

Eligibility of Schools and Institutions
To Participate in School Nutrition Programs

PURPOSE:

To clarify which types of schools and institutions are eligible to participate in School Nutrition Programs

SCOPE:

Child Nutrition Programs (CNP) participants and applicants

DESCRIPTION:

Occasionally, applications for participation in the School Nutrition Programs may be received from organizations that do not clearly meet the definition of "school." School Nutrition Programs include the National School Lunch Program, Commodity School Program, School Breakfast Program and Special Milk Program for Children. In such cases, the following will clarify which types of schools and institutions are eligible:

I. ELIGIBLE SCHOOLS AND INSTITUTIONS INCLUDE:

- A. Bureau of Indian Affairs (BIA) schools operated by the BIA or under a BIA contract are allowed to participate under the same terms and conditions as all other "schools."
- B. Military post schools of high school grade or under operated by any branch of the Armed Forces on any military installation in the 50 States or the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands are eligible to participate.
- C. Department of Defense (DOD) overseas schools are authorized, under Section 22 of the National School Lunch Act and Section 20 of the Child Nutrition act of 1966, to receive cash and commodity assistance for operation of the National School Lunch Program and School Breakfast Program in overseas dependent schools. A memorandum of agreement between USDA and DOD formalized this and became effective on March 5, 1980.
- D. Combined high schools and community colleges are eligible for participation in the programs, but reimbursement may be paid only for meals or milk served to the high school students in attendance.
- E. Public or nonprofit private preprimary classes are eligible if they are recognized as part of the educational system in the State or if they are conducted in a school having classes of primary or higher grades.
- F. Split-session kindergarten programs in schools that participate in a meal service program authorized by the National School Lunch Act and Child Nutrition Act may receive the Special Milk Program for children attending split-session kindergarten who do not have access to the meal service.
- G. Nonresidential nonprofit child care institutions may participate in the Special Milk Program provided that they do not participate in a meal service program authorized by the National School Lunch Act or the Child Nutrition Act of 1966.

- H. Public or nonprofit private residential child care institutions that have temporary clientele, such as runaway shelters, are eligible to participate as long as the institution operates on a continuous basis.
- I. Nonprofit residential child care institutions and institutions where both children and adults are in residence. If an institution primarily serves and cares for adults, the institution may participate in the School Nutrition Programs if the residing children are located in a distinct part of the institution (such as a separate wing or area) designated primarily for the care of children. In such an institution, as well as in an institution which operates principally for the care of children, but also has adults (persons 21 chronological years of age and over) in residence, only those reimbursable meals served to children may be claimed for reimbursement.
- J. GED programs or regular high school completion programs which operate during regular school hours in an eligible school may participate in the meal service. Reimbursement may be claimed for meals served to the students attending such programs in accordance with program regulations.

II. INELIGIBLE SCHOOLS AND INSTITUTIONS INCLUDE:

- A. Child care institutions. Except in Puerto Rico, non-residential child care institutions (including nursery school) are ineligible to participate in the National School Lunch Program, Commodity School Program and the School Breakfast Program.
- B. Residential summer camps that participate in the Summer Food Service Program for children are ineligible to participate.
- C. Residential child care institutions (RCCIs) which operate only on weekends are ineligible to participate because they do not provide continuous child care service.
- D. RCCIs which are private but not licensed to provide residential child care services under the appropriate licensing code by the State of subordinate level of government are ineligible to participate.
- E. Private Schools and RCCIs which do not have tax-exempt status under the Internal Revenue Code are ineligible to participate.
- F. Job Corps centers funded by the Department of Labor are ineligible to participate.

SOURCE: FNS Instruction 776-7, revision I, June 6, 1988