



Free School Meals for Migrant Children and Youth

The Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) extends automatic free school meal eligibility to migrant children and youth. School food service directors, principals and other school officials should work closely with Migrant Education Program (MEP) coordinators to ensure that migrant students are provided free meal benefits as promptly as possible.

Automatic Eligibility for Free School Meals

The Reauthorization Act confers automatic eligibility for free school meals on migrant children identified as eligible for the MEP as authorized under Title I, Part C of the Elementary and Secondary Education Act.

The Reauthorization Act also provides automatic eligibility for free school meals to homeless students, as defined by the McKinney-Vento Homeless Assistance Act, and runaway children and youth served through grant programs established under the Runaway and Homeless Youth Act: Basic Center Program, Transitional Living Program for Older Homeless Youth, and Street Outreach Program.

Documentation of Free Meal Eligibility

Most school districts that have migrant children attending school have an MEP coordinator who identifies children from migrant families. If a school district does not have an MEP coordinator, every state has a State MEP Director (who generally works for the State Education Agency) who can facilitate the identification of migrant children.

The documentation of a child as migrant for free school meals is a dated list of each child's name and the signature of the MEP coordinator or State MEP Director. This list is acceptable in lieu of a school meal application usually submitted by the child's parent or guardian and is sufficient for school officials to approve the child's eligibility for free school meals. School food service directors or other officials who determine school meal eligibility must accept documentation that children are migrant from the MEP coordinator or State MEP Director.

Newly arrived migrant children in a school district should be certified for free school meals as promptly as possible. School food service directors or other officials who determine school meal eligibility must accept documentation from the MEP coordinator or State MEP Director throughout the school year as new migrant children are identified.

Please see USDA's guidance: *Categorical Eligibility for Free School Lunches and Breakfasts for Migrant Children* (http://www.fns.usda.gov/cnd/Governance/policy/Reauthorization_04/2004-08-16.pdf) for more details.

Full School Year Eligibility

For all students certified as eligible for free meals, including migrant children designated by the dated lists described above, the eligibility remains effective for the remainder of the school year and up to 30 days into the next school year. This policy holds even if students' certification for the MEP expires during the school year.

Please see *USDA Memo SP 3* (www.fns.usda.gov/cnd/Governance/policy/Reauthorization_04/2004-07-07.pdf) for more details.

In the school year following the expiration of a student's eligibility for the MEP, if that should occur, such student's household should be encouraged to file an income application for school meals, as the household likely remains eligible for meal benefits. If a household fails to apply and a school official knows, on an individual basis, that the child is eligible, the official may complete an application on behalf of the child. To do so, the official must fill out the household size and income with the best information available and note the source of such information.



United States
Department of
Agriculture

August 16, 2004

Food and
Nutrition
Service

SUBJECT: Categorical Eligibility for Free Lunches and Breakfasts for Migrant
Children

3101 Park
Center Drive
Alexandria, VA
22302-1500

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

This memorandum supplements our Reauthorization Implementation Memo SP 4 (July 19, 2004) by providing additional information on identifying migrant children and on the procedures that school food authorities (SFAs) and local education agencies (LEAs) should use to coordinate with the Migrant Education Program (MEP) in order to document the categorical eligibility of migrant children for free meals.

Background on the Migrant Education Program

The MEP is authorized under Title I, Part C of the Elementary and Secondary Education Act (ESEA) and provides grants to State educational agencies. The State educational agency, in turn, makes sub-grants to LEAs and other entities to provide supplemental educational and support services to migrant children. A major goal of the MEP is to minimize the disruption caused by migrant children's frequent moves. While the full definition of a migrant child in section 1309 of ESEA is rather complicated, in general under this definition, a migrant child is one who has moved across school district lines, within the last three years, in order to accompany or join a parent or guardian who has moved to seek or obtain temporary or seasonal work in agriculture or fishing.

Please note, however, that it is not necessary for local SFA personnel to apply the ESEA definition because there are already State educational agency and local MEP staff who are responsible for identifying (and maintaining supporting documentation) as to who is an eligible migrant child under ESEA.

Local Level MEP Contacts

Most State educational agencies sub-grant MEP funds to local operating agencies (LOAs) to provide program services. These LOAs are typically LEAs; however, in some states, the LOAs may be regional units that administer the MEP in multiple LEAs. When an LOA/LEA receives MEP funds, a MEP coordinator is usually designated. (However, in some LEAs, a Federal program director administers multiple federal programs including the MEP). Each LEA/LOA typically identifies and recruits migrant children in their geographic area and maintains a list of eligible migrant children.

