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## SIX WAYS THAT STATES AND SCHOOL DISTRICTS CAN MAKE IT EASIER FOR CHILDREN IN FOSTER CARE TO GET FREE MEALS AT SCHOOL

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The Healthy, Hunger-Free Kids Act of 2010 has made it easier for school districts to enroll children who are in foster care for free school meals.<sup>2</sup> Children in foster care are now automatically eligible for free meals regardless of their income (a policy known as “categorical eligibility”).<sup>3</sup> As a result of this change, school districts no longer have to consider the personal income of children in foster care when determining their eligibility for free school meals.<sup>4</sup> Once enrolled based on their foster status, children remain eligible for the full school year even if they leave foster care during the course of the year.

This change will not make many children in foster care *newly eligible* for free school meals because so few of them have any personal income. But the change in law and the resulting policy changes create new opportunities for states and school districts to enroll children in foster care for free meals more simply and expeditiously.<sup>5</sup> This paper describes six ways that states and school districts can take advantage of those opportunities to better serve children in foster care and their families:

1. Directly certify children in foster care for free school meals by matching data from foster care agencies or a court with student data.
2. Use the notification that schools receive from child welfare caseworkers or a court of a child’s foster status to certify the child for free school meals.

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<sup>2</sup> See P.L. 111-296 § 102 amending 42 U.S.C. § 1758(b) and (d) and Food and Nutrition Service memorandum, *Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children*, USDA, Revised March 16, 2011, [http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17\\_CACFP08\\_SFSP05-2011\\_osr.pdf](http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17_CACFP08_SFSP05-2011_osr.pdf).

<sup>3</sup> The policies discussed in this paper apply to children whose care and placement are the responsibility of the state, whether they are placed by a foster care agency or by a court. This group includes all children in foster care, regardless of whether the child is “IV-E eligible”; it does not include children placed informally in kinship care.

<sup>4</sup> The income level of the birth family and the foster family, as well as the foster care maintenance payment received by the foster family to help cover the costs of caring for the child, remain irrelevant to the foster child’s eligibility.

<sup>5</sup> This paper uses the term “school district” to refer to a Local Educational Agency or a School Food Authority.

3. Revise school meals applications to reflect the categorical eligibility of children in foster care for free school meals and the potential benefit to the foster family of including children in foster care on the same school meals application as other children in the household.
4. Notify foster parents that their children in foster care are eligible for free school meals and explain how to apply for benefits for their foster and non-foster children.
5. Maintain certification when a child in foster care changes schools by transferring the certification for free meals to the new school.
6. Relieve foster families of paperwork if an application with a child in foster care is selected for verification by obtaining documentation of the child's foster care status directly from a foster care agency or court (or by allowing foster parents to provide contact information for an appropriate third party who can verify the child's foster status, such as a social worker).

Most children enter foster care after suffering abuse or neglect exacerbated by extreme poverty, homelessness, mental illness, and/or parental substance abuse.<sup>6</sup> Also, foster families are more likely to have low incomes than other households with children.<sup>7</sup> Automatically enrolling children in foster care for free school meals gives these children valuable nutritional support and relieves families of paperwork that might otherwise be lost in the shuffle of foster care transitions. By establishing highly effective systems for enrolling children who are in foster care for free meals, states and school districts can help ensure that these children have dependable access to school meals, which can play a critical role in their healthy development at a particularly difficult time in their lives.

## **1. Directly Certify Children in Foster Care for Free School Meals**

Schools can approve children in foster care for free school meals based on documentation of their foster status; no application is needed. Specifically, schools can certify a child for free meals based on notification from an appropriate agency that the child's care and placement are the responsibility of the state or that a court has placed the child with a caretaker household. This enrollment process, without an application, is known as "direct certification." States and school districts already conduct direct certification for other groups of students. Children may be directly certified based on receipt of Temporary Assistance for Needy Families (TANF) cash assistance or Food Distribution Program on Indian Reservations (FDPIR) benefits, as well as homeless, runaway, or migrant status. School districts are *required* to directly certify children in households receiving Supplemental Nutrition Assistance (SNAP, formerly food stamps) benefits.<sup>8</sup>

Direct certification relieves foster families of the need to complete a school meals application at a time of a significant family transition, and it reaches children even if their foster parents do not apply

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<sup>6</sup> Sandra Bass, Margie K. Shields, and Richard E. Behrman, "Children, Families, and Foster Care: Analysis and Recommendations," *Children, Families, and Foster Care* (vol. 14, no. 1, winter 2004), pp. 5-29, [http://www.princeton.edu/futureofchildren/publications/docs/14\\_01\\_01.pdf](http://www.princeton.edu/futureofchildren/publications/docs/14_01_01.pdf).

