



# Regulation of the Chancellor

Number: **A-810**

Subject: **ELIGIBILITY FOR FREE AND REDUCED-PRICE MEALS**

Category: **STUDENTS**

Issued: **June 29, 2009**

## SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-810 dated July 22, 2005.

The regulation sets forth statutory and regulatory requirements to comply with legislation, federal regulations, and state guidelines for student eligibility for free and reduced-price meals.

### Changes:

- The regulation adds the requirement for the use of family or household applications for all children within the School Food Authority except for foster children. It also addresses the redesigned School Meals Application for Free and Reduced-Price Meals (SD 1041) which requires households to only complete one form for all children attending the same school. For this regulation, this form will be referred to as the School Meals Application.
- The regulation adds new procedures for migrant, homeless, or runaway children to be automatically eligible for free meals.
- The regulation adds the automatic free eligibility of children enrolled in Head Start and participating in the meals program.
- The regulation includes an update to the procedures for meal code entries on ATS and NPSIS at the school level.
- The regulation adds the new scanning and online application processing systems which automates the eligibility determination process.

### **ABSTRACT**

Each local School Food Authority participating in the National School Breakfast and Lunch Programs must comply with the legislation, federal regulations, and state guidelines governing these programs. Failure to conform to those statutory and regulatory requirements may result in the loss of millions of dollars to the Department of Education in the school meals programs and in other federal programs as well.

Children are determined to be eligible for free meals through these programs based upon (1) a computer match with public assistance/food stamp files; or (2) household income provided by parent or guardian on the [School Meals Application](#) (SD1041); or (3) valid public assistance/food stamp case number provided by the parent or guardian on the [School Meals Application](#); or (4) valid direct certification letter.

#### **I. COMPUTER MATCH WITH PUBLIC ASSISTANCE FILES**

- A. Each year, the Department of Education will obtain a listing of all children in households receiving public assistance (Temporary Assistance to Needy Families (TANF) or food stamps), which will be matched against the student records in Automate the Schools ([ATS](#)) and the Non-Public School Information System ([NPSIS](#)) student records. All student records that match will automatically be coded with a flag indicating free lunch eligibility determined by a computer match. This field will be automatically populated on [ATS](#) and [NPSIS](#).
- B. All households that match must be notified of their child's status by the school so that they have the opportunity to decline the benefit. No fee collection is required for meals taken. There is no need to obtain an application or direct certification letter for these students or to enter their eligibility status on [ATS](#) or [NPSIS](#).
- C. Applications or direct certification letters that are submitted for these matched students should be kept on file separately but not re-entered on [ATS](#) or [NPSIS](#).

#### **II. DISTRIBUTION OF ELIGIBILITY FORM - SCHOOL MEALS APPLICATION (SD1041)**

- A. Each year, the [School Meals Application](#) will be distributed to public, charter, and non-public schools participating in the School Meals Program under the sponsorship of the Department of Education (DOE).
- B. A [School Meals Application](#) is to be distributed to each registered student on the first operating school day in September.

- C. Each household is required to complete and submit only one form for all registered students attending the same school.
- D. Carryover of Previous Year's Eligibility
  1. The Local Educational Agency (LEA) must carry over the eligibility status from the previous year for: (1) children from households with approved applications on file from the previous year; (2) new children in an LEA from households with children who were approved for benefits the previous year; and (3) previously approved children who transfer from one school to another under the jurisdiction of the same LEA. The eligibility carryover period is for up to 30 operating days of the school year which begins on the first day of the current school year. The specified date will be published each year in the Office of SchoolFood [Eligibility Guidelines Memorandum](#) to schools. (Operating days of the school year refers to school days, not calendar days.) This applies to direct certification, categorical eligibility determinations, and income applications. However, the new eligibility determination supersedes the carryover eligibility.
  2. The application or eligibility status from the previous year is no longer valid after the first 30 operating days, or when the child's new [School Meals Application](#) or valid direct certification letter has been processed, or if the student has been found eligible through the computer match described in Section I, whichever comes first. Schools and central are encouraged to expedite eligibility determinations for all new enrollees. In addition, the LEA must process the application submitted for the current school year in a timely manner.
  3. To be eligible for free or reduced-price meals after the initial carryover period, the child must be directly certified or the household must submit a complete application and be either categorically or income eligible. The LEA or school must also have on file for all children served a free or reduced-price meal, either an approved application or a list of directly certified children. This is necessary to meet program requirements for federal reimbursement.
- E. Applications must be reviewed in a timely manner. An eligibility determination must be made and implemented within ten (10) working days of the receipt of the application. Whenever possible, applications should be processed immediately, particularly for children who do not have approved applications on file from the previous year.

