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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

k12.wa.us

July 16, 2021

- Action Required
- Due date: Varies
- Informational

BULLETIN NO. 052-21 CHILD NUTRITION SERVICES

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School District Food Service Supervisors
Administrators of Select Private Schools

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: School Meal Programs Free and Reduced-Price Application Materials and
Information for School Year 2021–22

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PURPOSE/BACKGROUND

All Local Education Agencies (LEAs) participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) must make free and reduced-price meals available to all students. Meal application materials must be made available to all households and are updated each year to reflect changes to income guidelines and program regulations.

The United States Department of Agriculture (USDA) released updated income guidelines (effective July 1, 2021 – June 30, 2022). You can find these documents on the Office of Superintendent of Public Instruction (OSPI) [Free and Reduced-Price Information webpage](#):

- USDA income guidelines
- Free and Reduced-Price meal applications/materials
- Reference sheets
- Training videos

This bulletin provides information about free and reduced-price meal applications, USDA waivers for SY 21–22 and House Bill 1342: Eliminating lunch co-pays for students who qualify for reduced-price lunches.

USDA Waivers

The USDA recently issued waivers to support the safe re-opening of schools and childcare institutions while ensuring program access. These waivers allow operational flexibility in meal service, while providing healthy meals free of charge to all children as the pandemic continues to impact the food and nutrition security of children across our state.

During SY 21–22, schools have the option to operate the USDA's National School Lunch Program (NSLP) or the Seamless Summer Option (SSO).

Seamless Summer Option

The USDA waivers for SY 21–22 allows all schools to serve meals free of charge to all students through the SSO. Collecting free and reduced-price meal applications are not needed for SSO to determine student eligibility status. However, we encourage school districts to continue collecting meal applications as they can help the following programs:

- SY20–21 Pandemic-EBT (P-EBT) Summer Extension,
- The possible extension of P-EBT into SY 21–22,
- And the anticipated return to regular child nutrition programming.

National School Lunch Program

Schools operating NSLP must claim students based on the child's free, reduced, and paid eligibility status. A paid lunch price must be established as this option does not allow meals to be served at no cost to all students. The exception is schools that have been approved for the NSLP Community Eligibility Provision (CEP) or the Provision 2 Program for both breakfast and lunch.

House Bill 1342: Eliminating Lunch Copays for Students Who Qualify for Reduced-Price Lunches

In SY06–07, Washington State eliminated the reduced-price co-pay for all public-school students participating in the School Breakfast Program and for students in grades K–3 for the National School Lunch Program (NSLP). With the passage of House Bill 1342 (2021), the state legislature eliminated the lunch co-pay for grades Pre-K and 4–12. Starting in SY 21–22, all students eligible for reduced-price meals in public schools operating the NSLP can receive breakfast and lunch at no cost. Free and reduced-price meal application information and materials have been updated to reflect the changes in reduced-price co-pays.

Letter to Households and Applications for Free and Reduced-price Meals

Letters to Households and Meal Applications are distributed to families each school year after July 1. These materials inform families of the meal programs available to the students and that meals may be available for free or reduced-price. Important details:

- Materials must be made available in a language parents and guardians understand. Use the [Limited English Proficiency Reference Sheet](#) for more information.
- Local Education Agencies (LEAs) must distribute the state prototype Letter to Households and Application for Free and Reduced-Price Meals **or** the USDA prototypes. Visit [USDA's Applying for Free and Reduced-Price School Meals Information webpage](#) for additional prototypes.
- Applications, scanned and online, must be updated to reflect current regulations. Use the [Meal Application Materials Reference Sheet](#) for more details.
- The Letter to Households should include the name of the hearing official and the individual who can provide alternative means of communication to persons who require program information in other formats.

Available Materials

Local education agencies may use the following prototype Notice of Eligibility letters available on the [CNS Free and Reduced-Price Information webpage](#):

- [2021–22 Application for Free and Reduced-Price Meals](#): The application allows households to apply for free and reduced-price meals.
- [Letter to Households – Public Schools](#): This letter is for public school districts, charter schools, and state-tribal education compact schools.
- [Letter to Households – Private Schools/Residential Child Care Institutions \(RCCIs\)](#): This letter is for private schools and RCCIs.

- [Letter to Households – SSO](#): This letter is for schools that are operating the SSO for SY 21-22 under the USDA waiver.
- [Letter to Households – Non-pricing/Provision](#): This letter is for Provision 2 programs operating a base year and schools that offer meals at no cost but are not participating in Community Eligibility Provision (CEP) or Provision 2 in a non-base year. Provision 2 programs can only send applications for free and reduced-price meals during the base year. Provision 2 schools during non-base years and CEP schools should use the Family Income Survey, available on the [Community Eligibility Provision and Provision 2 webpage](#).

Processing Applications

Local education agencies must ensure the following is in place when processing meal applications.

- Process applications within 10 working days.
- Use the [2021–22 Income Guidelines](#) when determining eligibility.
- The hearing official and determining official cannot be the same person.
 - The “*determining official*” is the individual(s) responsible for reviewing and approving free and reduced-price meal applications.
 - The “*hearing official*” is the individual responsible for reviewing and making a determination regarding an appeal to a benefit determination.

Notification of Eligibility Determination

Local education agencies must notify households of their eligibility status.