<sup>7</sup> William P. O'Hare, "Data on Children in Foster Care from the Census Bureau," Annie E. Casey Foundation, June 2008, p. 3, <http://www.aecf.org/~media/PublicationFiles/FosterChildrenJuly2508.pdf>.

<sup>8</sup> School districts must use a *data matching* process to identify children in households receiving SNAP benefits. See 7 C.F.R. § 245.6(b)(1)(iii).

for free meals. It also reduces paperwork for school districts by reducing the number of applications they must process and verify.

States or school districts can directly certify children in foster care for free school meals in two ways:

- **Electronic data matching.** States or school districts can match a database of all children in foster care (provided by a state or local child welfare agency or court) against a state or school district database of all students. They can then directly certify for free meals any students who are identified as being in foster care. While foster families are notified of the children's categorical eligibility, the foster family does not need to take any action for the child to begin receiving free school meals.
- **Comparing lists.** If electronic data matching is not feasible, a state or school district can use a list of children who are in foster care (again, provided by a state or local child welfare agency or a court) to identify which students can be automatically enrolled for free school meals. Just as with electronic data matching, the foster families would be notified of the direct certification but would not have to take further steps. Using lists is an important simplification that school districts can implement, especially if the state is not coordinating data matching.

At least three states — Illinois, Indiana, and Washington — are developing electronic data matching systems to directly certify children in foster care. The Illinois State Board of Education, which administers the school meals programs, will soon begin receiving a monthly file of all children in foster care from the state child welfare agency. The new data will be included in the direct certification match against student data that the state already compiles each month and shares with school districts to directly certify other groups of students.

In Indiana, the Department of Education already has begun receiving lists of children in foster care from the Department of Child Welfare. Beginning with the 2011-2012 school year, all direct certification matching (including lists of children and individual queries), which school districts conduct using a database provided by the Department of Education, will identify children in foster care, and they will be directly certified for free school meals.

Washington, too, will use its existing direct certification system to match children in foster care. Children in foster care are generally eligible for Medicaid. In Washington, Medicaid data is already provided to the state child nutrition agency, which is the agency that conducts direct certification data matching. A new code will be added to the Medicaid data to identify children in foster care. Even though Medicaid data may not be used to directly certify children for free school meals, the *foster care identifier* will be used as a basis for direct certification.<sup>9</sup> This system allows for data matching without involving the state's child welfare agency. The data will be updated monthly so districts will be able to identify children who have just entered foster care or check whether newly enrolled students are children in foster care.

Using data matching to identify children in foster care will work most effectively when the state has a successful matching system in place for all children eligible for direct certification. For example, districts are now required to conduct data matches at least three times each school year

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<sup>9</sup> Medicaid data is already provided to the state child nutrition agency because it may be used to directly *verify* the eligibility of children who have already been certified for free or reduced price meals (see 42 U.S.C. 1758(b)(3)(F)). Selected school districts will be able to use Medicaid data to directly *certify* children beginning in the 2012-2013 school year as part of a demonstration pilot (see 42 U.S.C. 1758(b)(15)).

with SNAP enrollment data to identify children who are eligible for free school meals because their families receive SNAP benefits.<sup>10</sup> Conducting even more frequent matches would help prevent children who enter foster care after the start of a school year, or who change school districts during the year, from falling through the cracks. Other steps that states can take to make direct certification more effective include using software that allows for variations in names and spelling when conducting matches, conducting multiple matches using alternative data elements, and providing ongoing training and technical assistance to local staff.<sup>11</sup>