Documenting Free Meal Eligibility for Migrant Children

SFAs/LEAs should work directly with their LOA/LEA MEP coordinators or, where appropriate, the State MEP director, to identify migrant children and to document their eligibility for free school meals. SFAs/LEAs must accept documentation that the children are migrant children from the LOA/LEA MEP coordinator.

Documentation of migrant status to substantiate free meal eligibility is a dated list with each child's name and the signature of the LOA/LEA MEP coordinator or the State MEP director. This documentation is in lieu of free and reduced price meal applications and must be sought, as much as possible, prior to a household completing an application. Once documentation is obtained, the SFA/LEA must notify the household as soon as possible about the child's free meal eligibility. Any application submitted on behalf of the child would be disregarded.

It is particularly important that newly arrived migrant children in the LEA be documented and certified for free meals as promptly as possible. SFAs/LEAs need to establish procedures with the LOA/LEA MEP coordinator to assure prompt notification when a new migrant child is identified.

Continuing Certification

Public Law 108-265 also amended the Richard B. Russell National School Lunch Act to establish that, once a child is certified as eligible to receive free or reduced price meals, eligibility remains effective for the remainder of the school year. Our policy further allows SFAs to continue a child's eligibility from the previous year for 30 operating days into the subsequent school year or until a new eligibility determination is made, whichever occurs first. Because of this and because the MEP strives to minimize a child's disruption in services and benefits, SFAs/LEAs should attempt to share the child's free meal eligibility status with the new SFA/LEA when a migrant child moves from their jurisdiction if the family knows their new location.

Please contact Rosemary O'Connell in my office if you have any questions on this guidance.

STANLEY C. GARNETT
Director,
Child Nutrition Division



United States
Department of
Agriculture

July 7, 2004

Food and
Nutrition
Service

SUBJECT: Duration of Households' Free and Reduced Price Meal Eligibility
Determination - Reauthorization 2004: Implementation Memo - SP 3

3101 Park
Center Drive
Alexandria, VA
22302-1500

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

The Child Nutrition and WIC Reauthorization Act of 2004 (Act) specifies that, effective July 1, 2004, households' eligibility for free and reduced price meals shall remain in effect beginning on the date of eligibility for the current school year and ending on a date during the subsequent school year, as determined by the Secretary. This provision does not apply when the initial eligibility determination was incorrect or when verification of household eligibility does not support the level of benefits for which the household was approved. In those instances, officials must make appropriate changes in eligibility. Additionally, this provision does not apply when a household is given temporary approval.

There are many provisions in the Act affecting the certification/verification process, which must be addressed through the regulatory process. However, to give school food authorities and households the advantages of this provision as quickly as possible, we are implementing this provision through this memorandum.

Beginning school year 2004-2005 and until issuance of a final regulation, school officials will determine household eligibility for free and reduced price meals in the traditional manner, at or about the beginning of the school year. Once approved for free or reduced price benefits, a household will remain eligible for those benefits for a maximum of 30 days after the first operating day in the subsequent school year or when a new eligibility determination is made in the new school year, whichever comes first. The household is no longer required to report changes in circumstances, such as an increase in income of \$50 per month (\$600 annually), a decrease in household size or when the household is no longer certified eligible for food stamps or Temporary Assistance for Needy Families (TANF).

The current free and reduced price application package includes instructions for households to report the changes in household income and household size mentioned above. We do not expect State agencies and school food authorities to make changes in their free and reduced price application materials for this school year because the enactment of this legislation is so late in the year. Any changes to the application materials now would be very burdensome to most school districts. However, school food authorities may use other means to notify households that they do not have to report changes. For example, households may be notified via the annual media/public release or notified in their notice of approval for free and reduced price school meals. The Department will revise its guidance as appropriate.

Please note that households may continue to apply for benefits any time during the school year. As noted above, this provision does not apply to households who are provided “temporary” approvals. We continue to encourage determining officials to approve households on a temporary basis when their need for assistance appears to be short-term, such as when the household reports zero income or a temporary reduction in income. A suggested time period for temporary approvals is 45 days unless otherwise stipulated by the State agency. At the end of the temporary approval, school officials must re-evaluate the household’s situation.

If you have any questions, please contact Rosemary O’Connell or Barbara Semper at 703-305-2590.



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