Eligibility Tool Kit

Introduction

Welcome to the 2022/23 school year. ODE Child Nutrition Program (CNP) has developed this Eligibility Toolkit to help in the transition from operating under the Seamless Summer Option, which allowed all students to eat at no cost, to determining student level eligibility for free and reduced price meals, using standard counting, and claiming processes. This guide is to support Local Education Agencies (LEA) in making eligibility determinations as well as provide clear and easy access to available resources.

Important: Determining student eligibility is a critical process in administering federal nutrition programs. Please take time to familiarize yourself with the provided resources and reach out to your assigned Child Nutrition Specialist with questions.

Community Eligibility Provision

If you are a sponsor operating under district wide Community Eligibility Provision (CEP), the information in this document does not apply to your program. If you are a sponsor that operates with CEP eligibility for some sites, but not district wide, follow the eligibility guidelines described for all sites not operating under CEP.

The following topics will be covered in this toolkit:

Eligibility Officials and Hearing Officials
Household Applications for Federal Free and Reduced Price Meals
Household Application for Oregon Expanded Income Guidelines
Direct Certification
Verification
Confidentiality and Disclosure of Free and Reduced Information

Eligibility Officials and Hearing Official

Overview

Sponsors must identify the individuals serving as the Eligibility Official as well as the Hearing Official. The same person may not fill these two roles.

- Eligibility Official- This role is also referred to as "Determining Official" in the *USDA Eligibility Manual for School Meals*. This is the person designated by the Local Educational Agency (LEA) as the official responsible for determining children's eligibility for free and reduced price meals.
- Hearing Official- LEAs must have an appeal process to address households wishing to appeal the denial of their benefits. The hearing must be conducted and the decision made by a hearing official who did not participate in making the decision under appeal.

Household Applications for Free and Reduced Price Meals

Applicable to private schools in Oregon, Afterschool Snack or the Special Milk Program

Overview

All LEAs participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) must make free and reduced-price meals available to eligible students. LEAs must make applications available to all students.

Requirements

- ✓ Around the start of the school year, the public must be notified that free and reduced price meals and/or free milk are available. Sponsors may use the current school year Public Release from ODE to meet this requirement.
- ✓ LEAs must distribute parent notification letters, meal applications (with instructions) to parents of all children at or about the beginning of the school year.
- ✓ Any communication with households concerning eligibility determination must be in a language that can be understood by the household. USDA has language translations of the Prototype Application for Free and Reduced Price School Meals, parent notification letter, and application instructions available.
- ✓ LEAs must have a system in place to identify language needs of households. USDA has the "I Speak" resource document to help identify the primary language of non-English speakers.

Processing Applications: Resources and Tips

- Use the most current version of the USDA Eligibility Manual for School Meals as a guiding document.
- The ODE CNP Online Application for Free and Reduced Meals is available for all LEAs to use at no charge. Instructions on how to download applications from the portal are available here. Postcards that can be sent to households promoting the Online Free and Reduced Application are available in English and Spanish.
- LEAs must process applications within 10 operating days of receipt.
- Date stamp applications when received to demonstrate processing time (best practice).
- Effective date of eligibility can be the date the application was submitted or the date the application was approved. If using the date the application was submitted, the LEA must notify the Oregon Department of Education Child Nutrition Programs ODE CNP prior to implementation using the form provided in CNPweb on the Packet tab.
- Additionally, all programs must have a method to document and track dates.
- Eligibility is carried over from the previous school year for 30 operating days or until a new eligibility determination is made, whichever is earlier.
- All applications must be retained for three years after the end of the school year.

Approving Applications

- Applications are approved by Categorical Eligibility or Income Eligibility:
    - **Categorical Eligibility**

- A household member providing an Assistance Program case number (SNAP / TANF / FDPIR) determines eligibility.
- Households must name the source of the case number.
- If the supplied case number is not consistent with Oregon assistance program numbers, as listed on this document, the Local Education Agency (LEA) should contact the household or assistance program agency to confirm eligibility
- Categorical Eligibility extends to all household members for SNAP/ TANF/FDPIR (no eligibility extension for foster children / migrant/ homeless / Head Start).
- For SNAP notification letters and SNAP case numbers provided on an application, the LEA should compare the application or letter with the Direct Certification list. If found on the Direct Certification list, the application is disregarded and the household is directly certified

- **Income Eligibility**

  Income Application must include:
  - Names of ALL household members
  - Last four digits of the Social Security Number of the adult who signs the application or indication of no Social Security Number
  - Current amount of income for each household member
  - When no income is provided, the application is still considered complete with zero income
  - Convert to annual income when there is more than one pay frequency (Weekly x 52; every two weeks x 26; twice a month x 24; monthly x 12) See Income Conversions page p 61 of the USDA Eligibility Manual
  - Use most current Federal Income Guidelines
  - ODE Processing Federal Income Applications Guidelines