## Direct Certification and Confidentiality

Protecting the confidentiality and privacy of personal data, including foster care status, is important. State child welfare laws establish the circumstances in which child welfare agencies may share this information. Once they do share it to determine eligibility for school meals programs, the laws and regulations governing the school meals programs provide privacy protections.<sup>a</sup>

Specifically, school districts may disclose eligibility status or eligibility information only to authorized programs, activities, and individuals and only if there is a legitimate “need to know” to provide a service or to carry out an authorized activity.<sup>b</sup> These confidentiality protections apply to any information about children’s foster status that is a state or local child welfare agency or court shares with school meals administrators. In addition, the child welfare agency and the agency that administers the school meals programs could enter into an agreement specifying privacy protections.

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<sup>a</sup> See 42 U.S.C. § 1758(b)(6) and 7. C.F.R. § 245.6.

<sup>b</sup> More details about authorized programs, activities, and individuals, as well as the kind of information that may be shared with them, are available in the *Eligibility Manual for School Meals*, Food and Nutrition Service, USDA, January 2008, pp. 52-61 and Appendix D at p. 94, [http://www.fns.usda.gov/cnd/guidance/eligibility\\_guidance.pdf](http://www.fns.usda.gov/cnd/guidance/eligibility_guidance.pdf).

Even with the best direct certification system in place, the data matching process will miss some children in foster care. To ensure that they receive free meals expeditiously, state and local administrators can take the additional steps outlined below.

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<sup>10</sup> See 7 C.F.R. § 245.6(b)(3).

<sup>11</sup> For discussions of steps that can improve direct certification matching, see recent USDA performance reports: *Direct Certification in the National School Lunch Program: State Implementation Progress School Year 2009-2010*, Food and Nutrition Service, USDA, October 2010, <http://www.fns.usda.gov/ORA/menu/Published/CNP/FILES/DirectCert2010.pdf>; *Direct Certification in the National School Lunch Program: State Implementation Progress*, Food and Nutrition Service, USDA, October 2009, <http://www.fns.usda.gov/ORA/menu/Published/CNP/FILES/NSLPDirectCertification2009.pdf>; and *Direct Certification in the National School Lunch Program: State Implementation Progress*, Food and Nutrition Service, USDA, December 2008, <http://www.fns.usda.gov/ora/MENU/Published/CNP/FILES/DirectCert08.pdf>. The benefits of direct certification, as well as the operational details of how direct certification works, are discussed in detail in Zoë Neuberger, *Implementing Direct Certification – States and School Districts Can Help Low-Income Children Get the Free School Meals for Which They Are Eligible*, Center on Budget and Policy Priorities, August 2006, <http://www.cbpp.org/cms/?fa=view&id=591>. See also Zoë Neuberger and Tina Fritz Namian, *Enrolling All Children in a Household for Free School Meals*, Center on Budget and Policy Priorities, June 16, 2010, <http://www.cbpp.org/files/6-16-10fa.pdf>.

## 2. Notify the School Meals Program When a School Is Apprised of a Child's Foster Status

When a child enters foster care or changes foster homes, the child's school must be notified of the change. Typically, this notification is made by the caseworker with responsibility for the child's foster placement. This notice is intended to ensure that the student enrolls in the school on a timely basis and that the school has accurate information about the child's status.

Schools can use notification by a child welfare caseworker of a child's foster status as the basis for directly certifying the child for free school meals. Several approaches would be effective. For example:

- The child's foster care caseworker could notify the school meals program about the child's foster status when apprising other school personnel. State child welfare agencies could make the process of sending information about a child's foster status to the school meals program a routine part of the notification process.
- The individual at the school who already receives notice of children's foster status could inform a school meals administrator. The U.S. Department of Agriculture, which administers the school meals programs, has not specified what documentation is required. Oral notice would likely suffice if the school meals administrator notes the name of the person making the notification and the date.

Under these approaches, the school meals program could be notified of each foster child individually or provided with lists of such children on a regular basis. Individual notification would better ensure timely certification for free meals, but if that is too onerous, notice in batches would still spare some foster families the burden of completing an application and likely reach some children who would not otherwise be certified for free meals.