**III. ELECTRONIC APPLICATIONS/SCANNING PAPER APPLICATIONS**

- A. The [School Meals Application](#) is available to households to complete in a web-based format through [ACCESS NYC](#). Households can go online to [www.nyc.gov/accessnyc](http://www.nyc.gov/accessnyc) to complete the application. The [Online School Meals Application](#) will be processed electronically using the same guidelines to process the paper application. Households will be required to follow the online instructions and enter their information, and will receive a confirmation number once the application is submitted successfully which will serve as the reference to inquire on processing or eligibility status.
- B. Select schools will be required to submit the completed paper [School Meals Application](#) to the Office of SchoolFood so that the form can be scanned and the information reported by the household can be electronically processed. The selected schools will be notified prior to the start of the school year and provided with instructions and pre-addressed return envelopes to submit the forms.
- C. Household information obtained from the online and scanning systems will be electronically processed within ten business days of receipt, an eligibility determination made, and the meal codes populated in [ATS](#) or [NPSIS](#). Households or schools will be contacted to obtain or verify information required to complete the certification process. Principals and ISC administrators can obtain processing and eligibility status reports pertaining to their schools and regions by contacting the Office of SchoolFood Compliance Office at (718) 707-4471.

**IV. DIRECT CERTIFICATION**

- A. Direct certification is the process by which the LEA certifies children from families receiving food stamps or Temporary Assistance to Needy Families (TANF). Based on information provided by the state and local agencies administering those programs, the LEA determines that these students are eligible to receive free meals at schools participating in the Child Nutrition Programs without the families completing an application. The New York State Office of Temporary and Disability Assistance sends letters to all families with school-age children who receive food stamps or TANF benefits. The letter can be submitted by the parent or guardian to the child's school as certification of eligibility for free meals in lieu of the family completing a School Meals Application.
- B. If not already indicated as eligible through the computer match described in Section I, these students should be coded eligible as free in [ATS](#) and [NPSIS](#).
- C. Families or households with direct certification letters must provide the cover letter which has the name and address of the family, as well as the certification statement to verify that the document is valid.
- D. The School Food Authority must still provide families with school-age children with applications and parent letters.

- E. Recordkeeping and reporting requirements for children whose eligibility is obtained through direct certification are the same as for free and reduced-price application forms. They must be:
1. Retrievable by building where the child is fed; and
  2. Maintained by the school for three additional years following the current year regardless of the child's actual attendance during this period. For select schools whose completed paper school meals application will be scanned by the Office of SchoolFood, the Office of SchoolFood will maintain these records for the required period of time.
- F. Parents or guardians have the right to decline the meal benefits and must be informed of this right and the process to do so.

**V. CONFIDENTIALITY**

The United States Department of Agriculture (USDA) has approved the release of students' names, addresses, and eligibility status to school officials collecting data to be used for the Title I and National Assessment of Educational Progress (NAEP) programs. Schools may not release the names and eligibility status of students for any other purpose except as permitted by Chancellor's Regulation A-820.

**VI. MEAL SERVICE TO CHILDREN WITH DISABILITIES**

Federal regulations require schools to serve meals at no extra charge to those children whose disabilities restrict their diets in such a way that they cannot fully participate in the food service program without some modification to the foods offered on the scheduled menu. The parent/guardian may request special meals from the school with the need for those meals documented by medical certification from a medical doctor.

**VII. FREE MEAL ELIGIBILITY FOR HOMELESS, MIGRANT, AND RUNAWAY CHILDREN**

The USDA has acknowledged that the number of homeless, migrant, and runaway children has risen considerably in the last few years and that parents/guardians who are homeless often fail to return a free meal application, and these children are often not included in the direct certification process.

- A. A child is considered homeless if he/she is identified as lacking a fixed, regular, and adequate nighttime residence under the McKinney-Vento Homeless Assistance Act by the local educational agency liaison or the director of a homeless shelter.
- B. A runaway child is one who is identified as a runaway receiving assistance through a program under the Runaway and Homeless Youth Act (RYHA) by the local educational liaison.

