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NSLP Memorandum 2012-03

TO: Food Service Directors
Head Start Directors
Preschool Coordinators

FROM: Sue Bartenfield, Branch Manager *SB*
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Bill Buchanan, Branch Manager *BB*
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Joe Roberts, State Collaboration Director *JR*
Governor's Office for Early Childhood

RE: Head Start Participation in the NSLP or CACFP

DATE: August 31, 2012

This memorandum supplements guidance issued by the United States Department of Agriculture, Division of FNS on May 16, 2008 (MEMO CODE: SP 23-2008, CACFP 07-2008, SFSP 06-2008), concerning automatic eligibility for free meals for any child who is enrolled in Head Start. As stated in that memorandum, The Improving Head Start for School Readiness Act of 2007 (Public Law 110-134) contained 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 amended sections 9(b)(12)(A)(iii) and 17(c)(5) of the NSLA to correspond with the new eligibility criteria. Public Law 110-134 made any child enrolled in Head Start automatically eligible for free meals without further application or eligibility determination. Therefore, even a child who was not from a household with an income at or below the poverty level would be automatically eligible for free meals if they were enrolled in Head Start.

In order to serve free meals to children participating in Head Start during the school year, Head Start programs must apply to participate in either the Child and Adult Care Food Program (CACFP) 7 CFR 226, *et seq.* or the National School Lunch Program (NSLP) 7 CFR 210, *et seq.* Head Start Programs are eligible to participate in the NSLP as long as the program meets the definition of school set forth in 7 CFR 210.2:

School means: (a) An educational unit of high school grade or under, recognized as part of the educational system in the State and operating under public or nonprofit private ownership in a single building or complex of buildings; (b) any public or nonprofit private classes of preprimary grade when they are conducted in the aforementioned schools.