Reply to
Attn. of:
SP 92-181
CACFP 279
SFSP 145

FEB 4 1992

Subject: Extension of Categorical Eligibility

To: ALL STATE AGENCY DIRECTORS
(Special Nutrition Programs)
- Colorado ED, Colorado DH, Colorado SS,
  Iowa, Kansas, Missouri ED, Missouri DH,
  Montana OPI, Montana DHES, Nebraska ED,
  Nebraska SS, North Dakota, South Dakota,
  Utah, Wyoming ED, Wyoming DH/SS

We recently asked the Department to consider extending categorical eligibility
for free meals and milk in Child Nutrition Programs to include those children
from households participating in the Food Distribution Program on Indian
Reservations (FDPIR).

After consulting the Office of General Counsel, as well as representatives from
the Food Stamp Program, the Food Distribution Program, and the Office of Analysis
and Evaluation with regard to this issue, the Department has determined that
those households participating in the FDPIR should be categorically eligible to
participate in the free meals/free milk programs under Child Nutrition Programs.
These programs include the National School Lunch Program, School Breakfast
Program, Special Milk Program, Child and Adult Care Food Program, and the Summer
Food Service Program.

In accordance with Section 9(b)(2)(C)(i)(I) and (II) of the National School
Lunch Act (42 U.S.C. Section 1758 (b)(2)(C)(i)(I) and (II)), households
receiving food stamps under the Food Stamp Act of 1977 or families receiving
assistance under the Aid to Families with Dependent Children program are
categorically eligible to participate in the free meals/free milk programs under
the Child Nutrition Programs. The FDPIR is authorized by Section 4(b) of the
Food Stamp Act of 1977. Under this section, eligible households may elect to
participate in either the Food Stamp Program or the FDPIR. Since eligible
households are afforded the option to participate in either program, the
Department believes that households electing to participate in the FDPIR in lieu
of participating in the Food Stamp Program fall within the classification of
people categorically eligible under the Food Stamp Program. When applying for
free and reduced price meals for their children, households participating in the
FDPIR may submit the child’s name, their FDPIR case number and the signature of
an adult household member to establish free meal/milk eligibility. Additionally,
households may provide proof of participation in FDPIR as verification of
eligibility.
The Department's prototype applications for free and reduced price meals or free milk, other prototype materials, and regulations will be revised at some point in the future to reflect this interpretation.

Please contact our office at (303) 844-0355 if you have any questions regarding this issue.

Ann C. Hector
ANN C. HECTOR
Regional Director
Special Nutrition Programs