## 3. Revise Applications for Free or Reduced Price School Meals

Families no longer need to submit a separate school meals application for their children in foster care. If a child in foster care has not been identified as categorically eligible for school meals through direct certification, a foster parent's indication on a signed application that the child is in foster care is a sufficient basis for certification for free meals. The school district may *not* request any further documentation from the foster family as a condition of certification, such as a case number, letter from the foster care agency, or signature of a caseworker.<sup>12</sup>

Regardless of whether a child in foster care has already been certified for free meals, a family may include that child on the same application as other children in the household. The foster child will be eligible regardless of whether he or she is on a household application with other children or identified on a separate application, but including a child in foster care on a household application increases the household's size and thus may help the foster family's *non*-foster children qualify for free or reduced price meals.

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<sup>12</sup> See Food and Nutrition Service memorandum, *Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children*, USDA, Revised March 16, 2011, Q 9, [http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17\\_CACFP08\\_SFSP05-2011\\_osr.pdf](http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17_CACFP08_SFSP05-2011_osr.pdf). Additional documentation may be requested only if the application is selected for verification, as discussed on pages 9 and 10.

Putting foster children and non-foster children on the same household application does not compromise the eligibility of the non-foster children, regardless of the personal income of the child in foster care. If a child in foster care is listed on the application, the school district can determine whether including, or not including, the foster child in the eligibility determination would result in a higher benefit level for the non-foster children and then provide the higher benefit level.<sup>13</sup> It is important to note, however, that the presence of a child in foster care in the household does not confer categorical eligibility for free meals on non-foster children.<sup>14</sup>

### Example of How Non-Foster Children May Be Helped

A family with two adults and two children with \$2,800 in monthly income would qualify for reduced price meals for the children, but not for free meals. (The income limits for a family of four are \$2,422 for free meals and \$3,446 for reduced-price meals.)

However, if that family takes in another child by participating in the foster care program (and that child has no personal income), all three children would qualify for free meals. The child in foster care automatically qualifies for free meals, and since the income limit for free meals for a family of five is \$2,836, the non-foster children would qualify for free meals as well.

The information needed on an application for a child in foster care is simpler if the application includes only children in foster care. If a foster family indicates on an application that all the children are in foster care, the family does not have to provide any information about its income or the personal income of the child in foster care, nor information about a Social Security number.<sup>15</sup>

In contrast, if an application includes both children in foster care and other children, the adult completing the application must provide the last four digits of the adult's Social Security number or an indication that he or she does not have one. Applicants must also include income information for all household members, including any personal income of the child in foster care, but this information will not affect that child's eligibility.<sup>16</sup> As in the past, the foster care maintenance payment that the family receives to help cover the costs of caring for the child does *not* count toward the family's income.

States and school districts must update all household applications and supporting materials to reflect these changes no later than the beginning of the 2011-2012 school year. USDA has revised its prototype application materials to reflect these changes.<sup>17</sup> States and school districts have an

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<sup>13</sup> See Food and Nutrition Service memorandum, *Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children*, USDA, Revised March 16, 2011, Q 15, [http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17\\_CACFP08\\_SFSP05-2011\\_osr.pdf](http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17_CACFP08_SFSP05-2011_osr.pdf).

<sup>14</sup> Food and Nutrition Service memorandum, *Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children*, USDA, Revised March 16, 2011, [http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17\\_CACFP08\\_SFSP05-2011\\_osr.pdf](http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17_CACFP08_SFSP05-2011_osr.pdf).

<sup>15</sup> See USDA's prototype *Instructions for Applying*, available at [http://www.fns.usda.gov/cnd/frp/2011\\_application.pdf](http://www.fns.usda.gov/cnd/frp/2011_application.pdf).

<sup>16</sup> Note that the family need not provide documentation of income, such as wage stubs, tax filings, or government benefits letters, with the application. Simply writing down income information is sufficient unless the application is selected for verification, as discussed on pages 9 and 10.

