

United States Department of Agriculture
Food and Nutrition Service

Western Region

Reply to
Attn of: SP Policy Memo 05-03 November 12, 2004 210 SCH ELIGIBILITY

Subject: Establishing eligibility for migrant, runaway and homeless children

To: All State Child Nutrition Program Directors

We have recently received questions about certain delays in certifying eligibility for free meals for students who are homeless, migrant, or runaway. Homeless, migrant, and runaway children are categorically eligible to receive free meals. To establish that a child is runaway, homeless, or a migrant, a local educational authority (hereafter, "LEA"), can request information from the homeless/migrant coordinator. FNS policy allows the LEA to serve free meals to these students for up to thirty operating days while it awaits reply from the homeless/migrant coordinator.

We are providing the following guidance in a question and answer format. It clarifies what an LEA may do if homeless/migrant coordinators are unable to certify students in the prescribed 30 operating day period.

Q. What should the LEA do if the homeless/migrant coordinator takes more than thirty operating days to answer the LEA's request for information?

A. We suggest that the LEA or school ask someone who is familiar with the child's situation to indicate that the child is homeless, is a runaway, or is a migrant. The LEA may then either complete an application on the child's behalf or establish a list indicating which children are eligible pending a response from the homeless/migrant coordinator. Keep in mind that the LEA must base its determination of migrant/homeless/runaway status on concrete information that would support its claim. This statement is consistent with our existing policy in FNS Instruction 765-2, Rev. 2, March 19, 1986.

Once a LEA or school official establishes a child's eligibility as homeless, runaway or migratory, that eligibility remains in effect for the school year provided the child was correctly certified. If the homeless/migrant coordinator later says that s/he cannot present information to confirm that the child is a runaway, is homeless, or is a member of a migrant household, the LEA/school must take steps to advise the household and issue a notice of adverse action, including informing the household that it can reapply for benefits.

Q. Let's suppose the child's status is *not* confirmed by the migrant/homeless coordinator and, as a result, the LEA notifies the household or child that the household or child may submit an application, does the LEA continue to report the previously reported free meals as "free"? If not, should the LEA require that children who were misclassified pay for the free meals received? Would adjustments to reimbursement claims and billing processes to families need to be made?

A. *If the migrant/homeless coordinator does not confirm that the child is a migrant, is homeless, or is a runaway, the household that was misclassified does not have to pay the LEA for the free meals received. The household would need to submit an application to determine the child's correct eligibility status. The LEA does not need to adjust its meal counts, nor does it need to change its reimbursement claims. The mis-classification was a legitimate error. However, the LEA must change the child's classification to reflect his/her actual status as indicated by an application. No further action is required.*

If you have further questions, please contact your State team.

Jesus Mendoza, Jr. for

JANET ALLEN, Director
Special Nutrition Programs
Western Region

cc: Western Region Advocates
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(Establishing eligibility for migrant, runaway, and homeless children) Q&A