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Commissioner

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MEMORANDUM

To: Superintendents, Principals, Directors of Charter Schools, Approved Private Special Education Schools, Educational Collaboratives, Institutional Programs, and DCF Statewide Managers

From: Jeffrey M. Riley, Ed.D.
Commissioner of Elementary and Secondary Education
Linda Spears, Commissioner
Department of Children and Families

Date: August 21, 2018

Subject: Eligibility of Foster Children and Families for the School Nutrition Programs

This memorandum explains the new requirements for the categorical eligibility of foster children for the purpose of free meal benefit issuance in the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, provides categorical (automatic) eligibility for free meals to any foster child whose care and placement is the responsibility of the State, without the foster parent needing to file a separate application.

The intent of the change in the law is to reduce additional burden to the foster child and foster parents.

Free meal approval occurs when the local educational agency (LEA) receives documentation from the Department of Children and Families (DCF) verifying the status of the foster child whose care and placement is the responsibility of DCF.

These new requirements necessitate changes in the way meal benefit (free or reduced price) applications are processed by LEAs.

Previously, a foster parent needed to file an application for free meals for a foster child. **With the change in the law, an application does not need to be completed. Upon enrollment, when the LEA receives documentation from DCF or foster parent on the foster status of a**

child, the child is automatically eligible for free meals.

For Currently Enrolled Foster Children

LEAs will develop a list of currently enrolled foster children using the Department of Children and Families (DCF) *Notice to LEA* form or a copy of the court order (Mittimus) that was received when a foster child was enrolled in the district, or the existing NSLP/SBP application. This list must be communicated by school personnel to the School Nutrition Director (SND) and/or the staff responsible for determining and recording the eligibility for free or reduced price meals for all students. The purpose of this list is to ensure that “categorical eligibility” is given to each foster child.

For New Enrollment of Foster Children (Occurring at any time during the school year)

Upon receipt of the DCF *Notice to LEA* form or copy of the court order (Mittimus) from the social worker when enrollment occurs, LEA personnel will communicate status to the School Nutrition Director, and the foster child will automatically be certified and eligible for free meals.

In addition, if a foster parent is enrolling the child, a copy of the court order or signed NSLP application, *self-attesting* foster care status, can be submitted for automatic eligibility.

► Once enrolled for free school meals, all children - **including foster children** - remain eligible *for the entire school year* (and up to 30 days of the next school year). This is true even if the child changes schools, leaves foster care or returns to his/her biological or adoptive family.

Applications for Households with Foster and Non-foster Children

Foster families may now file a single application for free or reduced-price meals for both foster and non-foster children living in the home.

- Households with foster and non-foster children may choose to complete a single meal benefit (free or reduced price) application for all children residing in the household. Even if the LEA has received notice of a foster child from DCF, all children in the family (foster and non-foster) should be included in the family size when determining eligibility of the non-foster children. This may help the foster family’s *non-foster* children to qualify for meal benefits based on family size and household income. *The foster child will remain categorically eligible and will not be affected by being included on the application.*
- Families applying for free or reduced meals will need to self-declare gross income. In accordance with federal policy, a small number of households randomly selected by the LEA for verification may be asked for verification of income and foster care status at a later date.

- Foster payments received by the family from the placing agency **are not considered income** and do not need to be reported on the household application. However, if the foster child has personal income, that income must be included as well.
- Families in which *any* member receives SNAP or TAFDC cash assistance are categorically eligible for free meals for all children in the household. In that case, the foster parent should be advised to list the SNAP or TAFDC “Agency ID” on the application form. It is not required that all children receive SNAP or TAFDC to qualify for free meals.
- Including a foster child on a household application does not automatically extend categorical eligibility to the other household children. However, if any member of the household receives SNAP or TAFDC benefits, *all children* in the household are automatically eligible for free meals. SNAP benefits may be available for households below 200 percent FPL.

Additional Guidance

- As with all meal benefit issuance related information, all foster child information obtained or communicated must be kept confidential. Sharing of information is restricted to the conditions of any other child receiving meal benefits.
- This guidance does not apply to informal placement arrangements that may exist outside of DCF. However, children in informal kinship care or subsidized guardianship placements may be eligible for free or reduced-price meals if the household income is below 185 percent of the federal poverty level.
- Special Milk free applications are included under this guidance.
- LEAs need to provide notification to the foster child guardian that free school meals will be provided.

If you have any further questions or need further assistance, please contact Kristina Webber at the Department of Elementary and Secondary Education, 781-338-6464 or at kristina.webber@doe.mass.edu or Shirley Fan-Chan at the Department of Children and Families, 617-748-2340 or at shirley.fan-chan@massmail.state.ma.us.