- C. A migrant child is a child who is identified by the state or local Migrant Education Program coordinator or the local educational liaison as having moved across school district lines within the last three years to accompany a parent or guardian who has moved to seek or obtain temporary or seasonal work in agriculture or fishing.

The USDA has established the following procedures for all Child Nutrition Programs (CNPs) when the household does not submit an application or an application will not likely be submitted:

- A. The migrant coordinator, homeless liaison, or runaway provider may provide the school with a list of eligible children and the effective dates. The list must be dated and signed by the coordinator, liaison, or provider. These children are then directly certified for free meals for the school year. No other documentation is needed. This is the preferred option.
- B. The director of the homeless shelter at which the child resides may complete and submit an application for the child.
- C. Local officials may complete an application for a child and approve the child for free meals based solely on their knowledge that the child's address is a homeless shelter or that the child has no known address and is indeed homeless.
- D. If large numbers of homeless children make it impractical for a homeless shelter or school officials to complete individual applications, the school administration may establish a list of eligible students based on knowledge of the family's residence. The documentation necessary to substantiate free meal eligibility for a list of children must contain at a minimum:
1. the child's name;
  2. the effective date of eligibility determination;
  3. the name and address of the shelter where the child resides;
  4. the signature of the determining official; and
  5. the date of withdrawal from the shelter, school, or program.
- E. These lists must be kept current by adding new names and removing the names of children who may have left the school or whose circumstances have changed.
- F. Documentation of migrant status children should be maintained by the migrant coordinator as documentation to substantiate free meal eligibility. This should include the date, the child's name, and signature of the migrant coordinator.

- G. A child or family may temporarily reside with another household and still be considered homeless under the definition of homeless in McKinney-Vento Act. In these cases, the household size and income of the host family is not taken into consideration in determining the free meal eligibility for the child designated as homeless by the local educational liaison.
- H. When a host family applies for free and reduced-price meals for their own children, the host family may include the homeless family as household members if the host family provides financial support to the homeless family, such as shelter, utilities, clothing, or food. In such cases, the host family must also include any income received by the homeless family. School officials must determine eligibility for the host family in the traditional manner. However, free meal eligibility for the homeless child is based on the documentation provided by the local education liaison, even when the child is included on the host family's free and reduced-price application.

**VIII. FREE MEAL ELIGIBILITY FOR CHILDREN IN HEADSTART/EVEN START PROGRAMS**

- A. Children enrolled in federally-funded Head Start centers that meet the low-income criteria of the Head Start Program are considered categorically eligible for free meals in the National School Lunch Program (NSLP) without further application or eligibility determination. Children enrolled in State-funded Pre-kindergarten Head Start programs with eligibility requirements identical to those used by the federally-funded Head Start centers are also considered categorically eligible.
- B. For a child to be categorically eligible for free meals based on their participation in Even Start, the child must be enrolled as a participant in a federally-funded Even Start Family Literacy Program and must be at the pre-kindergarten level.
- C. Documentation of a child's participation in a federally-funded Head Start or Even Start is required to establish categorical eligibility for free meals in the School Meals Programs. Confirmation that the child has not yet entered kindergarten must be included in the documentation from the Even Start official.

**IX. SCHOOL MEALS APPLICATION DEFINITION OF TERMS**

- A. **"Current income"** is all money being received at the present time before taxes or any other deductions. Farmers, self-employed workers, migrant workers, and other seasonal employees may use their income for the past 12 months.
- B. **"Household"** means a group of related or unrelated individuals who are living in one house or dwelling and share income and expenses. This includes spouse, son, daughter, grandparents, etc.
- C. **"Adult Household Member"** means all related and unrelated individuals 21 years of age and older who live in the home.

