United States Department of Agriculture

Food and Nutrition Service

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SUBJECT: Area Eligibility in Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The purpose of this memorandum is to provide guidance on the use of school and census data to establish area eligibility in the Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP), and the Seamless Summer Option (SSO) of the National School Lunch Program (NSLP). In addition, this memorandum consolidates previous guidance and simplifies the area eligibility determination process to reduce administrative burden on State agencies and Program operators. This memorandum also includes guidance on the Community Eligibility Provision (CEP) as it relates to area eligibility determinations. This memorandum supersedes:

- SP 49-2014, CACFP 13-2014, SFSP 19-2014, *Area Eligibility Using Census Data*, May 28, 2014;
- SP 05-2014, CACFP 02-2014, SFSP 05-2014, *Use of School and Census Data*, November 12, 2013;
- SP 03-2014, CACFP 01-2014, SFSP 03-2014, *Census Data Release: Fiscal Year 2014*, November 8, 2013;
- CACFP 06-2013, SFSP 11-2013, *Eligibility Based on Census Data: 2013 Data Release,* February 21, 2013;
- CACFP 13-2012, SFSP 11-2012, *Eligibility Based on Census Data: Revision of 2012 Data Release*, April 26, 2012;
- CACFP 07-2012, SFSP 09-2012, *Eligibility Based on Census Data: 2012 Data Release*, February 13, 2012; and
- SFSP 18-99, *Certifying Eligibility of Sites Serving American Indian or Alaska Native Children*, February 12, 1999.

The two primary sources of data that may be used to determine whether a site is area eligible are school data and census data. The Richard B. Russell National School Lunch Act (NSLA) allows the use of school data to establish area eligibility in the CACFP [42 U.S.C. 1766(f)(3)(A)(ii)(I)(bb)] and SFSP [42 U.S.C. 1761(a)(1)(A)(i)(I)]. The NSLA also allows the use of census data to establish tier I eligibility for CACFP day care homes [42 U.S.C. 1766(f)(3)(A)(ii)(I)(aa)] and area eligibility for SFSP sites

[42 U.S.C. 1761(a)(1)(A)(i)(II)]. The most recent guidance on the use of school and census data for area eligibility determinations in SSO is available at: http://www.fns.usda.gov/school-meals/opportunity-schools.

Area eligibility determinations made using either school or census data must be re-determined every five years. Once a site establishes area eligibility, the eligibility is effective for a period of five years, regardless of any transition from one Child Nutrition Program to another. However, because area eligibility for CACFP at-risk afterschool meals must be based on school data, SFSP sites that established eligibility using census data must provide additional documentation indicating that they are area eligible based on school data to participate in CACFP at-risk afterschool meals.

Use of School Data

School data may be used to establish area eligibility for the CACFP and for SFSP and SSO, excluding camps. In order for a site to be determined area eligible, school data must indicate that the proposed meal site is located in the attendance area of a school where at least 50 percent of the children are eligible for free or reduced price school meals. To determine area eligibility in situations where public schools routinely bus children from their neighborhood school to other schools, please see memorandum SP 11-2011, CACFP 02-2011, SFSP 01-2011, *Effects of Busing on Area Eligibility in the Child and Adult Care Food Program, the Summer Food Service Program, and the Afterschool Snack and the Seamless Summer Option served through the National School Lunch Program*, December 6, 2010, http://www.fns.usda.gov/effects-busing-area-eligibility-cacfp-sfsp-and-afterschool-snack-and-seamless-summer-option-served.

CACFP regulations require State agencies to coordinate with their State's NSLP administering agency to obtain a list of schools, including elementary, middle, and high schools in the State where at least 50 percent of their enrolled children are eligible for free or reduced price school meals. This information must be provided by the NSLP State agency each year by February 15, and must be based on data from a designated month, most commonly the month of October [7 CFR 210.9(b); 7 CFR 226.6(f)(1)(viii)(A); and 226.6(f)(1)(ix)(A)]. While SFSP regulations do not require State agencies to designate the use of school data from one particular month, FNS encourages using school data from the month designated for CACFP.

At the discretion of the applicable CACFP and SFSP State agencies, in situations where data from a more recent month in the school year is available and would establish area eligibility for an otherwise ineligible location, school data from that month now may be used to establish area eligibility.

