



Food and  
Nutrition  
Service

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SUBJECT: Beginning Verification before October 1: Guidance to Local Educational Agencies

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

The purpose of this memorandum is to provide guidance to State agencies and local educational agencies (LEAs) on the option to begin verification activities before October 1.

Section 9(b)(3)(D) of the Richard B. Russell National School Lunch Act (NSLA), 42 USC 1758(b)(3)(D), and regulations at 7 CFR 245.6a(c)(1) require LEAs to verify a sample of approved applications for free and reduced price meals each school year. Verification is not required when eligibility is determined through direct certification in accordance with program provisions in Section 9(b)(4) and (5) of the NSLA, 42 USC 1758(b)(4) and (5), and regulations at 7 CFR 245.6(b).

### **Beginning Verification before October 1**

The NSLA states that verification must be based on a school's sample size as of October 1 each school year. However, FNS regulations at 7 CFR 245.6a(c)(3) allow LEAs to begin verification once they begin the application approval process for the current school year and have approved applications on file. This means LEAs are not required to wait until October 1 to initiate the verification process, and may instead choose to begin conducting verification once they begin the application approval process for the current school year.

For some LEAs, particularly those expecting large verification sample sizes, starting earlier than October 1 may ease the administrative burden associated with the verification process by distributing tasks and responsibilities over a longer period of time. In practice, conducting verification on a rolling basis (e.g., weekly or monthly) helps LEAs mitigate a possible rush of document processing and follow-up communications that may occur when sampling and household outreach occur at a single point in time. For these reasons, FNS encourages LEAs to consider utilizing rolling verification.

Please note that all existing statutory and regulatory requirements continue to apply when using this approach, but the timing and sampling process is tailored to accommodate the

extended timeframe during which verification is being conducted. When beginning verification prior to October 1, LEAs must:

- decide how often to sample applications,
- include in each sample pool only applications approved since the last sample was selected, and
- select either 3 percent or 1.5 percent of approved applications, as required by the sampling method, each time.

### **Follow-up/Change, Reduction or Termination of Benefits Notices**

The minimum requirements outlined at 7 CFR 245.6a(f)(6), (f)(7), and (j) still apply regardless of when the verification process begins. These requirements include one follow-up attempt to contact non-responding households and a 10-day advance notification of a reduction or termination of benefits. LEAs that send their initial verification notices on a rolling basis may, but are not required to, carry out these requirements on a rolling basis as well. Some LEAs may realize maximum administrative benefit by conducting all steps on a rolling basis. However, others may prefer to send initial notices in stages but carry out the remaining steps in the process on a fixed schedule. The attachment provides guidance to LEAs choosing to perform verification on a rolling basis in order to ensure all existing requirements regarding sampling method and sample size are met.

State agencies are reminded to distribute this memorandum to Program operators. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.



on behalf of:  
Angela Kline  
Director  
Policy and Program Development Division  
Child Nutrition Programs



Edward Harper  
Director  
Office of Program Integrity  
Child Nutrition Programs

<b>GUIDELINES FOR BEGINNING VERIFICATION BEFORE OCTOBER 1</b>
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Sampling

- Decide when and how often to sample and contact households for verification (weekly, every other week, monthly, etc.). Starting the verification process early has the greatest potential benefit for LEAs with large sample sizes. LEAs may choose to begin verification soon after there are approved applications are on file, which would likely mean starting in August, though the verification process may be started at any time prior to October 1.
- Sample at the same rate as usual (i.e., the lesser of 3% or 3,000 for standard error prone or alternate random sampling, and 1.5% or 1,500 for alternate error prone sampling). *Round down to the nearest whole number to prevent over-sampling.*
- Each time applications are sampled, be sure to select only from applications that were approved since the last sample selection.
  - As usual, the sample should include only the appropriate type of applications, depending on the type of sampling method used.
- On or around October 1, be sure to complete *all three* of these steps:
  1. Sample the final set of applications, selecting only from the applications approved since the last sampling.
  2. Calculate the number of applications selected for verification *to date* (including the October sample).
  3. Calculate 3% or 3,000 (or 1.5%, if applicable) of *all applications approved as of October 1*, rounding up to the next whole number.
    - If the number of applications selected for verification to date is less than the 3% (3,000) / 1.5% (1,500) number, fill the remainder of the sample by selecting randomly from error prone, categorically eligible, or all applications, *approved since the beginning of the school year* as required for the sampling method.
    - If there are not enough applications of the required type, then sample randomly from all applications.

**Example:** An LEA conducting standard verification selects 3% of approved applications every two weeks from August 1 until October 1, or 5 times (see table below).

Time frame	8/1-8/13	8/14-8/27	8/28-9/10	9/11-9/24	9/25-10/1	TOTAL
Approved applications in time frame	703	455	296	273	167	1,894
Apps selected for verification	21	13	8	8	5	55

On October 1, the LEA had approved 1,894 applications, so the 3% sample size should be 57 applications. The LEA only sampled 55 applications so far; so on October 1, the LEA will need to randomly select two more applications from all approved error prone applications received since the beginning of the school year.

### Follow-Ups

- At a minimum, one follow-up attempt is required for any household non-respondents selected for verification. This is per regulatory requirements at 7 CFR 245.6a(f)(6) and remains consistent regardless of when the LEA begins the verification process.
- Any follow-up attempts made by the LEA *may* be conducted on a rolling basis that corresponds with the initial date the household was contacted. (Example: A household selected for verification receives a follow-up two weeks after the date of initial notification.) However, the LEA is *not* required to do so, and may instead choose a single date or set of dates on which to follow up with households, regardless of their initial date of selection for verification. (Example: An LEA sends a single follow-up letter to all verification non-respondents on October 15.) LEAs maintain discretion over the method used for follow-up attempts, the number of additional follow-up attempts beyond the mandatory first attempt, and the frequency of these attempts.

### Change/Reduction/Termination of Benefits

- As required by program regulations at 7 CFR 245.6a(f)(7) and 7 CFR 245.6a(j), LEAs must notify households of any change, reduction, or termination of benefits as a result of the verification process. Ten-day advance notice is required in cases of benefit reduction or termination. This requirement is unchanged regardless of when the LEA begins the verification process.
- LEAs may, but are not required to, issue change, reduction, or termination of benefit notices on a rolling basis when they send initial verification selection notices in a similar fashion. However, when households selected for verification submit adequate evidence of income (either through written documents or verbally through collateral contacts) indicating eligibility for a greater or lesser level of benefits, a change of benefits or notification of adverse action must be issued promptly.
- All verification activities must still be completed no later than November 15, per program regulations at 7 CFR 245.6a(b)(1).