

U.S. Department of Agriculture Statutory Change Regarding Child Nutrition Programs

July 19, 2004

SUBJECT: Categorical Eligibility for Free Lunches and Breakfasts of Runaway, Homeless, and Migrant Youth: Reauthorization 2004 Implementation Memo SP 4

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

Section 107 of the Child Nutrition and WIC Reauthorization Act of 2004 (Act) amended section 9(b) of the Richard B. Russell National School Lunch Act to make runaway, homeless and migrant children categorically eligible for free meal benefits under the National School Lunch and School Breakfast Programs and is effective July 1, 2004. In addition to establishing free meal eligibility, the Act also establishes a requirement for documenting a child's status as runaway, homeless, or migratory.

Previously, through guidance, the Food and Nutrition Service extended categorical eligibility for free school meals to children considered homeless under the McKinney-Vento Homeless Assistance Act. School officials were allowed to accept statements that children were homeless from the local educational liaison for the homeless or directors of homeless shelters where the children reside. The Act now establishes in law the categorical eligibility of these children for free school meals. Please see the previously issued memoranda of April 6, 1992, *Documentation of Free and Reduce Price Meal Eligibility for Homeless Children* and of April 4, 2002, *Updated Guidance for Homeless Children in the School Nutrition Programs*, on documentation for homeless children under McKinney-Vento.

There were, however, no similar eligibility and documentation provisions for runaway youth or migrant children. At this time, we are in discussions with the Department of Health and Human Services, regarding implementation of that portion of the Act that addresses categorical eligibility for runaway youth served through grant programs established under the Runaway and Homeless Youth Act. We hope to provide guidance in the very near future on how to determine and document if a child is receiving services as a runaway and is therefore categorically eligible for free school meals.

For migratory children, each State Educational Agency's Migrant Education Program establishes their own process for determining if a child meets the criteria provided under Elementary and Secondary Education Act of 1965. State Child Nutrition Agencies must contact their State Migrant Education Program to develop a plan for sharing and documenting the migratory child's eligibility for free school meals. To find the contact for your State Migrant Education Program view the following website:

- Contact Information for all State Directors of Migrant Education
<http://www.ed.gov/programs/mep/contacts.html>

If you have any questions, please contact Rosemary O'Connell or Mara McElmurray at 703-305-2590.

/S/

STANLEY C. GARNETT
Director
Child Nutrition Division

Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. For information on the education of children and youth experiencing homelessness in Texas and to obtain contact information for the liaison in your district, please contact:



TEXAS HOMELESS EDUCATION OFFICE

The University of Texas at Austin
Charles A. Dana Center
2901 N IH 35, Room 2.200 Austin, TX 78722
www.utdanacenter.org/theo 1-800-446-3142



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
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September 17, 2004

SUBJECT: Guidance on Determining Categorical Eligibility for Free Lunches and Breakfasts for Youth Served under the Runaway and Homeless Youth Act

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

As described in our Reauthorization Implementation Memo SP 4, *Categorical Eligibility for Free Lunches and Breakfasts of Runaway, Homeless, and Migrant Youth*, issued

July 19, 2004, runaway youth served through grant programs established under the Runaway and Homeless Youth Act (RHYA, Public Law (PL)108-96) are now categorically eligible for free meals in the National School Lunch and School Breakfast Programs. This memorandum is a follow up to the July 19, 2004, memorandum and provides background information on the operation of programs under the RHYA and eligibility guidance for schools and school districts.

Background on the Grant Programs Established under the RHYA

The Family and Youth Services Bureau (FYSB) is part of the Administration on Children, Youth and Families (ACYF); of the Department of Health and Human Services. FYSB supports local communities in providing services and opportunities to young people, particularly runaway and homeless youth. FYSB does so by awarding funding that enables community agencies to offer services to young people and their families and to test new approaches to helping youth. FYSB promotes and supports youth through its three grant programs: Basic Center Program, Transitional Living Program and the Street Outreach Program. The agencies receiving grants under these three programs are referred to as either FYSB grantees, or Runaway and Homeless Youth (RHY) service providers.

FYSB works through ten ACYF regional offices located throughout the country; each region has a Regional Youth Specialist to serve the States, territories, tribes and other grantees in their geographical area. The Regional Youth Specialists are given broad flexibility in guiding the programmatic and financial management of FYSB programs.

The 2003 Reauthorization of the Runaway and Homeless Youth Program directed FYSB to coordinate with school district liaisons under the McKinney-Vento Homeless Assistance Act to assure that RHY are provided information about the educational services available to them and to ensure they receive support services guaranteed under the law.

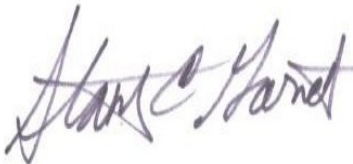
In order to better advance FYSB's directive on coordination with McKinney-Vento school district liaison, they are developing an informational memorandum for their grantees that offers suggestions on how to build stronger relationships with the liaisons and offers available resources. We will share their memorandum as soon as it becomes available.

Documenting Eligibility

The systems for coordination of information about RHY can vary from State to State and even across districts depending on the relationship between the McKinney-Vento school district liaison and the RHY service provider, and the size of the RHY caseload. In many cases, the McKinney-Vento school district liaison is already working with youth receiving services under the RHY grant programs. In these cases, school districts will be notified of a child's status as a runaway through the existing liaison channels. In some cases, schools may receive information on a youth's participation in a RHY Program directly from the RHY service provider. Documentation to substantiate free meal eligibility must consist of the youth's name, or a list of names, effective date(s), and the signature of the McKinney-Vento school district liaison or the RHY service provider(s). This documentation is acceptable in lieu of a free and reduced price meal application.

It is important that schools/school districts become familiar with their local RHY service providers and their McKinney-Vento school district liaison in order to facilitate the service of free school meals for youth in these programs. Should you have questions regarding the operation of FYSB, please contact your Regional Youth Specialist. Attached is a list of ACF Regional Offices. The website for the regional offices is www.acf.dhhs.gov/programs/oro/. For further information on FYSB you may want to view their web site at: <http://www.acf.hhs.gov/programs/fysb/index.html>.

Please contact Mara McElmurray or Rosemary O'Connell of my office if you have any questions on this guidance.



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