- Households with children who are approved for free or reduced-price meal benefits may be notified either verbally or in writing.
- Households with children who are denied benefits must be provided with written notification of the denial through mail or email.

Available Materials

Local education agencies may use the following prototype Notice of Eligibility letters available on the Child Nutrition Services (CNS) [Free and Reduced-Price Information webpage](#):

- [Notice of Eligibility for Free or Reduced-Price Meals](#): This letter may be used to notify households of student(s) who have been approved for free or reduced-price meals.
- [Notice of Eligibility for Free Meals – Directly Certified](#): This letter may be used to notify households of student(s) who have been approved for free meals through Direct Certification.

- [Notice of Eligibility for Free Meals or Reduced-Price Meals – Direct Certification Medicaid](#): This letter may be used to notify households of student(s) who have been approved for free meals through Direct Certification – Medicaid.
- [Notice of Denied Eligibility for Free or Reduced-Price Meals](#): This letter may be used to notify households of student(s) who have been denied free or reduced-price meal benefits. Households with students who are denied must be given written notification of the denial.

Notification Letter Requirements

Local education agencies using their own notification/denial letters must include in the letter:

- Reason for denial of benefits,
- Right to appeal,
- Instructions on how to appeal,
- Ability to reapply for benefits at any time during the year if their household circumstances change; and
- The USDA Non-discrimination Statement.

Eligibility Manual for School Meals

The [Eligibility Manual for School Meals](#) is the USDA guiding document for determining household eligibility for meals and disclosure of free and reduced-price eligibility information. The most current manual is dated July 2017.

Consent to Share Child Nutrition Program Eligibility Information for Other School Programs

Local education agencies that gather parental consent for local programs that offer reduced fees for students eligible for meal benefits can use the [Consent to Share Child Nutrition Program Eligibility Information for Other School Programs form](#).

For students that have been directly certified to receive free meal benefits, the [Consent to Share Child Nutrition Program Eligibility Information for Other School Programs](#) form allows the sharing of eligibility information with school officials for reduced fees for other programs. This form may also be sent home with the letter notifying households they have been directly certified for free meals.

Media Release for Free and Reduced-price Meals

The USDA requires LEAs to notify the public about the availability of school meal programs in schools. OSPI provides an annual public release to the media that meets this regulation. However, LEAs are encouraged to provide a release and a supply of meal application forms to

local organizations providing assistance to low-income families such as food banks; Women, Infants, and Children (WIC) clinics; post offices; and employment security offices.

Civil Rights Requirements

LEAs participating in USDA school meal programs are required to inform potentially eligible persons of their rights to receive program benefits. The USDA Civil Rights Non-Discrimination Statement must be placed on program materials **widely disseminated** to students and families. This includes, but is not limited to:

- Student handbooks containing program information
- School nutrition services webpages
- Letters to families
- Menus and brochures
- Online meal application

Washington State has additional protected classes that are not outlined in the USDA Civil Rights Non-Discrimination Statement. **Public School Districts and Public Charter Schools must put both the USDA, and the schools' non-discrimination statement on widely disseminated program materials.**

Please review the [Civil Rights reference sheet](#) for more information on requirements in Child Nutrition Programs.

Translations and Limited English Proficiency (LEP)

The application materials and other communications with households concerning eligibility determinations must be made available in a language parents and guardians understand. Local education agencies have the responsibility to be aware of the language needs of limited English proficiency (LEP) households in their district. LEAs must also include an assurance there will be no discrimination against LEP households in their media release.

LEP Resources

- The U.S. Department of Agriculture provides [application translations in 34 languages](#).
- The OSPI CNS [Limited English Proficiency Reference Sheet](#) provides details on requirements.

INFORMATION AND ASSISTANCE

For questions regarding this bulletin please contact your assigned program specialist or call the OSPI TTY number at 360-664-3631.

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This bulletin is also available on the [Bulletins](#) page of the OSPI website.

Tennille Jeffries-Simmons
Chief of Staff

T. J. Kelly
Chief Financial Officer

Leanne Eko
Director
Child Nutrition Services

CR:ln

Assurance of Civil Rights Compliance

The Sponsor hereby agrees that it will comply with: i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); ii. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); iii. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); iv. Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); v. Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189); vi. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000); vii. All provisions required by the implementing regulations of the Department of Agriculture (USDA) (7 CFR Part 15 et seq.); viii. Department of Justice Enforcement Guidelines (28 CFR Parts 35, 42 and 50.3); ix. Food and Nutrition Service (FNS) directives and guidelines to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity for which the Program applicant receives Federal financial assistance from USDA; and hereby gives assurance that it will immediately take measures necessary to effectuate this Agreement. x. The USDA non-discrimination statement that in accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs).

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Program applicant by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, and cash assistance for purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreements made in this assurance.

By accepting this assurance, the Sponsor agrees to compile data, maintain records, and submit records and reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review and copy such records, books, and accounts, access such facilities and interview such personnel as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Sponsor, its successors, transferees and assignees as long as it receives assistance or retains possession of any assistance from USDA.

OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability. Questions and complaints of alleged discrimination should be directed to the Equity and Civil Rights Director at 360-725-6162/TTY: 360-664-3631; or P.O. Box 47200, Olympia, WA 98504-7200; or equity@k12.wa.us.