

# **Eligibility Manual for School Meals**

**Determining  
and  
Verifying  
Eligibility**

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**Child Nutrition Programs  
Food and Nutrition Service  
U.S. Department of Agriculture**

## PART 8: VERIFICATION

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### A. GENERAL DEFINITIONS

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**VERIFICATION** is confirmation of eligibility for free and reduced price meals under the NSLP and SBP. Verification is only required when eligibility is determined through the application process, not through direct certification conducted with an Assistance Program or officials or agencies that documented Other Source Categorical Eligibility. Verification must include either confirmation of income eligibility or confirmation that the child or any member of the household is receiving assistance under SNAP, FDPIR or TANF or that a child is Other Source Categorically Eligible. Verification may include confirmation of any other information required on the application, such as household size.

**DIRECT VERIFICATION** is using records from public agencies to verify income and/or program participation. See Part 9 of this manual.

**ERROR PRONE** means applications within \$100 per month of the applicable Income Eligibility Guideline. Error prone replaces the term "Focused Sample."

**RANDOM SAMPLING** means each application has an equal chance of being selected. A statistically valid random sample is not required. The LEA must determine a selection interval by dividing the number of applications by the required sample size.

**SAMPLE POOL** means the total number of applications approved as of October 1.

**SAMPLE SIZE** means the number of applications subject to verification; the minimum and maximum sample size is three percent total.

### B. EXCEPTIONS TO VERIFICATION REQUIREMENTS

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Verification efforts are not required:

- For children who have been certified under direct certification procedures including children documented as eligible migrant, runaway, homeless children, foster children and children participating in Head Start/Even Start;
- For children in RCCIs except for applications for any non-residential students attending the institution;
  - Applications from children listed above are not included in the sample pool

free or reduced price meals for their children. We would recommend that an LEA consult with legal counsel in establishing the parameters of verification for cause for school district employees.

FNS supports use of verification for cause where appropriate as a method for LEAs to address integrity concerns. We strongly encourage LEAs and their legal counsel to consult with their State agency prior to undertaking verification for cause where concerns with employee misrepresentation of information on an income eligibility application have been raised. State agencies should assist in ensuring that LEAs balance administrative requirements and integrity with access to free and reduced price meals for eligible children.

## E. APPLICATION SELECTION PROCEDURES

### AVAILABLE SAMPLE SIZES

There are three sample sizes established for verification activities. The standard sample size must be used by LEAs unless it qualifies to use one of the alternate sample sizes.

### STANDARD SAMPLE SIZE

The standard sample size is the lesser of

- Three percent (3%) of all applications approved by the LEA for the school year, as of October 1 of the school year, selected from error prone applications;
- 3,000 error prone applications approved by the LEA for the school year, as of October 1 of the school year.

### ALTERNATE SAMPLE SIZES

LEAs that qualify may select one of the following sample sizes.

#### **Alternate one:**

The sample size equals the lesser of

- 3,000 of all applications selected at random from applications approved by the LEA as of October 1 of the school year;
- Three percent (3%) of all applications selected at random from applications approved by the LEA as of October 1 of the school year.

#### **Alternate two:**

The sample size equals the lesser of the sum of

- The LEA had 21,000 children approved for free or reduced price meal benefits based on a total of 6,000 approved applications
  - Therefore, 180 household applications (3% of 6,000) must be verified
- Of those 180 households, 45 households failed to respond to verification requests, which results in a non-response rate of 25% ( $45 \div 180$  as a percentage)
- The LEA must improve the 25% non-response rate by at least 10%
  - The improvement rate is calculated by multiplying the non-response rate by 10% which is  $25\% \times 10\% = 2.5\%$

#### **Year 2: School Year 2012-2013**

- The LEA had 6,000 approved applications, so the sample size is 180 (3% of 6,000)
- The number of non-respondents was reduced to 40 which is a non-response rate of 22.2% ( $40 \div 180$  as a percentage)
- The next step is to calculate the level of improvement needed between Year 1 and Year 2
  - Subtract Year 1's non-response rate from Year 2's non-response rate (25% minus 2.5% = 22.5%)
- Since 22.2% is less than the minimum non-response rate of 22.5%, there is more than a 10% improvement
- The LEA is qualified to use an alternate sample size for School Year 2012-2013

#### **Year 3: School Year 2013-2014**

The LEA may choose to use one of the alternate sample sizes for its verification activities

#### **CONTINUING ELIGIBILITY FOR USE OF AN ALTERNATE SAMPLE SIZE**

The LEA must annually determine if it is eligible to use one of the alternate sample sizes. If the LEA determines it is eligible, it must contact its State agency in accordance with any procedures established by the State agency for approval prior to use of alternate sample sizes.

