



**United States Department of Agriculture**  
Food and Nutrition Service

Midwest Region

---

Reply to  
attn of: MW S&CNP: SA 09-3

July 19, 2004

Subject: FY 04 School and Community Nutrition Programs Policy Memorandum #04-24  
Categorical Eligibility for Free Lunches and Breakfasts of Runaway, Homeless and Migrant Youth – Reauthorization 2004

To: State Directors  
Child Nutrition Programs

This is the Midwest Office Transmission of a July 19, 2004 memorandum that you received directly from Stanley Garnett, Director, Child Nutrition Division. The memorandum explained that Section 107 of the Child Nutrition and WIC Reauthorization Act of 2004 (the 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 migrant.

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 children reside. The Act now establishes in law the categorical eligibility of these children for free school meals.

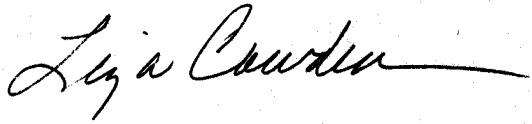
Please see the previously issued School Programs Policy Memorandum #11 for FY 1992, "Documentation for Free/RP Meal Eligibility for Homeless," which is dated May 5, 1992, and School and Community Nutrition Programs Policy Memorandum #02-21, "Updated Guidance for Homeless Children in the School Nutrition Programs," which is dated April 11, 2002, 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 migrant children, each State Educational Agency's Migrant Education Program establishes its own process for determining if a child meets the criteria provided under the 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 migrant 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 our office.

A handwritten signature in black ink that reads "Liza Cowden". The signature is written in a cursive style with a long horizontal flourish at the end.

LIZA COWDEN  
Acting Regional Director  
Special Nutrition Programs

DWhitmore

(#04-24 Runaway, Homeless and Migrant Youth)

7/19/04