**X. SCHOOL MEALS APPLICATION GUIDELINES FOR FREE OR REDUCED- PRICE MEALS**

- A. Eligibility may be determined based on the computer matching process *or* household income as provided by the parent/guardian *or* based on a valid Food Stamp or TANF case number as provided by the parent/guardian *or* valid direct certification letter.
- B. When a Parent/Guardian Provides Income Information
1. All persons, related and unrelated, who live in a household and share living expenses, must be listed on the [School Meals Application](#) in Part 4. Only the Social Security number of the adult household member who signs the application need be reported. If the adult household member who signs the application does not have a Social Security number, he/she must write the word "none." Failure to give a Social Security number or to write the word "none" is cause for non-approval of the application. The Social Security number may be used to verify information stated on the application.
  2. Households are not required to calculate the total household income on the [School Meals Application](#). The principal or his/her designee is required to calculate the total, except in the case of online or scanned applications, when the eligibility software will calculate the total. The certification section (Part 5) must be signed and dated by the parent/guardian.
  3. Free or reduced-price meals will be provided if the total current household monthly income falls within the published income limits for that year.
- C. When a Parent/Guardian Provides a Food Stamp or TANF Case Number in Part 3 - a child is eligible automatically for free meals; therefore, Part 4 does not need to be completed. Additionally, no Social Security number is needed. Should the parent/guardian also record an income in Part 4, disregard the income. The certification section (Part 5) however, must be signed and dated by the parent/guardian. Information relative to Food Stamp or TANF case number or direct certification is optional and voluntary.
- D. Foster Children - A foster child is a child who is living with a family but who is under the legal care of the welfare agency or court. Each foster child is considered a household of one.
1. An application must be completed for each foster child in the household. For the purpose of determining eligibility, only the child's "personal use income" is used. The parent/guardian is required to write zero ("0") if the child has no personal use income. The parent/guardian should not list any other children, household members, income, or a Social Security number. The application must be signed by an adult household member.



2. In lieu of individual applications, the School Food Authority may accept a list from the court or the agency responsible for the placement of foster children. The list must provide the information indicating the child's name, any personal income received by the child, the child's current address, and, if known, the school that child is currently attending. The list must be signed by an appropriate official and provide the official's title and contact information.
- E. Children in Residential Institutions - Each child in a Residential Child Care Institution (RCCI) is considered a household of one. An application must be completed for each child or the RCCI may use an eligibility documentation sheet for all children residing in the RCCI. The documentation sheet must provide information indicating the child's name and personal income received by the child. The documentation sheet must be signed by an appropriate official and provide the official's title and contact information. Each child attending but not residing in an RCCI are considered members of their household and their eligibility is determined using a household application or through direct certification.

#### XI. REVIEWING SUBMITTED APPLICATIONS FOR COMPLETENESS

- A. The principal or his/her designee must review each incoming [School Meals Application](#) to ensure that the household has submitted a complete application. If the application is complete, the official must then determine whether the household is categorically or income eligible for benefits based on the information provided on the application. Students shall not be penalized for failure to return a completed School Meals Application.
- B. Only the information provided by the parent/guardian on the [School Meals Application](#) will be used to determine eligibility. The reviewing official, principal or his/her designee may verify the source and amount of income as well as the household composition only after eligibility status has been determined and the application processed.
- C. If the household checks the box next to the statement "I do not qualify for free or reduced-price meals", the principal or designated school reviewing official shall process the application as denied and no further contact to the household is necessary even if there is no signature present. The household will be billed at the current full price rate for each lunch meal taken by the child. A household is not required to provide a Social Security number when they indicate that they do not qualify for free or reduced-price meals.
- D. If a household reports multiple income sources at different frequencies such as weekly, biweekly and monthly, the preferred method is to convert all income to annual income. If a household has only one income source or if all sources are received in the same frequency, no conversion is required. Add and compare the unrounded total to the published Income Eligibility Guideline (IEG) for annual income for the appropriate household size.

