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Governor

**NEW YORK STATE**  
**OFFICE OF CHILDREN & FAMILY SERVICES**  
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Commissioner

### Informational Letter

<b>Transmittal:</b>	11-OCFS-INF-07
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Strategic Planning and Policy Development
<b>Date:</b>	August 23, 2011
<b>Subject:</b>	<b>Eligibility for Free School Meals – Foster Children &amp; Children Placed by Court with Caretaker Households</b>
<b>Suggested Distribution:</b>	Directors of Services Foster Care Supervisors Adoption Supervisors Child Protective Services Supervisors Preventive Services Supervisors Staff Development Coordinators
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<b>Attachments:</b>	Yes-Attachment A & B
<b>Attachments Available Online:</b>	<a href="http://ocfs.state.nyenet/policies/external/">http://ocfs.state.nyenet/policies/external/</a> (OCFS intranet) <a href="http://www.ocfs.state.ny.us/main/policies/external/">http://www.ocfs.state.ny.us/main/policies/external/</a> (OCFS Internet)

## Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			42 U.S.C.A. 1758, Section 102 of the Healthy, Hunger-Free Kids Act of 2010, Section 9 of the Richard B. Russell National School Lunch Act		

### I. Purpose

The purpose of this Informational Letter (INF) is to advise local departments of social services (LDSS) and voluntary authorized agencies (VA) of the new provisions enacted in the Healthy, Hunger-Free Kids Act of 2010. This act provides categorical eligibility for free meals for any foster child whose care and placement is the responsibility of the LDSS or who is placed by the court with a caretaker household and is attending a public school. For purposes of this INF, children placed with a caretaker household shall mean children directly placed with a non-parent under court ordered supervision, or children discharged into a kinship guardianship assistance arrangement. There are multiple ways for LDSS and VA to meet the requirements of this act. This INF provides a suggested protocol which LDSS and VA should use to inform school districts of the names of foster care children in their care and custody or the names of children who are placed by the court with a caretaker household that is under their supervision or for whom they are paying kinship guardianship assistance (KinGAP.)

### II. Background

Section 9(b)(3)(B)(i) of the Richard B. Russell National School Lunch Act provided that in order for a determination to be made that a child was eligible to receive a free or reduced price lunch, a parent or guardian must submit an application. Additionally, under the Richard B. Russell National School Lunch program, in order to deem a foster child eligible for free or reduced priced lunch, a separate application was required to be submitted on behalf of the foster child who was considered a household of one. Effective October 1, 2010, section 102 of the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) provides categorical eligibility for free meals, without further application, to any foster child whose care and placement is the responsibility of the LDSS or who is placed by a court with a caretaker household.

### III. Program Implications

#### A. Eligibility for Free Meals

The Healthy, Hunger-Free Kids Act of 2010 makes every foster child whose care and placement is the responsibility of the LDSS or has been placed by the court with a caretaker household eligible for free meals provided in public schools. In New York State this applies to:

- foster care children who are placed by the court in the care and custody or custody and guardianship of the LDSS commissioner, including children placed as a PINS or JD;
- children placed directly by the court with a caretaker household with LDSS supervision; and
- children discharged into a KinGAP arrangement.

## B. School Notification

### 1. *Outside of New York City*

#### a. Annual School Notification

Each LDSS should notify the superintendent of each school district in its locality of all eligible children, as outlined above in section III A. This notification should be made in writing during the first two weeks of September of each school year (a model letter is attached; see Attachment A. *Annual Free Meal Model Letter*). The notification should include the name of each child, his or her CIN number, date of birth, gender, and the school he or she is attending.

#### b. Updating Schools After the Annual Notification has been Completed

When a child is placed into foster care, placed directly by the court with a caretaker household with LDSS supervision, or discharged into a KinGAP arrangement after the September notification has been completed, the LDSS should notify the superintendent of the child's existing school district or new school district in writing within 10 days of the child's eligibility for free meals (a model letter is attached; see Appendix B. *Updated Free Meal Letter*.)

