



**United States
Department of
Agriculture**

Food and
Nutrition
Service

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MEMO CODE: SP 37-2008

DATE: September 5, 2008

SUBJECT: 30-Day Carryover and Delayed Implementation for Provision 2

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

This is to clarify the relationship between delayed implementation of Provision 2 as permitted in §245.9(b)(6)(ii) and use of a child's prior year's eligibility status for the first 30 operating days in the new school year ("carryover") in §245.6(c)(2). Delayed implementation permits schools establishing claiming percentages for Provision 2 to charge participating students for meals in the first claiming period of the base year. This exception is permitted to assist schools in securing completed free and reduced price applications from households which might not otherwise submit an application if there is no charge for meals. With the State agency's approval, schools may delay implementing Provision 2 for a period not to exceed the first claiming period of the base year. When the carryover provision was added in the interim rulemaking dated November 13, 2007, we did not address how it applied to delayed implementation.

If a child's individual eligibility status for free or reduced priced meals in the initial base year is carried over, it could diminish the effectiveness of delayed implementation as households may not realize the importance of submitting applications because their children continue to receive school meals for no charge or at a reduced charge. Therefore carryover is not required when schools are approved to use the delayed implementation in relation to Provision 2.

Further, the carryover provision is only relevant to delayed implementation of Provision 2 in the initial base year because carryover is based on a child's individual eligibility. In establishing a new base year or a streamlined base year after operating under Provision 2,

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because individual eligibility was not established for the prior year, there is no basis for carryover.

If State agencies have any questions about this policy, please contact your regional office.

Original Signed

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