

**SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
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August 5, 2008

MEMORANDUM

TO: Child and Adult Care Food Program Administrators
(Child Care Center and Head Start Administrators)

FROM: Mary A. Young, Program Manager
Child and Adult Care Food Program

SUBJECT: Automatic Eligibility for Head Start and Early Head Start Participants,
Policy 08-05

This memorandum provides guidance regarding amendments to the Richard B. Russell National School Lunch Act (NSLA) that extend automatic eligibility for free meal benefits, including free milk, to all children enrolled in Head Start and participating in child nutrition programs.

On December 12, 2007, the President signed The Improving Head Start for School Readiness Act of 2007 (Public Law 110-134) which contains several significant revisions to the Head Start program, including amendments to the eligibility criteria in section 645 of the Head Start Act (42 U.S.C. 9840). Public Law 110-134 also amends sections 9(b)(12)(A)(iii) and 17(c)(5) of the NSLA to correspond with the new eligibility criteria.

Head Start serves primarily children from families with household incomes at or below the Federal poverty level. However a small proportion of children in families with household incomes above the poverty level may be served. In the past, only those children who were income eligible for Head Start were considered automatically eligible for free meals in the child nutrition programs.

Public Law 110-134 makes any child enrolled in Head Start automatically eligible for free meals without further application or eligibility determination. Therefore, even a child who is not from a household with an income at or below the poverty level is automatically eligible for *free* meals if they are enrolled in Head Start.

Institutions and school food authorities (SFA) may now establish eligibility of all Head Start enrollees through documentation provided by the Head Start program. USDA will be updating the relevant eligibility guidance to reflect this change.

Automatic Eligibility for Head Start and Early Head Start Participants

Page 2

All reimbursable meals served to children enrolled in Head Start may be claimed at the free rate. **Institutions and SFAs may submit revised claims to claim all reimbursable meals served to Head Start enrollees that were not previously claimed at the free rate. All such reimbursable meals served on December 12, 2007, and beyond may be claimed. Revised claims must be submitted no later than September 15, 2008.**

In order to retroactively claim meals at the free rate, SFAs must refund any money they received from the families of Head Start children who were not previously eligible for free meals.

The new eligibility criteria also applies to children in State-funded pre-kindergarten programs which have been provided waivers under the authority of the USDA memorandum dated July 22, 1999, *Automatic Eligibility of State-Funded Pre-Kindergarten Participants for Free Meals in the Child and Adult Care Food Program (CACFP), the National School Lunch Program (NSLP), and the School Breakfast Program (SBP)*. SFAs and institutions that have received waivers, and have the same or stricter income eligibility standards than Head Start, may also revise claims dating back to December 12, 2007, for those children enrolled in their programs who were not previously eligible for free meals.

In addition to children who are enrolled in Head Start and State-funded pre-kindergarten programs mentioned above, the law establishes free meal eligibility for infants and toddlers, and, in some instances, pregnant women, who receive Early Head Start services. 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.

To establish automatic eligibility for pregnant women, 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.

Because of the automatic eligibility for Head Start and Early Head Start programs, institutions that manage these programs are no longer required to include the Free and Reduced-price Meal Application (DSS 16160) and the Dear Parent/Guardian letter in the enrollment package. However, parents must be provided a copy of the CACFP nondiscrimination statement and procedures for filing a complaint. This information may be included in the parent handbook or as a separate item in the enrollment package.

Please contact your CACFP consultant if you have any further questions concerning this policy.