Community Eligibility Provision
As an alternative to collecting individual applications for free and reduced price meals, the CEP allows schools and local education agencies with a high percentage of low-income children to offer free meals to all students. Qualifying schools serve free lunch and breakfast through the NSLP and School Breakfast Program. School districts electing CEP must continue to provide to

the NSLP State agency a list of schools under its jurisdiction in which 50 percent or more of enrolled children have been determined eligible for free or reduced price meals

Area eligibility determinations based on data from schools electing CEP as part of a group of schools or a school district must still use the individual school data rather than district-wide data for SFSP sites, SSO sites, CACFP at-risk afterschool centers, CACFP day care home tiering, and NSLP snacks. These individual school data are obtained by multiplying the most current school level identified student percentage (ISP) by the 1.6 factor. If the result is equal to or greater than 50 percent, meal sites located in the attendance area of the school are area eligible. If a school electing CEP collects alternate household income information to be used for other purposes, school data based on these applications may not be used to determine area eligibility.

For more information on CEP, see http://www.fns.usda.gov/school-meals/community-eligibility-provision.

Use of Census Data

CACFP day care homes and SFSP and SSO sites that establish eligibility using census data are required to use the most recent census data available [7 CFR 226.6(f); 7 CFR 225.6(c); SP 39-2014]. In 2005, the Census Bureau began to annually estimate household income using the American Community Survey (ACS). The ACS is an ongoing survey that provides annual estimates, based on sampling data, in order to give communities more current information than the decennial census is able to provide.

In 2012, FNS announced the release of these ACS data annually via memorandum. Beginning in Fiscal Year 2015, FNS will annually announce the release of these data to State agencies via PartnerWeb at https://www.partnerweb.usda.gov and to the public via GovDelivery at https://public.govdelivery.com/accounts/USFNS/subscriber/new?pop=t. These data will be released in October to encourage early recruitment and approval of SFSP and SSO sites and increase Program access.

Prioritizing Data in CACFP

CACFP regulations currently require institutions to first make a reasonable effort to establish area eligibility with school data prior to using census data [7 CFR 226.15(f)]. Previously, when census data were released decennially, school data were thought to more closely reflect the current socioeconomic status of a given area. Because census data are now annually estimated and released, this policy is no longer necessary. Therefore, this policy is amended to allow the use of either school or census data for applicable area eligibility determinations in the CACFP. Sponsoring organizations in the CACFP no longer have to first make a reasonable effort to establish area eligibility with school data prior to using census data [7 CFR 226.15(f)].

Geographic Areas Covered by Census Data

CACFP day care homes, SFSP sites, and SSO sites located in a Census Block Group (CBG) or Census Tract in which 50 percent or more of the children are eligible for free or reduced price school meals are considered area eligible for a period of 5 years. CACFP day care homes and

SFSP and SSO sites are considered area eligible if they are located in a CBG or Census Tract that qualifies under either CACFP or SFSP.

Previously, CBGs were the only permissible geographical unit that could be used to assess eligibility for CACFP, SFSP, and SSO when using census data. In May 2014, FNS issued guidance providing CACFP day care homes and SFSP and SSO sites flexibility to also use Census Tracts, geographical units that consist of one or more of the CBGs, to determine area eligibility [SP 49-2014, CACFP 13-2014, SFSP 19-2014, *Area Eligibility Using Census Data*, May 28, 2014].

Occasionally, a potential CACFP day care home or SFSP or SSO site is determined not to be area eligible, but is located immediately adjacent to an eligible area. This proximity suggests that the children residing in the area from which the home or site would most likely draw participants would have a likelihood of similar census demographics. In recognizing that likelihood and allowing additional flexibility in the use of census data to establish area eligibility, we can ensure area eligibility determinations accurately identify areas in which poor economic conditions exist.

Therefore, based on analysis of the proposed location, with both State agency and Regional Office approval, up to three adjacent CBGs may be averaged, using a weighted average, to determine eligibility. In such a case, CACFP day care homes and SFSP and SSO sites are considered area eligible if the percentage of children eligible for free or reduced-price meals in up to three adjacent CBGs when averaged is 50 percent or more, provided that at least 40 percent of children in each of the individual CBGs are eligible for free or reduced-price meals. Census Tracts may not be combined.

Reclassification of Day Care Home Providers

Sponsors must annually inform tier II day care home providers that the providers may ask for a reclassification to be considered when new census data become available each year and that reclassification may be made at any time for tier II homes. If a day care home is currently classified as tier II, but the CBG data demonstrates that the home is now tier I, then the sponsor may immediately change the status of that home to tier I and pay the higher rate of reimbursement for the current and subsequent months. A reclassification to tier I status is good for five years, at which time eligibility for this classification must be reconfirmed. When a home is reclassified, retroactive reimbursement at the higher tier I rates will not be provided for any previous month.

