



**United States
Department of
Agriculture**

Food and
Nutrition
Service

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DATE: September 27, 2005

SUBJECT: Verification Confirmation Reviews -- Reauthorization 2004:
Implementation Memo – SP 18

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

Section 105 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(b)(3) of the Richard B. Russell National School Lunch Act (NSLA) by adding subparagraph (E), which addresses confirmation activities. The NSLA now requires that local education agencies (LEAs) review all applications selected for verification prior to conducting any other verification activity. The law uses the term “preliminary review”. To avoid confusion, we have called it a “confirmation review” because its purpose is to check the accuracy of the initial eligibility determination. This provision became effective July 1, 2005.

This memo is in response to requests for us to clarify what takes place when a confirmation review finds an error in the eligibility determination after a household has been initially notified of its status. This memo also concerns the timing of the confirmation review and is intended to reinforce the verification guidance already set forth in the FNS implementation memo “Verification Activities”, SP-13, dated March 10, 2005.

Conducting a confirmation review

- This review must be conducted by someone other than the person who made the initial determination.
- Please note that, as reported in our March 10, 2005 memo, the confirmation review requirement may be waived if the LEA has a technology-based system that demonstrates a high-degree of accuracy. Any LEA that has an automated system for processing applications must contact the State agency to determine if its system qualifies.

Timing of a confirmation review

The confirmation review can occur in one of two ways:

- 1) It can occur immediately after the initial review and consequently be part of the certification process. This would be the practice in schools that routinely double check the determination of all applications before implementing the eligibility determination.
- 2) The other approach would be to do the confirmation review as part of the verification process, and only do a double check on those applications selected for verification. In this situation the household has already been notified of the eligibility decision. When the confirmation review is part of the verification process, the following requirements apply:

Timing of notification to the household of its changed eligibility status

- If the confirmation review indicates that the new eligibility status is to the household's benefit, the LEA should make the change as soon as possible and proceed with verification.
- If the confirmation review shows that there should be a decrease in benefits, the LEA proceeds with and completes verification before any notification of a new eligibility status is given. These procedures are designed to avoid a possible unnecessary reduction in benefits.

Verification notice

- The verification notice requirements are not changed by adoption of the confirmation review; that is, the verification notice continues to explain that the application was selected, to detail the process and required documentation, to assign a deadline for receipt of documentation, and to provide a no-charge phone number to call for assistance.

Adverse Action

- Schools must continue to follow adverse action requirements as appropriate when verification activities result in a reduction of benefits or should the household fail to cooperate with verification efforts, as detailed in 7 CFR 245.6a(e).

Please contact your FNS regional office if you have questions.

A handwritten signature in black ink, appearing to read "Stanley C. Garnett". The signature is written in a cursive style with some loops and flourishes.

STANLEY C. GARNETT
Director
Child Nutrition Division