Household Notification

- Households must be notified of their eligibility status. The USDA Prototype Family Notification Letters Template is available for LEAs to use.
- USDA has language translations of the Prototype Family Notification Letters Template
- The "Hearing Official" is the individual responsible for reviewing and making a determination regarding an appeal to benefit determination.
- The hearing official cannot be the same person as the Determining Official.
- Household notification letters should include the name and contact information of the Hearing Official.
- Households approved for free or reduced price meals may be notified in writing or verbally (including directly certified students).
- Households denied benefits must be provided **written** notification, including:
  - Reason for denial of benefits

- Right to appeal / Instructions on how to appeal
- Statement that the family may re-apply anytime during the school year

Household Applications for Oregon Expanded Income Guidelines

Overview

The Oregon Expanded Income Guidelines (EIG) is an Oregon funded school meal provision program. The program provides a supplemental reimbursement to the federal paid reimbursement amount for meals provided at no charge to students who qualify under Oregon EIG guidelines, but who do not qualify for free or reduced meals under federal income guidelines. Oregon EIG is mandatory for Oregon public schools that are not participating in CEP.

- LEAs may use the *Oregon Household Application for Free and Reduced Price School Meals* or online Household Application for Free and Reduced Price School Meals provided by the Oregon Department of Education (ODE) or eligibility software providers.
- In addition to the meeting the federal notification requirements, LEAs may distribute the Oregon EIG Parent FAQ about Free and Reduced Price Meals with applications.
- Sponsors will first determine student eligibility for free, reduced price, or paid categories using the Federal Income Guidelines and issue the Federal Notice to Household of Approval/Denial of Benefits. See Topic: Processing Applications for Federal Free and Reduced Price Meals
- Sponsors will then determine if applications in the federal paid/denied category are eligible for Oregon EIG, by referring to the Oregon Expanded Income Guidelines.
- The Application Processing Guidance for Oregon Expanded Income Guidelines is a helpful resource to aide Eligibility Officials in making eligibility determinations of Oregon EIG benefits.
- Sponsors must issue the EIG approval letter if applicable, in addition to the Federal Notice of Denial of Benefits.
- The Oregon EIG section of the ODE SNP Meal Access and Reimbursement webpage has foreign language translations of the Oregon EIG Application and Oregon EIG Household Approval letters available in Arabic, Chinese, Russian, Somali, Spanish and Vietnamese.

Direct Certification

Overview

Direct certification is the process LEAs use to certify categorically eligible children for free meals without further application.

Requirements

- ✓ LEAs must directly certify children who are members of households receiving benefits from the Supplemental Nutrition Assistance Program (SNAP).
- ✓ Direct certification must be performed three times per year (beginning of the school year, three months after initial, and six months after initial). This requirement applies to

schools operating standard counting and claiming as well schools participating in Provision 2 for breakfast or lunch, but not both.

- ✓ CEP schools and schools participating in Provision 2 serving breakfast and lunch are required to conduct direct certification at least once per school year.
- ✓ Best practice is to conduct direct certification frequently; at a minimum of monthly during the school year.

Direct Certification Data System

ODE CNP has an electronic data-match system to produce a direct certification list. LEAs can use this list to "directly certify" students without further application. The Direct Certification file combines Secure Student Identifier (SSID) records that school districts submit to ODE with SNAP participation and foster care records from the Oregon Department of Human Services. These records are used to certify students for free meals at participating schools.

Schools and school districts may retrieve these records by using the weekly download, or the Membership List Upload.

Process

- Perform direct certification at required intervals or more frequently.
- Extend free meal eligibility to all students in a household where any household member received assistance program benefits.
- Notify households of their eligibility:
  - Notification may be in writing or verbal.
  - Email notification is allowed if the LEA has an email address for a parent or guardian listed on the direct certification download.
  - Notification should only be send to the guardian/parent name and address listed on the direct cert download.

Direct Certification System Access

- Public schools- Contact your System Administrator to gain access to the direct certification system.
- Private schools- Email ode.schoolnutrition@ode.oregon.gov

Verification

Overview

Verification is the annual, mandatory process that confirms the eligibility of a sample of completed household meal eligibility applications in the National School Lunch and School Breakfast Programs. Each LEA must select and verify a sample of applications approved for free and reduced-price meal benefits. The required sample size of applications to be verified is based on the number of approved applications on file on October 1.

Requirements

- ✓ LEAs must annually verify eligibility of children from a sample of household applications submitted prior to October 1 that were approved for free and reduced price meal benefits.
- ✓ LEAs must complete the annual verification process by November 15.

Annually submit the Verification Summary Report to ODE CNP by February 1.

