



## MEMORANDUM

**TO:** Indiana School Corporations

**FROM:** Indiana Department of Education  
Office of School and Community Nutrition  
Office of English Language Learning & Migrant Education

**DATE:** September 1, 2009

**SUBJECT:** Categorical Eligibility for Free Meals and Textbooks for Migrant Children

### **PURPOSE:**

Provide procedures that school food authorities (SFAs) and local education agencies (LEAs) should use to coordinate with the Title I, Part C Migrant Education Program to document the categorical eligibility of migrant children for free meals and textbooks.

### **SCOPE:**

Participants in the School Breakfast Program and the National School Lunch Program

### **DESCRIPTION:**

Documenting Free Meal Eligibility for Migrant Children/Textbook Reimbursement

Migrant students identified through the Title I, Part C Migrant Education Program are categorically eligible for free meals and textbooks. School food authorities/local educational agencies should work directly with the local Migrant Education Program Coordinators, or where appropriate, the State Migrant Education Program Coordinator, to identify migrant children and to document their eligibility for free school meals. School food authorities/local educational agencies must accept documentation that the children are migrant children from the Migrant Education Program Coordinator.

Documentation of migrant status to substantiate free meal eligibility is provided in the form of a dated list with each child's name, the Certificate of Eligibility (C.O.E.) number by student, and the signature of the local or state Migrant Education Program Coordinator. This documentation is in lieu of a free or reduced-price meal application and must be sought, as much as possible, prior to a household completing an application. Once documentation is obtained, the school food authority/local educational agency must notify the household as

soon as possible about the child's free meal eligibility. An application submitted on behalf of the child would be disregarded.

It is particularly important that newly arrived migrant children in the school be documented and certified for free meals as promptly as possible. The school food authority/local education agency needs to establish procedures with the Migrant Education Coordinator to assure prompt notification when a new migrant child is identified.

### **Continuing Certification**

Public Law 198-265 amended the Richard B. Russell National School Lunch Act to establish that once a child is certified as eligible to receive free or reduced-price meals, eligibility remains effective for the remainder of the school year. USDA policy further allows school food authorities to continue a child's eligibility from the previous year for 30 operating days into the subsequent school year or until a new eligibility determination is made, whichever occurs first. The Migrant Education Program strives to minimize a child's disruption in services and benefits; therefore, school districts personnel should attempt to share the child's free meal eligibility status with the new school personnel when a migrant child moves from their jurisdiction if the family knows their new location.

Categorical eligibility of migrant students for free meals also applies to textbook reimbursement. Information provided on the student's Certificate of Eligibility (COE) should be used to complete the Summary Claim for Textbook Reimbursement to be submitted to the Division of School Finance by October 31 of each year. The first five fields must be completed and the requested information can be obtained from the COE.

If a TANF or food stamp case number is not available leave the field blank and also indicate 'No' Social Security number. This process eliminates the necessity for families to complete any forms, since all needed information is obtained from the COE.

### **Documentation for Review by State or Federal Officials**

The SFA/LEA must maintain an Attendance/Enrollment List form that lists the names of the migrant students who are receiving the benefits of the Migrant Education Program. Federal guidelines state that the list must contain the name and signature of the local Migrant Education Coordinator or the State Migrant Education Coordinator.

In cases where the school food authority is claiming migrant children's meals as free, but the child does not have a Certificate of Eligibility Number, efforts should be made to certify the child as meeting the requirements of the Indiana Migrant Education Program. This may be accomplished by contacting the Indiana Department of Education, Office of English Language Learning & Migrant Education to request that someone from that office interview the household to determine eligibility.

Questions regarding the Indiana Migrant Education Program should be directed to the Indiana Department of Education, Office of English Language Learning & Migrant Education, locally at (317) 232-0555, or toll-free (800) 382-9962.

## **Additional instruction from USDA regarding establishing eligibility of Migrant Youth**

Since issuing the original policy on establishing eligibility of migrant youth, USDA received information that LEAs are experiencing delays in receiving eligibility data from migrant coordinators about a child's status as migrant. The delays may be as much as 90 days and LEAs were asking how to handle the eligibility for those children while awaiting confirmation from the migrant coordinator.

USDA suggests that the LEA or school determine who best knows the child's situation and have that person indicate that a child is 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. The school's determining official must base his or her decision on concrete information that will support such a determination.

Once a LEA or school official establishes a child's eligibility as 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 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.

### **Additional guidance from FNS – August 1, 2005**

Question: What if a child's status is NOT subsequently confirmed by the migrant/homeless/runaway liaison? Does the Local Educational Agency (LEA) continue to report the previously reported free meals as "free" and not require the family who misclassified originally to pay for the meals received? Must adjustments to reimbursement claims be made?

Answer: If the child's status is not confirmed by the liaison, the household that was misclassified does not have to repay any difference between their correct eligibility and their free status. The household would need to submit an application to determine the child's correct eligibility status, or be classified as "paid" from that point forward. The meal counts and the reimbursement claims also do not need to be adjusted.

Question: Is the migrant/runaway/homeless document provided to the LEA considered direct certification or an "application" for verification purposes?

Answer: Students in these three categories are considered to be directly certified for our programs. An application is not required nor should these students be considered for the verification process.

Question: Is categorical eligibility for migrant children in effect for the school year if a child's migrant status expires mid-year?

Answer: Yes, the initial correct eligibility determination is good for the entire school year provided that the child is considered a migrant at the time of application.

Question: Is there any specific information that liaison needs to provide to the LEA?

Answer: Documentation to substantiate free meal eligibility must consist of the child's name or a list of names, effective date(s), and the signature of the local education liaison or the director of the homeless shelter. This documentation is acceptable in lieu of a free and reduced-price meal application. The homeless coordinator will more than likely also be the one to certify migrants and runaways as well.

Question: If the certification is good for a year, can children who move to another state still be certified based on eligibility determined at their previous school?

Answer: Schools do not have to accept eligibility determinations from another state or another district. If communication between LEAs is done, continuing certification may be possible. However, it is important to note that the receiving school is responsible for certifying the children correctly and therefore would need some type of documentation, whether it is a letter from previous school stating eligibility status, or an application from the household.

Question: If migrant children are certified as migrants for three years, does this mean that they are eligible for free meals for three years as well?

Answer: No, eligibility determinations must be made for each school year.

#### SOURCE:

USDA, Food and Nutrition Policy Memorandum #04-29, Dated, August 18, 2004;  
USDA, Food and Nutrition Policy Memorandum #05-01, Dated, October 19, 2004;  
USDA, Food and Nutrition Service Questions and Answers, Dated December 2004  
Indiana Department of Education, Office of English Language Learning & Migrant Education,  
Office of School Financial Management, and School and Community Nutrition Programs