



United States Department of Agriculture
Food and Nutrition Service

Midwest Region

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

October 19, 2004

Subject: FY 05 School and Community Nutrition Programs Policy Memorandum #05-01
Establishing Eligibility of Runaway, Homeless and Migrant Youth

To: State Directors
Child Nutrition Programs

We previously addressed the categorical eligibility of runaway, homeless and migrant children in FY 04 School and Community Nutrition Programs Policy Memorandum #04-24 (July 19, 2004), #04-29 (August 18, 2004), and #04-33 (September 24, 2004).

FNS has received reports of delays in receiving information from homeless or migrant coordinators about a child's status as runaway, homeless or migrant. We understand that in some cases the delays may be substantial, for up to as much as 90 days. Local Educational Agencies (LEAs) are asking how to handle these children's eligibility while awaiting confirmation from the homeless or migrant coordinator.

We suggest that the LEA or school determine who best knows the child's situation and have that person indicate that a child is homeless, a runaway or a migrant. This could be done either by completing an application on the child's behalf or by establishing a list indicating which children are migrants, for example. Keep in mind that the school's determining official must base his or her decision on concrete information that will support such a determination. This policy is consistent with our existing policy in FNS Instruction 765-2, Rev. 1, dated March 19, 1986.

Once a LEA or school official establishes a child's eligibility as homeless, runaway or migrant, that eligibility remains in effect for the entire school year, provided that the child was correctly certified. If the child's status is not confirmed by subsequent information from the homeless or migrant coordinator, the school year eligibility is no longer valid. In these situations, the LEA or school must take steps to advise the household and issue a notice of adverse action informing the household that it can reapply for benefits.

A handwritten signature in black ink that reads "Liza Cowden". The signature is fluid and cursive, with a long horizontal stroke at the end.

LIZA COWDEN
Acting Regional Director
Special Nutrition Programs

Subject: Addendum to FY 05 S&CNP Policy Memo #05-01

The following Q&A is an addendum to FY 05 School and Community Nutrition Programs Policy Memorandum #05-01, Establishing Eligibility of Runaway, Homeless and Migrant Youth:

Q. Suppose the child's status is NOT confirmed by the Migrant/Homeless/Runaway coordinator and the LEA notifies the family that they can submit an application. Does the LEA continue to report the previously reported free meals as "free" and NOT require the family who was misclassified originally to pay for the meals received? Or, do adjustments to reimbursement claims and billing processed to families need to be made?

A. In this situation, if the child's status is not confirmed by subsequent information from the liaison, the household that was misclassified does not have to repay any difference in their correct eligibility. The household would need to submit an application to determine the child's correct eligibility status. The meal counts and the reimbursement claims do not need to be adjusted. The misclassification was a legitimate error. No further action is required.

We regret any inconvenience.