1. To convert income to an annual amount, if necessary, multiply the weekly income by 52; income received every two weeks by 26; income received twice monthly by 24; and income received monthly by 12. Do not round the values resulting from each conversion. Add all of the unrounded converted values and compare the unrounded total to the appropriate IEG for annual income for the household size. Software used to determine eligibility for the online and scanning processes must reflect the same conversion policy.
  2. If an application does not indicate how frequently income is received, e.g., weekly, monthly, etc., the reviewing official will process as weekly or place a call to the family before approving since income information is not complete.
- E. In accordance with federal law, parents or guardians will only be given the Income Eligibility Guidelines for Reduced-Price Meals. Only the principal or his/her designee will have a copy of the Income Guidelines for both Free and Reduced-Price Meals. The Income Eligibility Guidelines for Free Meals may be made available for inspection at the school site by the parent upon request only after an eligibility has been determined and notification has been sent to the household. The school authority may not in any way distribute the free meal eligibility guidelines to students or parents/guardians.
- F. If the parent/guardian provides income information, the reviewing official shall use the Free and Reduced Income Eligibility Guidelines and indicate in the “For School Use Only” section on the reverse side of the [School Meals Application](#): (1) total current household income and frequency; (2) total household size; (3) the child’s eligibility status (free, reduced-price or denied); and (4) the reason for denial, if appropriate. The reviewing official must sign and date the application. A principal’s signature stamp may be used in conjunction with the school staff person’s initials.
- G. Any entry or change of information to the [School Meals Application](#) by the principal or his or her designee should be avoided unless it is impossible or impracticable for the information to be entered or changed personally by a parent, guardian, or other authorized household member (e.g., because of illiteracy).
- H. Any information entered or changed by the principal or his or her designee must fully and accurately reflect information received from a parent, guardian, or other authorized adult household member.
- I. The principal or his or her designee must initial every place that he or she entered or changed information and include a written explanation (on the [School Meals Application](#) or in an attached memorandum) that explains the reason and basis for and source of the principal or his or her designee’s entry or change of information. The principal’s or his or her designee’s name must be signed and printed following this explanation. The signature of the principal or his or her designee constitutes a certification of the accuracy of the explanation and other representations concerning information that is entered or changed on the [School Meals Application](#).

- J. Where income or family size information has not been supplied by the parent or guardian in the first instance and is entered (as opposed to changed) by the principal or his or her designee, the principal or his or her designee must (in addition to following the requirements of this section) comply with the requirements of Section XIII concerning administrative prerogative.
- K. The principal or his or her designee may approve households on a temporary basis when the household reports zero (0) income or a temporary reduction in income. These applications must be reviewed every 45 calendar days.
  - 1. Principals or his or her designees must document dates and results of the contact with each family to assess their current household income every time the 45 days expire to ensure the application is still valid.
  - 2. Only complete applications with zero (0) income can be temporarily approved. Applications missing required information, such as income, must be denied if the missing information cannot be obtained.
- L. Where changes are made, the original information supplied by the parent, guardian, or other authorized household member (as well as the information that the principal or his or her designee entered or changed) must be clearly visible and separately identifiable.
- M. If the [School Meals Application](#) received by the school contains cross-outs, white-outs, or other evidence of alterations by the parent, guardian, or other authorized household member, the principal or his or her designee should clearly note that such changes were on the [School Meals Application](#) as received.

## XII. **DOCUMENTING ELIGIBILITY IN ATS OR NPSIS**

- A. All students must have their eligibility status documented in [ATS](#), [NPSIS](#), or on a manual master listing based on a computer match, a correctly certified [School Meals Application](#) or direct certification letter on file. The following meal code designations will be entered at the school level or electronically populated from the online and scanning processes in [ATS](#) or [NPSIS](#) to represent the eligibility status for each child.
  - 1. Meal Code A – Free status by way of automatic computer match for households receiving public assistance or food stamps – no application is required.
  - 2. Meal Code 1 – Free status determined by a direct certification letter or a completed application where valid foster child, Food Stamp or TANF information, or household income reported is within the published income scale for free meals.

3. Meal Code 2 – Reduced-price status determined by a completed application on file when household income reported exceeds the published income scale for free meals.
4. Meal Code 3 – Paid (denied) status determined by a completed application where: (a) the household indicates they do not wish to apply for free and reduced-price meals; or (b) the household income reported exceeds the published income scale for free or reduced-price meals.
5. Meal Code 4 – Paid (denied) status determined by an incomplete application on file. Missing information must be obtained to process the application.
6. Meal Code 5 – Paid (denied) default status determined when there is no application on file.

**XIII. ADMINISTRATIVE PREROGATIVE FOR HOUSEHOLDS THAT FAIL TO APPLY FOR FREE OR REDUCED-PRICE MEALS**

- A. When households fail to apply for free or reduced-price meals, the USDA regulations permit school officials to use administrative prerogative and complete an application for a student known to be eligible if the household had applied.
- B. To exercise this option, an application must be completed on behalf of the student based on the best family size and income information available. The source of this information must be noted on the application. Administrative prerogative must be used judiciously and only after repeated efforts to obtain applications from families have been unsuccessful. Prior efforts to obtain a completed application must be documented and attached to the application and both kept for three years plus the current year. Only the name of the student, household size, estimated family income, and the administrator's signature are needed. Names of household members, Social Security number, and signature of an adult household member need not be secured. The household must be notified of the student's approval status. These applications should be excluded from the verification process. This option is intended for limited use in individual situations and must not be used to make eligibility determinations for categories or groups of children.

