



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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SUBJECT: Initial Carry-over of Previous Year's Eligibility - Reauthorization 2004:  
Implementation Memo - SP 17

TO: Special Nutrition Programs  
All Regions

AUG 30 2005

State Agencies  
Child Nutrition Programs  
All States

This memo is to clarify the provision on 30 day carry-over into the next school year for free and reduced-price eligibility. Currently, the carry-over is optional as stated in 7 CFR 245.6(c): "... applications and documentation of direct certification from the preceding year **may** be used to determine eligibility only during the 30 operating days following the first operating days at the beginning of the school year, or during a timeframe established by the State agency, provided that any State agency timeframe does not exceed the 30 operating day limit."

Section 106 of Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004 added section 9(b)(9)(C) on duration of eligibility and requires that the eligibility for free or reduced price meals or free milk end "...on a date during the subsequent school year determined by the Secretary." Given the emphasis placed on prompt determinations and on ensuring access to program benefits, we will be revising the current regulations to require a carry-over of eligibility of up to 30 operating days into the subsequent school year. This applies to direct certification, categorical determinations and income applications. As in the past, a new eligibility determination in the current year supersedes the carryover eligibility. For example, if a student is determined eligible for reduced-price for the new school year benefits, the free meal eligibility from the prior school year discontinues as soon as the household is notified of the new reduced-price eligibility.

We will be codifying the carry-over requirement in a rule that will be published prior to the next school year (School Year 2006-2007); so we are asking all State and local educational agencies to adopt this provision. This memo is to make you aware of the upcoming change.

If there are any questions concerning this policy, State agencies should contact their Regional office.

STANLEY C. GARNETT  
Director  
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The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.