<sup>17</sup> USDA's prototype materials for school year 2011-2012 are available at <http://www.fns.usda.gov/cnd/frp/frp.process.htm>. In addition to an application, the prototype materials include a letter to households informing them that their children have been directly certified and a letter to households informing them of the eligibility determination made based upon an application. Unfortunately neither of these letters reflects the changes regarding children in foster care. As states and school districts develop their own materials, they may wish to revise the direct certification notice so it will be suitable for any child who was directly certified, not just children directly certified based on receipt of SNAP or TANF cash assistance benefits. They may also wish to revise the eligibility determination notice to report different determinations for each child in the household so it could be used, for example,

important opportunity to make sure that foster families understand when and how to complete school meals applications.<sup>18</sup>

#### **4. Notify Foster Parents That Their Children in Foster Care Are Eligible for Free Meals**

Even if direct certification systems are in place, they inevitably will miss some children in foster care. Notifying foster parents directly about the recent policy changes can help these children get free meals as quickly as possible. Such notification also provides an opportunity to explain that these parents' *non*-foster children may be newly eligible for free or reduced price school meals, so they can take steps to make sure all of their children are getting the benefits for which they qualify.

State or local child welfare agencies can provide a notice to foster parents explaining the new policies (see Appendix A for a sample notice). The notice will be most helpful if it is provided in a language and at a level that parents can understand, and if it conveys that:

- Children in foster care are categorically eligible for free school meals regardless of their personal income, foster family income, foster care payments, or birth family income.
- Including children in foster care on an application for school meals may benefit a family's non-foster children.

Other materials for foster families also should include information on the changes.<sup>19</sup> For example, Washington plans to include an explanation of how the new policy affects children in foster care and non-foster children in a newsletter for foster parents.

Child welfare advocates and attorneys who represent children in foster care should also receive notification of the recent policy changes, to help ensure that children in foster care get the benefits for which they qualify. The American Bar Association has developed a fact sheet on these policies that could be used for this purpose (see Appendix B).<sup>20</sup>

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for a household in which a child in foster care was approved for free meals based on the application, but the non-foster children in the household were not approved for free meals.

<sup>18</sup> For a more detailed discussion of ways to improve applications for all families, see Zoë Neuberger and Abby Lane, *A Unique Opportunity to Improve School Meals Applications*, Center on Budget and Policy Priorities, April 21, 2011, <http://www.cbpp.org/files/4-21-11fa.pdf>.

<sup>19</sup> Such notices could also inform foster families about the SNAP program. Foster families that qualify for SNAP benefits may be able to provide more nutritional food for their children. In addition, any child in a household that receives SNAP benefits (including both foster and non-foster children) is categorically eligible for free school meals and is required to be directly certified.

<sup>20</sup> The American Bar Association also published an article about the new policies. See Howard Davidson, "Legislative Update: Foster Children Eligible for Free School Meals," *Child Law Practice* (March 2011), Vol. 30 No. 1, p. 12, <http://apps.americanbar.org/child/clp/archives/vol30/mar11.pdf>.

## 5. Maintain Certification When a Child in Foster Care Changes Schools

When a child is certified to receive free or reduced price school meals, that certification remains in effect for the remainder of the school year and for up to 30 days into the next school year.<sup>21</sup> This policy applies to children in foster care and non-foster children alike.

When a child changes schools in the middle of a school year, it is important to minimize disruptions in receiving free or reduced price school meals. If the child's new school is under the jurisdiction of the same district, the new school must honor the child's free or reduced price meal status.<sup>22</sup> If a child changes to a school in another school district, the new district may honor the eligibility determination of the prior school without incurring liability for the accuracy of that determination.<sup>23</sup>

Since children in foster care may change schools more frequently than other children as a result of changes in their placement, it is important to ensure that they continue to receive free meals when they change schools. If a child changes schools upon an initial placement in foster care, the system in place for identifying children in foster care (for example, data matching, a list, or caseworker notification) should certify the child for free meals. If a child in foster care changes schools when switching from one foster home to another, the new school's system for identifying children in foster care should ensure continuity of receipt of free meals.

