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April 5, 2002

CACFP 02-24

MEMORANDUM

TO: Institutions Participating in Child and Adult Care Food Program

FROM: Arnette Cowan, MS, RD, LDN
Head, Special Nutrition Programs Unit

SUBJECT: **Automatic Eligibility for Free Meals in the CACFP for Participants in the Head Start Program, 226.23-06**

The Head Start Program, administered by the U.S. Department of Health and Human Services, is a national program providing comprehensive child development services to low-income children and their families. The number of children (slots) in which the Head Start grantee is to serve, as indicated on the grant award, is termed the "funded allotment." Although many States fund additional Head Start slots in order to expand program access, these slots are not a part of the Head Start Program authorized under the Head Start Act. Therefore, children in such state-funded slots are not covered by the above-mentioned provision of Public Law 103-448, and are not automatically eligible for free meals in the CACFP.

Head Start Program regulations (45CFR 1305.4) require that at least 90 percent of the children who are enrolled in each Head Start Program must be from low-income families. Up to 10 percent of the children enrolled may be from families that exceed the low-income guidelines.

A low-income family is defined in 45 CFR 1305.2, as a "family whose total annual income before taxes is equal to, or less than, the income guidelines. For the purposes of eligibility, a child from a family that receives public assistance or a child in foster care is eligible even if the family income exceeds the income guidelines."

"Income guidelines" refer to 100 percent of the Federal poverty guidelines, which are adjusted for family size and to reflect annual changes in the Consumer Price Index.

During the initial enrollment, applicant families must submit an application which identifies income information. For income-eligible applicants, a Head Start employee signs a statement identifying the documents examined and stating that the child is income eligible to participate in the program. If a child has been found income eligible and is participating in a Head Start Program, he or she remains income eligible through that enrollment year, and the immediately succeeding enrollment year. Generally, each child enrolled in a Head Start program must be allowed to remain in Head Start until kindergarten or first-grade is available. However, 45 CFR 1305.7 does allow a Head Start Program to choose not to enroll a child where there are



compelling reasons for the child not to remain in Head Start, such as when there is a change in the child's family income, and there is a child with a greater need for Head Start services.

NSLA Provisions for Automatic Eligibility for Free Meals

Sections 9(b) and 17(c)(5) of the NSLA state that a child shall be considered automatically eligible for free breakfasts and lunches under the SBP and the NSLP and for benefits under the CACFP without further application or eligibility determination, *if the child is "enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination by a member of a family that meets the low-income criteria prescribed under section 645(a)(1) of the Head Start Act (42 U.S.C. 9840 (a)(1)(A)."*

The statutory language sets forth two conditions regarding the implementation of the automatic eligibility for free meals provision for Head Start participants. First, the child must be enrolled as a participant in the Head Start Program under the Head Start Act, i.e., the children must be part of Head Start's "funded enrollment." Under Head Start regulations, (45 CFR 1305.2), "enrollment" means the official acceptance of a family by a Head Start Program and the completion of all procedures necessary for a child and family to begin receiving services.

Second, the child must be determined to be a member of a family that meets the low-income criteria prescribed under the Head Start Act. Such a determination is made by the Head Start grantee based on the low-income criteria specified in 45CFR 1305.2 of the Head Start Program regulations (i.e., the household is at or below 100 percent of the Federal poverty guidelines or based on receipt of public assistance or foster care.)

Children who participate in Head Start but who are not determined to be income eligible or who participate in a state-funded Head Start program, need to complete a free and reduced price application to be considered eligible for free or reduced price meals.

To facilitate implementation of this provision, the following applies:

Documentation for Head Start Enrollees – To minimize the paperwork burden, the Head Start statement of income eligibility issued upon initial enrollment in the Head Start Program constitutes sufficient documentation of automatic eligibility for free meals for the period of time the child is enrolled as an income-eligible Head Start participant. If the statement is readily available to the official(s) designated by the school food authority/institution to determine eligibility for free meals, no further action is necessary.

In those cases where the statement is not readily available, (e.g., "wrap around" programs where the food service and the Head Start Program are administered by separate entities), the NSLP, SBP, and CACFP determining official must obtain documentation of the Head Start participants' income eligibility in order to confer automatic eligibility for free meals. Such documentation may be as simple as a list of the names of the income-eligible Head Start participants and a statement certifying that those children are currently enrolled as participants in the Head Start Program based on a determination that the children are from families that meet the low-income criteria prescribed under the Head Start Act. The documentation must also include the signature or facsimile of a Head Start employee authorized to provide the certification on behalf of the Head Start office, as appropriate, and the date.

Annual Update for NSLP, SBP and CACFP At the beginning of each year, the determining official must establish whether each child meets or continues to meet the conditions for automatic eligibility.

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Providing a Free and Reduced Price Application If Head Start participants are not automatically eligible for free meals because their income exceeds the Head Start Program standards or because they participate in a State-funded Head Start program, the child's family must be provided a free and reduced price application so that they may establish eligibility for free and reduced price benefits in the NSLP, SBP, and the CACFP. Instructions on how to apply for free and reduced price benefits must be provided.

Verification of Eligibility Verification of eligibility is not required for those children who have been determined eligible for free meals for the NSLP and the SBP based on documentation obtained from Head Start.

Special Milk Program – Since the provisions of Sec. 9 of the NSLA are extended to the Special Milk Program, children from low-income families, as defined by the Head Start Act, who are enrolled in the Head Start Program must also be considered automatically eligible for free milk under the SMP when the school or institution has elected to serve free milk to eligible children.

Effective Date By statute, this provision is effective beginning September 25, 1995.

Record Retention The Head Start statement of income eligibility and, if applicable, the list of eligible, must be maintained on file and readily available for review by the U.S. Department of Agriculture, the State agency, or other appropriate agencies for a minimum of three years from the end of the fiscal year to which the information applies or as otherwise specified in the program regulations.

If you have questions, please contact your regional consultant.

AC/ERB/clg

cc: SNP Staff
Auditors