- C. Any exercise of administrative prerogative must be recorded on the application or in a memorandum attached to the application with sufficient clear detail to explain the basis and reason for the approval and the source of the information concerning family size and income. Use of the prior year's [School Meals Application](#) without additional reliable information that family size or income, as the case may be, has not changed, is insufficient to justify use of administrative prerogative. The name of the principal or his or her designee who made the determination to exercise administrative prerogative must be signed and printed on the memorandum or application. The signature of the principal or his or her designee constitutes a certification of the accuracy of the basis and reason for the approval, the source of the information concerning family size and income set forth in the application or attachment, and the school's documented prior unsuccessful efforts to obtain a completed application (or information necessary to make a determination on an application).

**XIV. RIGHT TO APPEAL**

The Notification for Non-Approval of Free or Reduced-Price Meals advises that a request for a conference with the principal may be made to reconsider the determination. Such a request shall not prejudice the right to a hearing. The child is to be provided meals in accordance with his or her previous eligibility status until a final decision has been made.

**XV. APPEAL PROCEDURE FOR THE NON-APPROVAL OF ELIGIBILITY**

- A. If the meeting with the principal does not resolve the matter, the Non-Approval of Eligibility Appeal Procedures begins. An appeal is begun by telephoning or writing: Department of Education of the City of New York, Office of SchoolFood, 44-36 Vernon Boulevard, Room 403, Long Island City, NY 11101; telephone (718) 707-4300.
- B. A parent/guardian may be represented by an attorney or other person of his/her choice. A parent/guardian shall have an opportunity to examine, before and during the hearing, the documents and records presented to support the decision appealed. The hearing shall be held with reasonable promptness and convenience to the parent/guardian, and adequate notice shall be given as to the time and place of the hearing. The parent/guardian shall have an opportunity to present verbal or documentary evidence and arguments supporting his/her position and an opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witness(es).

- C. The hearing shall be conducted and a decision made by a hearing official who did not participate in making the original decision or in any previous conference. The hearing official's decision shall be based on the verbal and documentary evidence presented at the hearing. The parent/guardian and designated representative, if any, shall be notified in writing of the decision.
- D. A written record shall be prepared with respect to each hearing, which shall include: the decision under appeal; any documentary evidence and a summary of any oral testimony presented at the hearing; the decision of the hearing officer, including the reasons therefore; and a copy of the notification to the parties concerned of the decision of the hearing official. The written record of each hearing shall be preserved for a period of three years beyond the current year and shall be available for examination by the parent/guardian or a representative at any reasonable time and place during such period.

**XVI. CHANGES AFFECTING A STUDENT'S ELIGIBILITY STATUS DURING THE SCHOOL YEAR**

- A. The reviewing official will determine household eligibility for free and reduced-price meals in the traditional manner at or about the beginning of the school year. Once approved for free or reduced-price benefits, a household will remain eligible for those benefits for a maximum of 30 days after the first operating day in the subsequent school year or when a new eligibility determination is made in the new school year, whichever comes first.
- B. The provision for eligibility for the school year does not apply when the initial eligibility determination was incorrect or when the verification of household eligibility does not support the level of benefits for which the household was approved.
- C. The household is no longer 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 food stamps or Temporary Assistance for Needy families (TANF).

**XVII. TRANSFER OF ELIGIBILITY**

If a student transfers from one school participating in the breakfast and lunch program sponsored by the DOE to another within a school year, eligibility for a free or reduced-price lunch or breakfast is to be honored by the receiving school. A copy of the [School Meals Application](#) or direct certification letter must accompany all transfers. Students who are promoted or transferred from one school level to another during the middle of the school year are to have their eligibility status honored. A copy of their [School Meals Application](#) or direct certification letter must accompany all such promotions or transfers.

