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

Subject: Extension of Categorical Eligibility

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)(ii)(I) and (II) of the National School Lunch Act (42 U.S.C. Section 1758(b)(2)(C)(ii)(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