Whenever one of these children changes schools, the LDSS should notify the Superintendent of the child's new school district in writing within 10 days of the child's admission to the new school (a model letter is attached; see Appendix B. *Updated Free Meal Letter*.)

### 2. *New York City*

The Administration for Children's Services (ACS) has different ways to notify school districts of the foster children attending their schools, depending on the type of foster care the child is in.

ACS and the New York City Department of Education (DOE) have established a data sharing system for foster children who are: removed and placed into foster care, and

children who are voluntarily placed into foster care by their parent or guardian. The data sharing system sends updated information to school districts and can make the necessary free meal school notifications for these foster children.

The ACS/DOE data share system does not share information with school district(s) on

- foster children placed as a PINs or JD;
- children removed and placed by the court directly with a caretaker household under LDSS supervision;
- children placed with a relative guardian in a KinGAP arrangement.

The protocol for completing the annual notification and updating notifications for outside of New York City should be followed for these children.

#### C. Length of Eligibility

Once a child has been identified as eligible for free meals, the child will continue to be eligible through the current school year and for 30 operating days of the subsequent school year, even if the child no longer meets the criteria (for example, the foster child has returned to his or her parent.) If the child changes schools during this eligibility period for any reason, the LDSS should inform the new school of the child's term of eligibility even if the child no longer meets the eligibility criteria (a model letter is attached; see Appendix B. *Updated Free Meal Letter.*)

#### D. New Application Process for Foster Families

LDSS and VA workers should inform foster parents that if their household includes foster and non-foster care children, there is a new application process for free and reduced meals that may help the foster family's non-foster children qualify for free or reduced price meals. When completing the new application, the foster parents may include the foster child as a household member, and any personal income earned by the foster child. By adding the foster children to the new application, their children may be eligible for free or reduced meals based on household size and income. Foster payments received by the family from the LDSS are not considered income and do not need to be reported. USDA guidance on this can be found at:

[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)

#### E. State Education Department Notification to Schools

The State Education Department has notified school districts of this new law. You may view the letter sent from the State Education Department to the school food service directors and managers, which includes "Frequently Asked Questions," at:

<http://portal.nysed.gov/portal/page/pref/CNKC/NeedToKnow/CategoricalEligibilityofFosterChildren.htm>

The Healthy, Hunger-Free Kids Act of 2010 went into effect on October 1, 2010.

*/s/ Nancy W. Martinez*

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**Issued By:**

Name: Nancy W. Martinez

Title: Director

Division/Office: Strategic Planning and Policy Development

Date

Dear School Superintendent \_\_\_\_\_,

The Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) provides categorical eligibility for free meals at school for any child whose care and placement is the responsibility of the local department of social services or who is placed by a court with a caretaker household. The purpose of this letter is to provide you with a list of applicable children who are in your school district for the \_\_\_\_\_ school year (see attached list).

During the school year, we will update you if any of these children change schools or if additional children who are eligible for free meals enter your school district. If you have any questions, please feel free to contact \_\_\_\_\_ at \_\_\_\_\_.

Thank you for your attention to this matter.

Sincerely,

\_\_\_\_\_

\_\_\_\_\_

Social Services District

Date

The following children are scheduled to attend schools in your district for the \_\_\_\_\_ school year and are categorically entitled to free meals at school:

Name of Child	CIN Number	DOB	Gender	School
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Date

Dear School Superintendent \_\_\_\_\_,

The Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) provides categorical eligibility for free school meals for any child whose care and placement is the responsibility of the local department of social services or who is placed by a court with a caretaker household. The purpose of this letter is to inform you of a child who has become eligible for free meals in your district. This child is eligible for free meals without further application through September 30, \_\_\_\_\_.

Name of Student	
Name of New School	
Name of Previous School (if applicable)	
CIN Number	
Date of Birth	
Gender	

If you have any questions regarding this matter, please feel free to contact

\_\_\_\_\_ at \_\_\_\_\_.

Sincerely,