**XVIII. RETENTION OF RECORDS**

- A. All [School Meals Applications](#) and direct certification letters must be retained by the principal and be available for inspection for four years after the submission of the final claim for reimbursement for the fiscal year to which they apply. For the same period, the principal must also keep on file all records, including records of appeals and hearing transcripts, and data supporting monthly claim forms for reimbursement. Documentation must be kept longer if they are required by an audit for as long as required for resolution of issues raised by the audit, and, for those schools participating in the Universal School Meals (USM) Program that are approved for an extended cycle.
- B. Documentation may be maintained either at the school or at a central location with a list of eligible children maintained at the school. If the LEA maintains documentation at a central location, children's categorical eligibility status must be readily available by school, and the LEA must ensure that any changes and transfers in and out of the school are accurately and promptly reflected on each school's list. This process will apply to all records that are processed through the online or scanning systems.

**XIX. NON-DISCRIMINATION ASSURANCES**

- A. No child shall be discriminated against because of his or her race, color, religion, creed, ethnicity, national origin, alienage, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, or disability in the operation of DOE School Meals Program. There will be no physical segregation of, or any other discrimination against, any child because of his or her inability to pay full price of the meal. Students are not to be required to work for their meals.
- B. The names of students eligible for free or reduced-price meals are not to be published, posted, or announced in any manner. There will not be overt identification of any students in these categories by use of special tokens or tickets or any other means, such as: separate lunchrooms; separate serving lines; separate entrances; different meal times; or lunch and/or breakfast different from the meals or milk purchased at full price.
- C. In making collections from students who pay the full price and from those students who pay reduced-price, schools must use collection procedures that ensure no other student in the school will be made aware of the identity of students receiving free breakfasts/lunches or the identity of the students paying reduced price or full price for their meals.

**XX. ALTERNATIVE AND SPECIAL PROGRAMS IN SCHOOLS**

For alternative or special programs and events, some schools host students who are enrolled in other schools. While students are in attendance at these host schools, it is mandatory that they be fed in accordance with their documented eligibility status. In

order to ensure the host school's compliance with this procedure, it is required that the host school determine student eligibility by referring to [ATS](#) and [NPSIS](#) or by requesting from the home school a list of students' names with the students' eligibility status.

**XXI. DENIAL OF MEALS**

By law and regulations, no child may be denied a meal for disciplinary reasons.

**XXII. ADHERENCE TO REGULATIONS: REIMBURSEMENT OF MEALS SERVED AND CLAIMED**

- A. These regulations must be complied with in order to ensure the proper reimbursement to the school system for the free and reduced-price meals served to children.
- B. Any denial of reimbursement due to the serving of free and/or reduced-price meals in excess of the number of computer matches, eligible School Meals Applications, and direct certification letters on file will be addressed to the Executive Directors of Integrated Service Centers (ISC).
- C. Principals must take an active role to ensure that complete School Meals Applications and direct certification letters are reviewed accurately and on file for all eligible pupils where the certification process is done at the school level. The ISCs shall assist with the enforcement of these guidelines to ensure the final data used for foodservice and other funded programs is supported by the required documentation maintained on file at the school.

**XXIII. VERIFICATION**

Verification is the confirmation of eligibility for free and reduced-price meals through sources such as written evidence, pay stubs, and collateral contracts. A verification process will be implemented annually in accordance with federal regulations after the [School Meals Application](#) approval review has been completed by the schools or through the online application or scanning processes. Principals will be notified of the results of the verification process. Changes in eligibility that result in increased benefit levels shall be made as soon as possible, but no later than three operating days of the date the final decision is made on a child's eligibility status. Changes in eligibility which result in decreased benefit levels shall be made within ten operating days of the date the final decision is made on a child's eligibility status.



**XXIV. INQUIRIES**

Inquiries pertaining to this resolution stemming from the verification process should be addressed to:

Office of SchoolFood  
N.Y.C. Department of Education  
44-36 Vernon Boulevard  
Long Island City, NY 11101

Telephone:  
718-707-4371  
Fax:  
718-433-0186

Inquires pertaining to eligibility determined from the online and scanning processes or on any areas of this regulation should be addressed to:

Office of SchoolFood  
Compliance and Monitoring Unit  
N.Y.C. Department of Education  
44-36 Vernon Boulevard  
Long Island City, NY 11101

Telephone:  
718-707-4471  
Fax:  
718-349-5463