Subject: Automatic Eligibility for Free Meals in the Child and Adult Care Food Program (CACFP) for Participants in the Even Start Family Literacy Programs

To: STATE AGENCY DIRECTORS (Child Nutrition Programs) - Colorado DH, Iowa, Kansas, Missouri DH, Montana DHES, Nebraska ED, North Dakota, South Dakota, Utah and Wyoming

The Healthy Meals for Healthy Americans Act of 1994 (Public Law 103-448), enacted November 2, 1994, amended section 17(c) of the National School Lunch Act (NSLA) to make pre-kindergarten children who are enrolled in the Even Start Family Literacy Programs automatically eligible for free benefits in the CACFP without further application or eligibility determination. This policy memorandum specifies the conditions for implementation of these provisions.

The Even Start Family Literacy Program

The Even Start Family Literacy Program is administered by the U.S. Department of Education. The Department of Education provides the Federal share of the cost of family-centered education projects which help parents become full partners in the education of their children, assist children in reaching their full potential as learners, and provide literacy training for their parents. To be eligible for Even Start services, children must be between the ages of birth through 7 years and have a parent or parents: (a) who are eligible for participation in an adult basic education program under the Adult Education Act or who are within the State's compulsory school attendance age range, so long as a local educational agency provides or ensures the availability of the basic education component; and (b) who are participating in the Even Start project.

NSLA Provisions for Automatic Eligibility for Free Meals

Section 17 of the NSLA authorizes the CACFP. Paragraph (c)(6) of that section states:

"(A) A child who has not yet entered kindergarten shall be considered automatically eligible for benefits under this section without further application or eligibility determination if the child is enrolled as a participant in the Even Start program under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.).
(B) Subparagraph (A) shall apply only with respect to the provision of benefits under this section for the period beginning September 1, 1995, and ending September 30, 1997."

The statutory language sets forth two conditions regarding the automatic eligibility for free meals provision for Even Start participants in the CACFP. First, a child must be enrolled as a participant in the Even Start Family Literacy Programs. Second, under section 17 of the NSLA, only those Even Start participants who have not yet entered kindergarten are considered automatically eligible for free meals in the CACFP. (Under Even Start, a child is eligible to participate from birth through age 7.)

In order to facilitate implementation of this provision, the following applies:

♦ **Documentation for Even Start Participants** - In order to minimize the paperwork burden, an approved Even Start application or a statement of enrollment in the Even Start Family Literacy Programs with confirmation that the child has not yet entered kindergarten constitutes sufficient documentation of automatic eligibility for free meals in the CACFP. If this documentation is readily available to the official(s) designated by the institution to determine eligibility for free meals, no further action is necessary.

In those cases where this information is not readily available (e.g., "wrap around" programs where the food service and the Even Start Program are administered by separate entities), the CACFP determining official must obtain documentation of those Even Start participants who have not yet entered kindergarten in order to confer automatic eligibility for free meals in CACFP. Such documentation may be as simple as a list of children's names and a statement certifying that those children are currently enrolled as participants in the Even Start Family Literacy Programs and that they have not yet entered kindergarten. The documentation must also include the signature or facsimile of the local project director or individual authorized to provide the certification on behalf of the Even Start Family Literacy office and the date.

♦ **Annual Update for CACFP** - In September, 1996, the determining official must re-establish whether each Even Start child meets or continues to meet the conditions for automatic eligibility.

♦ **Provisioning a Free and Reduced Price Application** - When an Even Start Family Literacy participant enters kindergarten, the child's family must be provided a free and reduced price application so that they...
may establish income eligibility for free and reduced price benefits in the CACFP. Instructions on how to apply for free and reduced price benefits must be provided.

**Effective Date** - The statutory language permits automatic eligibility for free meals only for the period of time beginning September 1, 1995, and ending September 30, 1997. For the transition period (i.e., the period of time from the issuance of this memorandum through August 31, 1995), school food authorities/institutions which provide meals to Even Start participants in the CACFP shall claim such meals as follows:

- For school food authorities/institutions which take actual meal counts in accordance with §226.9(b)(1), claim all meals as paid meals unless such meals are served to children determined eligible for free or reduced price meals through an individual application process.

School food authorities/institutions may extend any free and reduced price meal eligibility determinations that expire during the transition period through August 31, 1995, for Even Start enrollees.

- For school food authorities/institutions that claim meals based on claiming percentages or blended rates in accordance with §226.9(b)(2) and (b)(3), claim all meals for the transition period using the most recent FY '95 enrollment percentages as reported to the State Agency. For FY '96, the claiming percentages/blended rates shall take into account the automatic eligibility provision set forth in this memorandum.

Beginning October 1, 1997, all Even Start participants must have a free and reduced price application on file in order to receive free and/or reduced price benefits under the CACFP.

**Record Retention** - The Even Start eligibility information and, if applicable, the list of eligibles, must be maintained on file at the institution 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 program regulations.
For further information, please contact our office at (303) 844-0359.

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