Area Eligibility Established Using Census Data between February 13, 2012, and April 6, 2012

The Census Bureau incorrectly categorized children with missing poverty information as eligible for free and reduced price meals in the dataset released by FNS on February 13, 2012. This coding error resulted in an overestimate of the number of children eligible for free or reduced price meals in the affected block groups.

State agencies monitoring SFSP, SSO and CACFP sponsors that determined area eligibility using census data released between February 13, 2012, and April 6, 2012, should ensure that

eligibility was re-determined for FY 2013. SFSP sites located within the affected CBGs for which eligibility determinations were made using the inaccurate data were permitted to maintain their eligibility for fiscal year (FY) 2012, but eligibility redeterminations were required for FY 2013. For purposes of CACFP, eligibility redeterminations for tier I day care homes located within the affected block groups were required by September 30, 2012, but State agencies were permitted to establish an earlier date. Eligibility determinations for CACFP day care homes and SFSP or SSO sites for which eligibility was determined after April 6, 2012, must have been made using the corrected data.

Accessing the Data
Census Tract and CBG data are now available through the FNS Area Eligibility Mapper, which is located at http://www.fns.usda.gov/areaeligibility.

The FNS Area Eligibility Mapper was published in 2014 and intended for State agencies and sponsors to determine area eligibility in CACFP, SFSP, and SSO. The map also can be used to conduct weighted averaging as discussed above. Instructions for determining eligibility using these data are available at:
http://www.fns.usda.gov/sites/default/files/Census%20Instructions%202014_0.pdf. The instructions offer two different tools to determine eligibility: the FNS Area Eligibility Mapper and a map developed by the Food Research and Action Center (FRAC). The FRAC map is constructed from the same data files and also may be used to determine eligibility.

Additionally, State agencies may request the data file for every CBG and Census Tract, including Federal Information Processing Standards (FIPS) codes for Geographic Information System (GIS) efforts, in their State. State agencies also may provide these data to institutions and partners upon request.

Use of Other Approved Data Sources in SFSP

In SFSP, area eligibility also may be established by using documentation from other approved sources to demonstrate that 50 percent or more of the children in a defined area are eligible for free or reduced price school meals [7 CFR 225.2]. Eligibility determinations using approved alternative data also remain in effect for five years. Approved alternative data sources may include:

- Departments of Welfare
- Zoning Commissions
- USDA's Rural Development Housing Authorities
- Housing and Urban Development (HUD) Housing Authorities
- Local Housing Authorities

For example, if an SFSP site is located in a HUD housing authority development and it does not qualify based on school or census data, the site may be considered area eligible using HUD data if residents of the housing development meet income eligibility requirements that are equivalent to or more restrictive than the SFSP requirements. The State agency and sponsor must work with the agency that maintains the data to confirm this information.

SFSP and SSO Sites Serving Children of Migrant Workers

Area eligibility also may be established upon a determination that an SFSP or SSO site predominantly serves the children of migrant workers [SFSP 04-2007, *Migrant Site Eligibility Determinations*, February 23, 2007, http://www.fns.usda.gov/sites/default/files/SFSP_04-2007.pdf]. Migrant sites operate like open or restricted open sites, as defined by Program regulations at 7 CFR 225.2, and may receive reimbursement for up to three meals per day served to any children in attendance [7 CFR 225.16(b)(4)].

To confirm migrant status, sponsors must submit information obtained from a migrant organization that certifies that the site serves the children of migrant workers. If the site also serves non-migrant children, the sponsor must certify that the site predominantly serves migrant children [7 CFR 225.6(c)(2)K)]. Sites determined to be eligible based on information from migrant organizations are subject to annual redetermination. State agencies are encouraged to work closely with sponsors of migrant sites to obtain documentation from migrant organizations.

SFSP and SSO Sites Serving American Indian or Alaska Native Children

Area eligibility can be established for SFSP and SSO sites that are located in areas in which poor economic conditions exist. The SFSP regulations define these areas as a geographic area where at least 50 percent of the children enrolled at the site are eligible for free or reduced priced meals under the NSLP [7 CFR 225.2]. Sponsors may document area eligibility by submitting documentation from a Tribal authority which certifies that the proposed site is located on a Tribal reservation, on trust land, or in an Alaska Native village where 50 percent or more of the children in the defined area are eligible for free or reduced price school meals. This provision is similar to the provision in 7 CFR 225.6(c)(2)(i)(K), which simplifies certification of migrant sites. This policy supports the expansion of access to SFSP and SSO to American Indian and Alaska Native children and reduces paperwork burden for sponsors and families.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm. State agencies should direct questions to the appropriate FNS Regional Office.

Original Signed

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