It may be more difficult to ensure continuity if a child changes schools when *leaving* foster care, even though these children remain eligible for free meals for the remainder of the school year and the start of the next school year. The new school may not know that the child had been in foster care, and the child or family may not want the school to know. In these instances, obtaining the child's meal eligibility status from the prior school is the best way to ensure that the child continues to receive free meals.<sup>24</sup>

To minimize disruptions in free meals for children in foster care during family transitions, states and school districts can take the following steps:

- Ensure that when a child changes from one school to another within the same district, the district immediately notifies the new school of the child's eligibility for free school meals.
- Establish a policy that when a child transfers from a school in one district to a school in another district during the school year, the new district must rely on the prior school's eligibility determination whenever it can be obtained.
- Establish procedures for expeditiously conveying a child's meal status when the child changes from a school in one district to a school in another district during the school year, such as by allowing the new school to rely on oral confirmation obtained in a telephone call to the previous school.

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<sup>21</sup> See 7 C.F.R. § 245.6(c)(1).

<sup>22</sup> See 7. C.F.R. § 245.3(c).

<sup>23</sup> See 7. C.F.R. § 245.6(a)(4).

<sup>24</sup> The family could complete an application, but doing so imposes an unnecessary burden on the parents at a time of transition and will not always result in the child continuing to receive the free meals for which he or she is eligible.

## 6. Facilitate Verification of Foster Status

Once school districts have processed school meals applications and certified eligible students for free or reduced price meals, they must select a small sample of applications for eligibility verification. Districts must confirm eligibility either by obtaining documentation from an appropriate third party — “direct verification” — or by contacting the household to request documentation of eligibility. When parents do not respond to the verification notice, their children stop receiving free or reduced price meals. In school year 2008-2009, 32 percent of households selected for verification did not respond.<sup>25</sup> Research shows, however, that substantial portions of the children who lose benefits when their parents fail to respond are eligible for free or reduced price meals.<sup>26</sup>

Under the rules governing how districts select the verification sample, it could include some children in foster care who have been certified for free meals based on an application on which a foster parent identified the child.<sup>27</sup> Although these instances are likely to be rare (because the sample is small and usually focuses on applications approved based on income), it is important to ensure that children in foster care do not lose free meals as a result of the verification process.

If an application for a child in foster care is selected for verification, the least burdensome approach for the family is to obtain documentation of the child’s foster care status directly from a state or local foster care agency. USDA has instructed program administrators that: “Documentation from a State or local foster care agency or the court where the child received placement is acceptable for verification. Direct contact from the foster care agency or court (for example, a list of children in foster care is sent to the LEA [school district]) is also acceptable documentation for verification.”<sup>28</sup>

States that do electronic data matching to directly *certify* children in foster care may be able to use a similar data matching process to directly *verify* children in foster care. For example, school districts in Indiana conduct direct verification using an Indiana Department of Education database that now indicates whether a child is in foster care.

If the school district cannot obtain documentation directly from a foster care agency or court and must therefore contact the foster family, it is important to accept the least burdensome forms of reliable documentation and clearly explain to parents what they must provide. USDA’s prototype verification notice instructs foster families to “provide written documentation that verifies the child is the legal responsibility of the agency or court or provide the name and contact information for a person at the agency or court who can verify that the child is a foster child.”<sup>29</sup> Allowing foster

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<sup>25</sup> Food and Nutrition Service, *Analysis of Verification Summary Data School Year 2008-2009*, USDA, March 2011, Figure 5, <http://www.fns.usda.gov/ora/MENU/Published/CNP/FILES/VerificationSummaryReport.pdf>.

<sup>26</sup> See Zoë Neuberger and Robert Greenstein, *What Have We Learned From FNS’ New Research Findings About Overcertification in the School Meals Programs?*, Center on Budget and Policy Priorities, November 13, 2003, <http://www.cbpp.org/archiveSite/11-11-03fa.pdf>.

<sup>27</sup> Verification is not necessary if the foster child was certified based on documentation from a foster care agency and is nonetheless included on the application. See Food and Nutrition Service memorandum, *Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children*, USDA, Revised March 16, 2011, Q 10, [http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17\\_CACFP08\\_SFSP05-2011\\_osr.pdf](http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17_CACFP08_SFSP05-2011_osr.pdf).

<sup>28</sup> Food and Nutrition Service memorandum, *Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children*, USDA, Revised March 16, 2011, Q 11, [http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17\\_CACFP08\\_SFSP05-2011\\_osr.pdf](http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17_CACFP08_SFSP05-2011_osr.pdf).

