Education
DATE: September 19, 2008
SUBJECT: **Operational Memorandum #26-08**
I. Changes in Carryover of Previous Year's Eligibility
II. Cooperation with Federal Communications Commission's (FCC)
E-Rate Audits
III. Automatic Eligibility for Early Head Start

I. Changes in Carryover of Previous Year's Eligibility

Based on the new *Eligibility Manual for School Meals* which may be downloaded at <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Nutrition/EligibilityManual.pdf>, local education agencies (LEAs) **must** carryover a child's previous year's eligibility for up to 30 operating days (beginning with the first day of school) into the current school year. This applies to direct certification, categorical eligibility determinations and income applications. In the past, State Agencies were allowed some discretion as to the expiration date of a child's eligibility (i.e., Connecticut allowed the carryover of a student's previous year's eligibility to end on September 30th of each year for all LEAs). However, the new Manual indicates that State Agencies and LEAs **cannot** establish a shorter time frame for carryover. Therefore, each school district will need to determine their expiration date of eligibility. For example, if a LEA starts school on September 2, 2008, and a household does not submit a new application for the new year, the previous year's eligibility would be acceptable through and including October 14, 2008 (30 operating days from the first day of school assuming October 13, 2008 is a holiday).

It is important to note that applications must be reviewed in a timely manner. An eligibility determination must be made and implemented within ten working days of the receipt of the application. Whenever possible, applications should be processed immediately, particularly for children who do not have approved applications on file from the previous year.

II. Cooperation with Federal Communications Commission's (FCC) E-Rate Audits

Operational Memorandum #17-08 addressed the issue of LEAs sharing individual children's eligibility status of their free and reduced price meal applications with E-Rate auditors. (E-Rate programs provide discounts to schools to obtain affordable telecommunication and Internet access.) At that time, the United States Department of Agriculture (USDA) indicated that LEAs could not release individual children's eligibility status or their applications to these E-Rate auditors. However, after further research and investigation, USDA has determined that release of information to the E-rate auditors **is permitted** under section 9(b)(6) of the Richard B. Russell National School Lunch Act (NSLA). That section allows release of certain student eligibility information to Federal education programs. USDA has worked with the FCC to ensure that their audit protocols comply with the requirements of the NSLA.

As long as the audit protocols below are followed, LEAs may share individual children's information with authorized FCC auditors. The applicable protocols are to:

- compare aggregate enrollment data with aggregate free and reduced price eligibility data;
- for a small sample of eligible students, request their applications (which could

- include direct certification records);
- confirm that an application or other documentation exists for each selected student; and
- prohibit auditors from retaining personal student information

Auditors cannot verify the accuracy of the LEA's determinations and cannot contact the household. Further, because these auditors are bound by USDA's disclosure requirements, auditors cannot share or otherwise release individual information. FCC has instructed their auditors that the LEA may redact all information from the application that does not directly show that a student has an approved application or other documentation on file. For example, if the student is identified by his/her student number, the LEA could edit the student's name, address, etc. as long as the student number and approved eligibility status were visible.

III. Automatic Eligibility for Early Head Start

Operational Memorandum #21-08 provided guidance on the automatic eligibility for free meal benefits extended to all children enrolled in Head Start. This memo supplements the guidance outlined in Operational Memorandum #21-08 and provides information about free meal benefits for participants in Early Head Start.

Early Head Start is a federally-funded child development program that provides services to low-income infants, toddlers, and pregnant women. It has the same eligibility criteria as Head Start. Therefore, the amendments to the Richard B. Russell National School Lunch Act that make any child enrolled in Head Start automatically eligible for free meals also apply to participants in Early Head Start.

In addition to children who are enrolled in Head Start, the law establishes free meal eligibility for infants and toddlers, and, in some instances, pregnant women, who receive Early Head Start services. To establish automatic eligibility, prospective mothers must be enrolled in Early Head Start and be eligible to receive school meals through the National School Lunch and School Breakfast Programs, or another child nutrition program.

Participants in Early Head Start may receive free meal benefits without further application or eligibility determination. Acceptable documentation for participants includes an approved Early Head Start application, a statement of early Head Start enrollment, or a list of participants from an Early Head Start official. All reimbursable meals served to participants in Early Head Start may be claimed at the free rate.

Questions pertaining to this memorandum may be directed to:

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Important: This is a numbered Operational Memorandum that contains important program information. Please read carefully and retain in a binder for your future reference. Operational Memoranda are also posted on the Child Nutrition website: <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320676>