

# CLARIFICATION OF FEDERAL POLICY

In Texas, organizations contracting directly with the Texas Department of Agriculture (TDA) to operate nutrition programs federally funded through the United States Department of Agriculture (USDA) are called Contracting Entities, or CEs. The Summer Food Service Program (SFSP) is a federally funded nutrition program and, as such, sponsors are considered CEs.

Each year the USDA publishes the SFSP *Administrative Guidance for Sponsors* (AGS) which provides information and program guidance for all CEs that participate or plan to participate in SFSP. In order to facilitate program participation and compliance, TDA occasionally issues clarifications of federal policy found in the AGS.

## Categorical Eligibility of Foster Children

On January 31, 2011, the USDA released policy memorandum SFSP 05-2011, *Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children*. The Healthy, Hunger-Free Kids Act of 2010 expanded categorical eligibility for all child nutrition programs to foster children under the responsibility of the State or placed by a court. This includes SFSP and therefore, these children are automatically eligible for free meals in SFSP.

The Texas Department of Family and Protective Services (DFPS) has a standard form, Form 2085FC *Placement Authorization Foster Care/Residential Care* that contains authorization establishing the categorical eligibility of children named on the form to participate in federally assisted meal programs, including SFSP. Those CEs operating a site or sites under SFSP needing to establish the eligibility of individual participants shall accept DFPS Form 2085FC as proof of categorical eligibility for the child named on the form and therefore not require any additional enrollment form, income eligibility form, or separate application as proof of eligibility to participate in SFSP.