<sup>29</sup> See USDA’s prototype *We Must Check Your Application* notice, available at [http://www.fns.usda.gov/cnd/frp/2011\\_application.pdf](http://www.fns.usda.gov/cnd/frp/2011_application.pdf).

parents to provide contact information for a third party who can verify the child's foster status is important. Foster parents often are instructed to protect their child's confidentiality by not identifying the child as being in foster care. Moreover, the only documentation they have that confirms the child's foster status may also include other confidential information that they do not wish to disclose.

## **Conclusion**

Now that all foster care children are eligible for free school meals regardless of income, states and school districts have new tools at their disposal that can significantly improve the enrollment process. Using direct certification is an efficient way to automatically enroll large groups of children in foster care for free school meals. Incorporating certification for free meals into the process by which schools are notified of a child's foster status helps ensure timely receipt of free meals when a child enters foster care or changes schools. Children who are missed in these automatic enrollment processes may still be reached by updating school meal applications and notifying foster parents of current policies. Finally, once children are certified for free school meals, states and school districts can streamline program administration by establishing systems to maintain certification when a child changes schools or leaves foster care and by directly verifying children in foster care whenever possible. As states and school districts prepare for the 2011-2012 school year, these combined strategies can help to better serve children in foster care and their families as they make the transition into new homes or new schools.

## Appendix A

### SAMPLE LETTER TO FOSTER PARENTS

Dear Foster Parent:

We want to let you know about some important changes to the school meal programs that may benefit your family.

**All foster children can now receive free school meals regardless of personal or family income.**

- If you have already received a letter from the local school saying that your foster child is enrolled for free school meals, you do not need to do anything.
- If you have not received a school letter about free school meals, you can ask your DCF social worker to notify school directly that your foster child is eligible for free meals. Or, you can request a school meal application from the school and indicate your child's foster status on the application form.

**Your own children may be eligible for free or reduced price meals too!**

If you have both foster children and your own biological or adopted children in your household, you may now include all kids on one school meals application (as long as they attend school in the same school district). Doing so will make the application process easier and may enable your children to become eligible for free or reduced price meals by increasing your household size. (See example on the back of this letter.)

**Children get free meals for the entire school year!**

Any child (foster or non-foster) who is approved to receive free or reduced price meals remains approved for the entire school year. This is true for foster children even if they return to their birth family or move to another foster home in the school district. It is also true for your own children, even if a foster child leaves your home or your income changes.

If you have any questions or need assistance getting free or reduced meals, please contact \_\_\_\_\_

*Here's an example of how families with foster children may qualify for free or reduced price meals for all children:*

Sue Smith and her husband have two biological children and one foster child. The Smith's household income is \$3,800. In the past, they have filled out two different school meal applications — one for their biological kids (household size = 4) and one for their foster child (household size = 1). The Smith's biological kids were considered over-income for free or reduced meals. See the income chart below.

Under the new rules, the Smiths can list all three kids on one application (household size = 5). The biological kids are now eligible for free or reduced price meals because their monthly household income of \$3,800 falls under the monthly income threshold for a five person household (\$4,035).

Note: If the Smiths were over income for free or reduced price meals, the foster child is still *automatically eligible* for free meals regardless of household income.

Eligibility for Free or Reduced Price School Meals for School Year 2011-12	
Household Size	Monthly Income
1	\$1679
2	\$2268
3	\$2857
4	<b>\$3446</b>
5	<b>\$4035</b>

Remember: You do **not** need to include foster care payments as household income. You do need to include any personal income that your foster children receive.

## Appendix B

### AMERICAN BAR ASSOCIATION FACT SHEET



#### WHAT LAWYERS AND OTHER CHILD ADVOCATES SHOULD KNOW ABOUT FOSTER CHILDREN'S ELIGIBILITY FOR FREE MEALS UNDER FEDERAL FOOD ASSISTANCE PROGRAMS

##### Why is it important for foster children to receive free meals?

- Studies have shown that foster children who have experienced abuse or neglect are at an increased risk of malnourishment and eating disorders.
- Foster children are more likely to have lived in low-income homes that struggled with food insecurity.
- Foster children are more likely to have experienced prenatal and postnatal malnutrition, which have long-lasting consequences on the health of school-aged children.