#### **STATE AGENCY RESPONSIBILITIES**

Each State agency must establish a procedure for LEAs to designate use of an alternate sample size. The State agency may also establish criteria for reviewing and approving the use of an alternate sample size, including deadlines for submissions.

#### **G. POST SELECTION PROCEDURES**

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There are two procedures that the LEA completes prior to contacting the household to obtain documentation of eligibility. These are the required confirmation reviews and the optional replacement of certain applications.

## REPLACING APPLICATIONS

After completing the confirmation reviews, the LEA may, on a case-by-case basis, replace up to five percent of applications selected. Applications may be replaced when the LEA believes that the household would be unable to satisfactorily respond to the verification request.

Any application removed must be replaced with another approved application selected on the same basis (i.e., an error-prone application must be substituted for a withdrawn error-prone application). The newly selected application must then have confirmation review.

In those LEAs where five percent of total applications result is less than one, one application may still be replaced. All results of the five percent calculation are rounded up to the next whole number.

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## H. HOUSEHOLD NOTIFICATION OF SELECTION

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Once the LEA has completed the post selection procedures, it proceeds with household notification.

### CONTACTING THE HOUSEHOLD

When a household is selected for verification and is required by the LEA to submit documents or other forms of evidence to document eligibility, the household must be sent a letter informing them of their selection and of the types of information acceptable to the LEA. Prototype notification materials may be found using the link in Appendix B of this manual.

The letter must include the following:

- That the household was selected for verification;
- Use of Information Statement (Please note that the Social Security Number (SSN) for all household members is no longer required for verification.);
- The types of acceptable information that may be provided to confirm current income, including pay stubs, award letters from assistance agencies for benefits such as social security or supplemental security income, and support payment decrees from courts;
- That the household may provide proof that a child or any household member is receiving benefits under the Assistance Programs instead of providing income information or that a child is Other Source Categorically Eligible; that documentation of income or receipt of assistance may be provided for any point in time between the month prior to application and the time the household is required to provide income documentation;
- That information must be provided by a date as specified by the LEA and that failure to do so will result in termination of benefits;
- Name of an LEA official who can answer questions and provide assistance; and
- A no-cost to the household telephone number.

For verification inquiries, the LEA must provide a telephone number that is available at no cost to the household. The LEA may establish a toll-free number or allow the household to reverse the charges if any households in that LEA are outside the local calling area. The LEA may also provide different telephone numbers for each local calling area within the LEA.

## COLLATERAL CONTACTS

A collateral contact is a person outside of the household who is knowledgeable about the household's circumstances and can give confirmation of a household's income participation in Assistance Programs or Other Source Categorical Eligibility Program sources. Collateral contacts include employers, social service agencies, migrant workers' agencies, and religious or civic organizations. The verifying official should request a collateral contact only in cases when the household has not been able to provide adequate written evidence.

The verifying official must give the household the opportunity to designate the collateral contact. However, the verifying official may select a collateral contact if the household fails to designate one or designates one who is unacceptable to the verifying official. In either case, no contact may be made without first notifying the household and obtaining its permission.

All collateral contacts may be written or oral and must be documented, dated, and initialed. The LEA will examine any written information provided by the collateral contact or evaluate any oral information. If the collateral contact is unwilling or unable to provide the requested information, the LEA must contact the household to complete the verification process.

Verification of eligibility for households that provided an Assistance Program case number on the application may be accomplished by submitting a list of names and Assistance Programs case numbers to the local SNAP or welfare office for confirmation of certification of receipt of benefits from agency records. (See *Part 9: Direct Verification.*)

## AGENCY RECORDS

A household's eligibility may be confirmed through the use of information maintained by other government agencies to which the State agency, LEA, or school has legal access. Although USDA regulations do not require that households be notified of selection when verification is made through agency records, such agencies may have their own notification requirements.

