



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234**

Office for Prekindergarten through Grade 12 Education
School Operations and Management
Child Nutrition Program Administration
99 Washington Avenue, Room 1623 OCP, Albany, NY 12234
(518) 473-8781 Fax (518) 473-0018
www.nysed.gov/cn/cnms.htm

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Julie Brewer, Chief
Policy and Program Development Branch
Child Nutrition Division
Food and Nutrition Service
Department of Agriculture
3101 Park Center Drive, Room 640
Alexandria, VA 22302-1594

Dear Ms. Brewer:

The New York State Education Department (SED) is pleased to submit the following comments in response to the April 25, 2011 publication in the Federal Register on the interim Direct Certification rule. This rule amends regulations 7CFR 245 that requires local educational agencies (LEAs) to conduct direct certification with the Supplemental Nutrition Assistance Program (SNAP) as required by the Child Nutrition and WIC Reauthorization Act of 2004. The interim rule also incorporates provisions from the Act concerning the certification of children who are homeless, runaway, migratory or are enrolled in a Head Start program.

For the past 20 years, New York has been using a statewide letter method. Last year we piloted direct data matching with seven LEAs. For the 2011-2012 school year, we made the statewide data available to our schools in mid August and will update again in November and February. In addition, because Tropical Storms Irene and Lee had a devastating impact on several New York State communities which dramatically increased SNAP eligibility, additional data was made available to our LEAs in October.

We strongly support increasing access for low income children, reducing paperwork for households and program administrators and improving the integrity of the free and reduced meal certification process. However, states such as New York are at a disadvantage for the following reasons:

- We are a large state with a substantially high poverty rate which means there is a significant amount of data for LEAs to sort through to identify their eligible students.
- SED and New York State LEAs do not collect the Social Security numbers (SSNs) of students. Instead, for tracking purposes, students are assigned a "unique identifier" number which means schools cannot match against SSNs on the statewide data file for families who receive SNAP or TANF. Agencies administering benefits such as SNAP/TANF/FDPIR, as well as agencies administering school meal programs, and LEAs each collect different student identifying data. This creates an obstacle when trying to implement an automated matching system without one universal unique student identifier. Successful collaboration of these offices/agencies is difficult to achieve when regulations/policies vary in federal and State agencies. A universal unique identifier can help match children by name, parent names, date of birth and address (SSNs are not collected by LEAs and Student IDs are not unified across New York State).
- We do not have school districts which correlate exclusively with county social services agencies. NYS has approximately 1,200 School Food Authorities with student enrollments varying from five to 1,080,400 students. Without a unique identifier for children/students in NYS, data has been disseminated to LEAs by zip code. This process provides LEAs with more

SNAP/TANF/FDPIR names than each LEA needs. The electronic direct certification matching process has increased administrative costs and time spent verifying data.

- SED does not currently maintain a complete enrollment database of students in each school, with parent names and addresses, therefore the Child Nutrition Program office cannot conduct the data matching or just send the schools the list of eligible children from data matching. LEAs and food service directors thought the “systems” would do all the work and unfortunately this is not the case in NYS at this time.
- Some LEAs lack employees with the knowledge and skills to obtain/sort the data.
- The above listed challenges may negatively impact New York and other state’s ability to qualify early for community eligibility which would greatly benefit many LEAs.

Clearly these challenges impact on the efficacy and efficiency of the process. While several schools have been able to identify more eligible free students than in past years, which clearly reduced their verification numbers, the process has increased the burden on the school employee(s) who is responsible for reviewing thousands of records in order to capture students residing in zip codes in their school area. Our concern is that when writing regulations, consideration should be given to the various constraints that affect states and LEAs that make it difficult to achieve consistent and anticipated results. Regulations should be specific enough to accomplish the overall objective, but should provide the flexibility for states and LEAs to complete the process and attain/achieve compliance.

The data matching required for the 2011-2012 school year created some administrative hardships on LEAs whose staff were unprepared for the time and effort needed to acquire the list of eligible free students. Rather than just accepting a letter, LEAs now need to acquaint themselves with a new process that is very labor intensive and time-consuming. Those LEAs that had point of sale (POS) systems, had to work with their vendor to create a system that would enable them to run their school enrollment against the zip codes for their area. The unprepared vendors were deluged with requests to quickly provide a workable system. SED's Child Nutrition Office had to develop detailed explanations and post on our web site for LEAs to access the data matching information and spent hundreds of man hours assisting LEAs with the unfamiliar process.