##### Quick Facts about a relevant new federal law, the *Healthy Hunger-Free Kids Act of 2010* (see summary on reverse):

- Foster children who are placed with relatives or non-relatives through a child welfare agency or court are now categorically eligible for free meals in school or in child care settings regardless of family income, and are not required to submit an application.
- Children in “informal kinship care” (where placements don’t involve the child welfare agency and court) are not categorically eligible under these provisions, but may be eligible for other reasons, e.g., *any child* (foster or non-foster) who lives with a household member who receives SNAP benefits (formally known as the Food Stamp Program) is entitled to free meals, even if not a recipient him or herself.
- Once enrolled for free school meals, foster children remain eligible for the entire school year, even if they switch schools or leave foster care.
- Foster parents can include their foster children on school meal applications for their non-foster children, which increases the household’s size and may help the foster family’s *non-foster* children qualify for free or reduced price meals based on income (the foster child is categorically eligible regardless of whether non-foster children are on the same application).

##### What can you do?

- Ask the agency or court to provide documentation of a child’s foster status directly to the school or child care provider so the child can be approved for free meals on that basis.
- If proper documentation is not directly provided to the school by the agency or court, help foster parents fill out school meal applications.
- Help foster parents understand that including a foster child on a meal application may help their non-foster children qualify for free or reduced price meals by increasing their household size. Find out if foster children are approved for free meals, and if not, raise the issue in court.

##### If you suspect that a child is suffering from malnutrition, you can:

- Ask for a comprehensive nutritional evaluation of the child.
- Talk to the doctor who most recently examined the child, or ask for a new physical exam.
- Encourage parents, with caseworker assistance, to consult with a child nutrition expert about the child’s food needs.

-- TURN OVER FOR MORE INFORMATION ABOUT RELEVANT FEDERAL LAWS AND PROGRAMS --

## Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296)

### **Sec. 102. Categorical Eligibility of Foster Children**

The Act makes all foster children eligible for free school meals (at school, in child care, or during the summer) through the federal food assistance programs. They can be eligible if:

- a) the foster child's care and placement is the responsibility of an agency that administers a State plan under part B or E of Title IV of the Social Security Act [note: the foster child NEED NOT be IV-E eligible]  
OR
- b) the foster child has been placed with a caretaker household by a court

#### **In addition:**

- c) if documentation is provided from a State or local foster care agency or court showing the child's status as a foster child who is (a) the responsibility of an agency or (b) has been placed by a court, the child may be automatically approved for free meals without completing an application

#### **It's not just free school lunches that foster children can benefit from.**

Here is a list of federal nutrition programs for which foster children may be eligible:

- National School Lunch Program (NSLP) including the Afterschool Snack Service and the Seamless Summer Option authorized under the NSLP\*
- School Breakfast Program (SBP)\*
- Child and Adult Care Food Program (CACFP) including At-Risk Afterschool Snacks and the Supper Program\*
- Summer Food Service Program (SFSP)\*
- Special Supplemental Nutrition Program for Women, Infants and Children (WIC)
- WIC Farmers' Market Nutrition Program (FMNP)
- Supplemental Nutrition Assistance Program (SNAP) – formerly known as “food stamps”
- Special Milk Program for Children (SMP)\*

*\*Foster children are categorically eligible for free meals, although not all schools offer breakfasts and summer food.*

Sources of more information on:

- The Healthy Hunger-Free Kids Act of 2010  
[http://www.fns.usda.gov/cnd/Governance/Legislation/CNR\\_2010.htm](http://www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm)

and

Categorical Eligibility of Foster Children

[http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17\\_CACFP08\\_SFSP05-2011\\_osr.pdf](http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17_CACFP08_SFSP05-2011_osr.pdf)

- Supplemental Nutrition Assistance Program (SNAP)  
<http://www.fns.usda.gov/snap/> (formerly the *Food Stamp Program*)
- Child and Adult Care Food Program (CACFP)  
<http://www.fns.usda.gov/cnd/care/>
- WIC/FMNP  
<http://www.fns.usda.gov/wic/>

