



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

DATE: September 26, 2005
SUBJECT: General Follow-up of Provisions - Reauthorization 2004:
Implementation Memo - SP 21
TO: Special Nutrition Programs
All Regions
State Agencies
Child Nutrition Programs
All States

We have been asked to clarify the following issues related to provisions of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265):

- Direct certification and paper applications
- Ability to decline verification of certain applications
- Completion of applications by local educational agency (LEA) officials

Direct certification and paper applications

In situations where the school/LEA receives both documentation for direct certification and an application submitted on behalf of the child, school officials should disregard the application. Direct certification takes precedence over the application submitted by the household.

Ability to decline verification of certain applications

In our March 10, 2005 *Verification Activities – Reauthorization 2004 Implementation Memo SP-13*, we stated “We would also like to point out that the law now allows the LEA, on individual review, to decline to verify up to five percent of applications in the selected sample. Any application that was removed from the sample must be replaced with another approved application. LEAs should consider factors such as household stability and communication difficulties when declining applications.” We would also like to clarify that it is the LEA’s option to make use of this provision.

Completion of applications by LEA officials

Current program regulations allow for completion of a school meals application by a LEA official if the LEA has information available to it that an individual household is eligible for free or reduced-price meals (see 7 C.F.R. 245.6(d)). This policy is still valid. Information that might be available to an LEA includes, for example, specific knowledge of household circumstances or information from school counselor or community official.

Please work with your Regions to resolve any questions, problems or concerns that may arise.

STANLEY C. GARNET
Director
Child Nutrition Division