



**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Service

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**MEMO CODE:** SP 23-2008, CACFP 07-2008, SFSP 06-2008

**DATE:** May 16, 2008

**SUBJECT:** Automatic Eligibility for Free Meal Benefits Extended to All Children Enrolled in Head Start

**TO:** State Agencies  
Child Nutrition Programs  
All States

Regional Directors  
Special Nutrition Programs  
All Regions

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. We will be updating the relevant eligibility guidance to reflect this change.

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. 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. States should amend their FNS-10, FNS-44 and SF-269 reports, as necessary.

The new eligibility criteria also applies to children in State-funded pre-kindergarten programs which have been provided waivers under the authority of the 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.

Please work with Head Start and other institutions and SFAs in your States to fully implement these amendments. State agencies should direct any questions concerning this guidance to their Regional offices.

**Original Signed**

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Director  
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