

# 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

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United States  
Department of  
Agriculture

Food and  
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Service

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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.

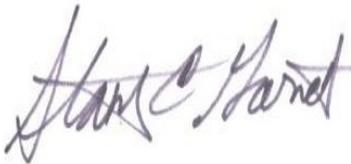
In order to better advance FYSB's directive on coordination with McKinney-Vento school district liaison, they are developing an informational memorandum for their grantees that offers suggestions on how to build stronger relationships with the liaisons and offers available resources. We will share their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



STANELY C. GARNETT  
Director  
Child Nutrition Division



United States Department of Agriculture

OCT 02 2012

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Washington, D.C. 20250

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

As you know, the Healthy Hunger-Free Kids (HHFK) Act of 2010 directed the Department of Agriculture to update nutrition standards for the National School Lunch Program (NSLP) for the first time in over 15 years. The Department developed these updated standards based on the most up-to-date science and expert recommendations from sources such as the Institute of Medicine (IOM) Report and the Dietary Guidelines for Americans. The new meal patterns are based on age-appropriate nutrition and physical activity habits of the average student.

Recently, some questions have been raised as to how the new standards affect highly active students who may need more calories or protein. Previously the meal patterns had required a minimum number of calories to be served. However, scientific experts at the IOM identified this as a critical area of concern since, with no limit to the number of calories being served, some students were receiving nearly double the recommended amount of calories at lunch.

The updated requirements are not designed to mandate a one-size-fits-all approach to school lunch and, in fact, they now allow for a range of calories with both a minimum and maximum level, adjusted to the age of the student. FNS would like to take this opportunity to put forward four additional clarifying facts that should address concerns raised.

First, it is important to understand that the NSLP is subsidized by taxpayer dollars, providing millions of free and reduced price lunches each and every day. For the first time in history, through the HHFK Act, Congress directly linked additional Federal resources for schools to adherence to the new, updated nutrition guidelines. It is appropriate that Federal taxpayer dollars be spent on providing kids with a balanced, healthy meal and it is also mandated by law.

Second, the ability for students to purchase as much additional food as they need is unchanged under the new requirements. Currently, over 90 percent of schools offer a la carte sales during school lunch periods and students are allowed to purchase as much of these individual servings as they like either instead of or in addition to the meal offered as part of the NSLP. Further, parents always have the option of having their children bring additional foods from home to supplement meals received at school.

Regional Directors  
State Directors  
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Third, schools are also encouraged to provide additional nutrition to students after school before they participate in school sports and other activities. In many cases, USDA can provide the reimbursement for these after-school foods through programs like the Afterschool Snack and Supper Programs.

Fourth, the new school meal standards reflect a strong dose of common sense, and will be implemented by the Department accordingly. In fact, the Department had anticipated some modifications and other allowances would be required for a change of this size and scope. More specifically, if a school encounters significant hardships employing the new calorie requirements, we stand ready to work with them quickly and effectively to remedy the situation with additional flexibilities. We look forward to your continued input in that process.

As the new school year begins, implementation of these standards is generally proceeding smoothly across the country, representing an important step towards combating a growing obesity problem that has left one in three American kids overweight or obese. This is a serious, national problem that puts our children at risk of serious health complications like diabetes and heart disease and threatens to impact our nation's health for decades. If left unaddressed, health experts tell us that our current generation of children may well have a shorter lifespan than their parents. While parents will always have the primary responsibility for instilling our kids with healthy eating habits, common sense tells us that taxpayer-funded school lunches should be complementing those efforts.

Accompanying this letter as attachments are additional fact sheets that explain in greater detail the afterschool nutrition program options available to schools, as well as additional clarifying details regarding the calorie requirements. Please share this information with all local program operators as appropriate.



Kevin Concannon  
Under Secretary  
Food, Nutrition, and Consumer Services

Attachment