Process

Step 1.
The first step in the verification process is establishing the sample pool. The sample pool uses the total number of approved applications on file as of October 1 of the current school year.

Step 2

- Once the total number of subject applications (Sample Pool) has been determined, you must then determine your sample size based on the method of verification. The sample size may not be increased beyond the required number of applications according to the method below.

  There are three methods:
  - Standard (3% error prone method)
  - Alternate one
  - Alternate two

ODE CNP will notify LEA's of which method must be used on an annual basis.

Step 3.
There are two procedures the LEA must complete prior to contacting the household to obtain documentation of eligibility. The required confirmation reviews and the optional replacement of certain applications.

- Confirmation Review:
  - Prior to any other verification activity, a determining official must review each approved application selected for verification to ensure the initial determination was accurate.
- Optional Replacement of Selected Applications:
  - When the need arises, a LEA may replace, on a case-by-case basis, up to five percent of the applications selected for verification.

Step 4
Begin verification of applications by checking for direct verification. Note: Direct verification is different from direct certification.

- Direct verification involves using records from public agencies to verify household income or household participation in an eligible program

- Direct verification can be done by accessing a list of Medicaid recipients that ODE CNP posts annually during the verification time period. This data is found in the ODE CNP Direct Certification webpage and can be used to verify income or program participation.
- If direct verification is completed and income is verified, the household does not need to be contacted.

Step 5
When a household is selected for verification, the LEA must inform the household, in writing, of its selection and must provide a list of the documents or other forms of evidence the household must submit to the LEA. The ODE Notice of Verification Selection Letter can be used. This letter is available in several different languages on the ODE Verification Website.

Step 6
The LEA must make at least one attempt to contact the household when the household does not adequately respond to the request for verification.

Step 7
When a household submits the required documents, the LEA must review the submitted documents to ensure they adequately address the verification request.

Step 8
Sponsors must conclude the verification process with the selected households and notify them of the outcome by **November 15** of each year. The ODE Notice of Adverse Action: Changing Meal Benefits and the Notice of Adverse Action: Not Responding to Verification can be used. These letters are available in several different languages on the ODE Verification Website.

Step 9
The LEA has completed the entire process once the verification summary report, FNS-742, has been submitted to the state agency. This report is due annually by February 1. While ODE does not accept paper or electronic copies of the FNS-742 Form, the paper form and instructions can be a helpful tool for LEA's in preparing the FNS-742 report submission.

Verification At a Glance provides a summary of the Verification process and requirements.

Verification for Cause

Apart from the required verification of a specified number of approved applications, LEAs are required to verify any questionable application. Eligibility officials are encouraged to contact the household to clarify any information that is unclear or questionable before certifying the application and proceeding with verification for cause.

Confidentiality and Disclosure of Free and Reduced Eligibility

Overview

The information provided by families on the confidential free and reduced price application can be used only for determining eligibility for meal or milk benefits and verification of eligibility. LEAs must take measures to ensure a student's eligibility status is not disclosed.

Key Points

- Disclosure means revealing or using individual children's program eligibility information obtained through the eligibility process for a purpose other than the purpose for which the information was obtained.
- The National School Lunch Act (NSLA) establishes the disclosure limits for the Child Nutrition Programs. School Food Authorities may disclose, in limited situations, children's free and reduced price meal eligibility information to programs, activities, and individuals, as specifically authorized under the NSLA.
- The LEA must seek written consent from the parent or guardian to use the information provided on the application for non-Program purposes or for purposes specifically mentioned in the Eligibility for School Meals manual. Consent must be obtained each school year and consent forms cannot be extended from one school year to the next.
- Disclosure of individual Free and Reduced information to any program should be have a signed USDA Confidentiality Disclosure Agreement in place.

The Participant Confidentiality Disclosure Quick Reference guides LEA's through the disclosure process.

Overt Identification

Overt identification is any action that may result in a child being recognized as potentially eligible for or certified free or reduced price school meals. School Food Authorities must avoid any policy or practice leading to the overt identification of children receiving free or reduced price meal benefits.

School Food Authorities must ensure that a child's eligibility status is not disclosed at any point in the process of providing free and reduced price meals, including:

- Notification of the availability of free and reduced price benefits
- Certification and notification of eligibility
- Provision of meals in the cafeteria or at the point of service

Helpful Resources:

- ✓ Eligibility Manual for School Meals
- ✓ ODE Eligibility 101 Training
- ✓ ODE SNP Meal Access and Reimbursement webpage
- ✓ ODE SNP Direct Certification webpage

Regulatory Reference:

- ✓ 7 CFR 245
- ✓ 7 CFR 210.18(g)(1)(i)
- ✓ Oregon Administrative Rule 581-051-0615
- ✓ Oregon House Bill 2536 (2021)