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DEPARTMENT OF EDUCATION
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**FISCAL YEAR 2014
CHILD AND ADULT CARE FOOD PROGRAM
OPERATIONAL MEMORANDUM #6**

TO: Child and Adult Care Food Program Institutions

FROM: Kyle L. Guerrant, Director
Office of School Support Services

DATE: December 13, 2013

SUBJECT: **Effective Date of Free or Reduced Price Meal Eligibility Determinations**

Action: **Determine Effective date for Household Income Eligibility Statements (HEIS)**

This memorandum clarifies the flexibility available to institution officials for establishing the effective date of eligibility for children certified for free or reduced price meals in the National School Lunch (NSLP), School Breakfast Programs (SBP), and free milk in the Special Milk Program (SMP) based on household applications. Please note, while this memorandum specifically discusses the NSLP, SBP and SMP, this flexibility extends to the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP), as applicable.

Children have generally been certified eligible for free or reduced price meal benefits on the date the HIES is approved. However, institutions have flexibility concerning the effective date of approval for program benefits. Section 9(b)(9)(A) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1758(b)(9)(A), states that a child in a household meeting the income limits "at the time the application is submitted...shall be served a free lunch." [Section 9(b)(9)(B) provides the same authority for reduced price lunches.] The specific point in time for the effective date of eligibility is not addressed in program regulations. The *Eligibility Manual for School Meals* provides that the determination, notification, and implementation of free or reduced price meal status be made within ten operating days from the date the HIES is received by the institution. **Therefore, if the institution chooses, it may establish the date of submission of an HIES as the effective date of eligibility, rather than the date the institution official approves it.** This flexibility applies to eligibility determinations made through

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the HIES process only, and only to complete HIES containing all required information at the time of submission (see part 3C of the *Eligibility Manual* that can be found at www.michigan.gov/cacfp under Resources). Institutions can use this flexibility when processing HIES.

Institutions exercising this flexibility must do so for all participants at all sites. In addition, institutions must have a method to document the date HIES were submitted, such as a date stamp. Use of this flexibility is at the institution's discretion; however, an institution implementing this flexibility must notify CACFP.

This flexibility would assist low income children by allowing them to access free or reduced price meals during the eligibility determination period. However, CACFP expects this flexibility to have a limited application in CACFP programs as HIES are typically processed within the month they were submitted.

If you have any additional questions concerning this memorandum, contact CACFP at 517-373-7391 or go to <http://www.fns.usda.gov/cnd/Care/Regs-Policy/PolicyMemoranda.htm> to view the federal guidance.