One source of agency records is the wage and benefit information maintained by the State employment agency if that information is available to the verifying official. Such records are State records, and the release of information maintained by State employment offices is governed by State law. (See *Part 9: Direct Verification.*)

Acceptable documentation of income or receipt of assistance from any of the above sources may be provided for any point in time between the month prior to application and the time the household is required to provide income documentation.

## WHEN A HOUSEHOLD INDICATES NO INCOME

If a household is selected for regular verification or verification for cause and the application indicates zero income, the LEA must request an explanation of how living expenses are met and may request additional written documentation or collateral contacts.

- The follow-up contact must attempt to obtain the missing written evidence or obtain collateral contact information.
- If the collateral contact is unwilling or unable to provide the requested information, the LEA must contact the household to complete the verification process.

The LEA must make a follow-up attempt when the household:

- Does not respond to the request for verification;
- Submits insufficient or obsolete written evidence;
- Does not designate collateral contacts; and
- Collateral contacts are unable or unwilling to provide the requested evidence.

If, after at least one follow-up attempt:

- Household responds and provides all needed evidence, verification is considered complete for this household:
  - If there is no change in benefits;
  - When household is notified that its benefits will be increased;
  - When notice of adverse action is sent.
- Household does not respond, verification is considered complete for this household:
  - When notice of adverse action is sent.
- LEA is unable to continue its verification activities because the household fails to provide adequate written evidence or knowledgeable collateral contacts, verification is considered complete for this household:
  - When the notice of adverse action is sent.

## K. NOTICE OF ADVERSE ACTION

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All households for whom benefits are to be reduced or terminated must be given 10 calendar days' written advance notice of the change. A prototype notice of adverse action may be found using the link in Appendix B. of this manual.

The notice of adverse action may be sent via the postal service or to the email address of a parent/guardian. The LEA cannot notify the household of adverse action by phone.

The first day of the advance notice period is the day the notice is sent. The notice must advise the household of the following:

- Change in benefits;
- Reasons for the change;
- That an appeal must be filed within the 10 calendar days advance notice period to ensure continued benefits while awaiting a hearing and decision;
- Instructions on how to appeal;
- That the household may reapply for benefits at any time during the school year; and
- Households that were terminated because no member was receiving benefits from an Assistance Program may submit an application containing household names and income information and provide written evidence of current household income.

## L. BENEFITS DURING AN APPEAL

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- Copies of all relevant correspondence between the households selected for verification and the LEA;
- One of the following for all documentation used to verify eligibility:
  - All documents submitted by the household or reproductions of those documents; or
  - In cases where the actual documents or photocopies cannot be kept, the verifying official must make a written record of the documents submitted by the household including the type of document, e.g., wage stubs or a letter from an employer, income shown on the document, time period of the income, and the date of the document and any changes in eligibility as a result of verification procedures, the reasons for the changes, and the date the change was made.
- Any change in eligibility as a result of verification procedures, the reason for the change and the date the household was notified, if necessary, and the date it became effective; and
- Records of follow-up attempts and results.

LEAs should also record:

- Any additional information necessary to show the efforts made by the LEA to meet the verification requirements;
- Title and signature of the verifying official; and
- Criteria for replacing applications for verification.

When verification information is needed for coordinated review effort (CRE) purposes, the LEA must be able to provide this information for each school selected for review.

## P. QUESTIONS AND ANSWERS

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*1. What if an application is selected for verification but, the household transfers out of the school district before the information can be verified?*

If a household selected for verification transfers out of the district before the information can be verified, verification cannot be completed. To meet the minimum verification requirements, a new application must be selected.

*2. What if I am using other agency records and that agency does not respond before November 15?*

The LEA should document that it contacted another agency well in advance of deadline which demonstrates good faith. This would be a valid reason for the State agency to extend the deadline.

*3. How is overtime income counted for the purposes of verification?*

The LEA official should work with the household to determine whether the overtime for the month being verified is representative of overtime received in other months. If the overtime is a one-time or sporadic source of income, income should be calculated based on the regular monthly income without overtime.