In order to expedite and simplify the process for our LEAs, we will need to research and develop an RFP to obtain a program that will enable school enrollment data to be uploaded against SNAP/TANF data. We will investigate capturing additional data elements to our system which will enable us to improve our process. The advantages and disadvantages of data matching are listed below:

Advantages of Data Matching

- Enhances access to school meal/or milk programs by needy children.
- Significantly increases the number of children directly certified for free meals.
- Reduces the number of families whose information needs to be verified.
- Reduces the verification burden on LEAs.
- Reduces the number of families who call stating they lost their direct certification letter and who then have to complete an income application.
- If one family member of the data matching is identified, the entire family/household is considered eligible.
- Accessing SNAP data information more than once a year increases the number of eligible students.
- It will provide LEAs access to check the status of new enrollees in a school.

- Using the same unique student identifier will track students who move from one school to another.

Disadvantages of Data Matching

- Interim data matching regulations were administratively burdensome for LEAs that were used to simply accepting letters. LEAs now have to perform their own search for eligible families.
- LEAs must now send letters to all eligible families notifying them of their children's eligibility for free meals and the family's option to refuse them. This information must also be retained on file for audit/review purposes.
- The LEA burden of obtaining information has increased because NYS does not have county districts, unique student identifier-social security numbers or enrollment lists of students.
- LEAs must access this information a minimum of three times per school year. Some program directors have reiterated that accessing the information a minimum of three times per year is an unnecessary requirement. These include small LEAs, LEAs with small numbers of free and reduced eligibles and LEAs that do not have a high transient population.
- The process often requires coordination with IT staff and/or POS vendors to expedite the process. Due to district cut backs, many LEAs do not have the proper staffing to help facilitate the process.
- Small LEAs in urban areas with many zip codes are overwhelmed with the process.
- Some LEAs, regardless of state agency assistance, are not accessing the data matching system, therefore some students are being left out of the program. These LEAs are then out of compliance with program regulations, and will have to be cited.
- Additional burden will be placed on State agencies to track LEA access to the data matching system. This will need to be done a minimum of three times a year.

Suggestions for Improving Interim Regulations

- Continue to count those children who are determined eligible by the letter method as directly certified because they are directly certified. LEAs are finding eligible students with letters that they did not match electronically. There are many small schools that still lack the capability to access the data matching that we provide. It also would simplify the reporting process since the LEA would not need to count and report direct certification letters separately from data matches.
- Encourage and allow states to continue to use the letter method as a secondary measure to capture all directly certified eligible students. Do not discourage any process that results in more eligible children being identified.
- Continue to clarify that direct certification letters can be used as long as they are not the primary method of direct certification. Children could be missed in the electronic match or improperly be matched. The integrity of the eligibility data can be compromised when LEAs are too flexible in determining eligibility. Since eligibility data is often used as the proxy for poverty, inflated numbers of eligibles can affect many federal/State programs and funding.
- Clarify that if one member of a household is directly matched, all others in the household are considered directly certified.
- Since states and LEAs will encounter a wide variety of situations that will impact their data matching efforts, allow flexibility when evaluating LEA efforts, and when evaluating states against meeting the annual benchmarks. It is not equitable to compare efforts from states with county districts and those that obtain social security numbers with those that do not.

- There are many companies that are contacting schools and state agencies that claim they can provide IT systems that can “scrub” the SNAP data to capture additional eligible students. These systems are very costly. USDA should establish an approved vendor list of systems that meet data matching standards for accuracy. States and/or schools can select a vendor from the approved list utilizing the competitive bid process.
- Conducting direct verification with social service agencies is more difficult now that the family application includes only the last four digits of the social security number. Re-evaluate the direct verification process since all LEAs should be able to access student eligibility from the data base.
- Provide guidance to state agencies on how to address LEAs that do not cooperate with the data matching regulations.
- Clarify if an LEA is participating in community eligibility, or Provision 2 or 3, whether they must continue to conduct data matching.

Again, we appreciate the opportunity to submit these comments for your review. We look forward to working with you to expedite the direct certification data matching process to capture all eligible children.

If you have any questions or require additional information, please call me at 518-473-8781.

Sincerely,

Frances N. O'Donnell
Coordinator

c: John Delaney