



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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**DATE:** February 10, 2012

**MEMO CODE:** CACFP 06-2012, SFSP 08-2012

**SUBJECT:** Guidance on Income Eligibility Determinations and Duration

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

State Directors  
Child Nutrition Programs  
All States

This memorandum provides guidance and clarification regarding individual income eligibility determinations and durations in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP). This memorandum supersedes Policy Memorandum CACFP 06-2010, *Expiring Income Eligibility Forms and Determining Claiming Percentages*, November 20, 2009, and CACFP 10-2006, *Free and Reduced Price Meal Eligibility Determinations*, March 30, 2006.

### **Eligibility Duration**

In accordance with 7 CFR §226.23(f), CACFP institutions must collect and report to State agencies free, reduced-price, and paid meal eligibility information. Such information must be updated annually and may not be more than 12 months old. Income eligibility forms should be considered current and valid until the last day of the month in which the form was dated one year earlier. The date to be used to make this determination is the date on which the sponsor or independent center official signs the application to certify eligibility of the participant. This means that a form signed and dated by a sponsor on January 12, 2012, is considered valid until January 31, 2013. This eligibility duration determination method applies to day care centers, and family day care homes, and should be used to assess the expiration of an income eligibility form in all situations, regardless of the reimbursement calculation method used. These provisions also apply to the determination of eligibility for free meals under the SFSP when individual children's eligibility must be established in accordance with 7 CFR §225.15(f).

### **Change in Income**

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) modified requirements related to reporting changes in income during the period of eligibility covered by the application. Households are not required to report changes in circumstances, such as an increase in income, a decrease in household size, or when the household is no longer certified eligible for benefits through the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF).

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Therefore, once a household is approved for free or reduced price or tier I benefits, the household remains eligible for those benefits for a period not to exceed 12 months, regardless of any change in household income.

### **Elimination of Temporary Approval**

The final rule, “Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program,” eliminated the practice of temporary approvals for free or reduced price meal benefits (76 FR 66849, October 28, 2011). The Child Nutrition and WIC Reauthorization Act of 2004 extended the eligibility period in the National School Lunch Program (NSLP) to 12 months, eliminating the use of temporary approvals. Because income guidelines for determining eligibility in CACFP and SFSP must align with those of the NSLP, this provision also applies to CACFP and SFSP.

Previously, temporary approval was encouraged when the need for assistance seemed short-term, such as when a household experienced a temporary reduction in income or when no income was reported. Year-long eligibility did not apply when a household was given temporary approval. At the end of the temporary approval period, determining officials re-evaluated the household’s situation. Now, households that were in temporary approval status on November 28, 2011, or have been temporarily approved since that date must be approved for an entire year, with the original date of the temporary approval as the start of the year of eligibility. If a household’s temporary approval expired prior to November 28, 2011, the household must submit new income eligibility forms. Year-long eligibility includes households that report no income on their income eligibility forms.

### **Establishing Claiming Percentage**

In accordance with 7 CFR §226.9(b)(2), State agencies must establish claiming percentages, no less frequently than annually, on the basis of enrolled participants eligible for free or reduced price meals. During any month in which a claiming percentage is being established, because an income eligibility form is valid until the last day of the month that it was originally dated, any income eligibility forms expiring that month should be included in determining that claiming percentage. The claiming percentage may then still remain valid for up to 12 months. Claiming percentages are intended to capture the number of eligible children at a facility during one period of time. Including all currently valid income eligibility forms, regardless of when they expire within that month, is consistent with this intent.

State agencies should direct any questions concerning this guidance to the appropriate Food and Nutrition Service Regional Office.

**Original Signed**

Cynthia Long

Director

Child Nutrition Division