



COLORADO DEPARTMENT OF EDUCATION

201 East Colfax Avenue [Central Office 303.866.6600]
Denver, Colorado 80203-1704 • www.cde.state.co.us

William J. Moloney
Commissioner of Education

Roscoe Davidson
Deputy Commissioner

CN05-F-010

TO: Superintendents and Food Service Directors

FROM: Dan C. McMillan, Director - Nutrition and Transportation Unit

DATE: October 20, 2004

SUBJECT: Guidance for Eligibility of Migrant Children in Child Nutrition Programs

This memo further defines and clarifies the unique eligibility provisions that should be applied to identified migrant children and the Child Nutrition Programs.

Section 107 of the Child Nutrition and WIC Reauthorization Act of 2004 amended section 9(b) of the Richard B. Russell National School Lunch Act to make 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 migratory.

Documentation of free meal eligibility for migrant children

To expedite the delivery of nutritional benefits, school officials should work directly with their Migrant Education Program coordinator, to identify migrant children and to document their eligibility for free school meals. School food service officials must accept documentation that the children are migrant children from the Migrant Education Program coordinator in the district.

Documentation of migrant status to substantiate free meal eligibility is a dated list with each child's name and the signature of the Migrant Education Program coordinator. This documentation is in lieu of free and reduced price meal applications and must be sought, as much as possible, prior to a household completing an application. Once documentation is obtained, the school food authority must notify the household as soon as possible about the child's free meal eligibility. Any subsequent application submitted on behalf of the child should be disregarded.

It is important that newly arrived migrant children in the local education agency be documented and certified for free meals as promptly as possible. School food authorities need to establish procedures with the Migrant Education Program coordinator to assure prompt notification when a new migrant child is identified.

Continuing Certification

Public Law 108-265 also 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.

If you have any questions regarding implementation of the Act with the Child Nutrition Programs, please contact our office at 303.866.6661 or 888.245.6092 outside of the Denver Metro area.