

# USDA FLEXIBILITIES:

- ❖ **Methods of Collection and Meal Counting:** (Includes Flexibility Option for Effective Date of Application) [http://dese.mo.gov/sites/default/files/dac\\_forms/MO5002759.pdf](http://dese.mo.gov/sites/default/files/dac_forms/MO5002759.pdf)

An updated form must be submitted via email or mail if your current meal counting and claiming procedures have changed. Also Section VI is the LEA's documentation to utilize the flexibility for establishing submission of free and reduced price meal applications as the effective date of eligibility, rather than the date the official approves it.

- ❖ **Flexibility Notification: Eligibility Effective Date for Directly Certified Students:** <https://dese.mo.gov/sites/default/files/FNS-DirectCertificationFlexibilityNotification.pdf>

The form must be submitted via email or mail if this flexibility is implemented.

LEAs selecting this flexibility option may consider the effective date of eligibility for free school meals or milk benefits to be the date the automated Direct Certification (DC) data matching file is available that first identifies the student as eligible for DC, rather than the date the LEA accesses the file. This also applies to any student(s) who receives extended eligibility. The date of eligibility will be announced in the monthly DC file notification email.

- ❖ **Whole Grain-Rich Exemption Request Form:** [https://dese.mo.gov/sites/default/files/FNS-Wholegrainwaiver\\_0.pdf](https://dese.mo.gov/sites/default/files/FNS-Wholegrainwaiver_0.pdf)

The form must be submitted via email or mail if an exemption is requested from the whole grain-rich requirement for school year 2017-2018. LEAs may request exemptions to specific products if they can demonstrate hardships in procuring, preparing, or serving compliant whole grain-rich products that are acceptable to students. LEAs granted the exemptions must comply with the requirement to offer at least half of the grain items as whole grain-rich.

- ❖ **Paid Lunch Equity (PLE):**

An exemption to the PLE requirements can be obtained for LEAs in strong financial standing through School Year 2017-18. An exemption can be granted if the LEA requesting the exemption has been certified as meeting the meal pattern requirements and can demonstrate that the required increase to paid lunch prices or revenue contributions would cause the LEA to exceed the 3-month operating balance. An exemption must be requested annually and the LEA must submit a letter via email or mail to the Food and Nutrition Services Section, DESE. The USDA memo SP 19-2017: Paid Lunch Equity: Guidance for School Year 2017-2018 <https://dese.mo.gov/sites/default/files/food/documents/sp17-2017.pdf> contains an attachment – PLE exemption – Factors for Consideration (page 1) and Additional Considerations (page 2). The LEA must address all factors (page 1 and 2) when applying for an exemption.

❖ **Extending Flexibility for RCCIs in the National School Lunch Program:**

USDA issued memo [SP 38-2012](#) on July 16, 2012, which allowed Residential Child Care Institutions (RCCIs), with State Agency approval, to serve the meal pattern for the highest age/grade group served to all residential students. In order to utilize this flexibility the RCCI must meet all three of the following criteria: 1) be a juvenile detention or correctional facility; 2) serve children in different age/grade groups; and 3) have legitimate safety concerns, or State juvenile justice laws or regulations related to offering meals with varying amounts of food within the same meal pattern. To allow flexibility to RCCIs that are not juvenile justice facilities, USDA issued memo [SP 48-2013](#) on June 25, 2013, to extend the flexibility if the RCCI can demonstrate operational limitations to separating age/grade groups and can show legitimate safety concerns if students are served different portions. RCCIs must submit a written request to the Food and Nutrition Services Section, DESE, clearly articulating the safety concerns.

❖ **Milk Waiver Form:**

[https://dese.mo.gov/sites/default/files/FNS-MilkWaiver\\_0.pdf](https://dese.mo.gov/sites/default/files/FNS-MilkWaiver_0.pdf)

USDA issued memo SP 32-2017 on May 22, 2017, which allowed LEAs to request an exemption allowing service of low-fat (1-percent milk fat), flavored milk through the NSLP and the SBP and as a competitive food available for sale on campus during the school day. To be eligible for the waiver, an LEA must document hardships that includes, but is not limited to, the following:

- A significant decrease in milk sales since implementation of the current meal patterns;
- Declining milk sales despite offering alternative products and brands;
- A food waste study indicating significant was of fluid milk;
- Significant negative feedback from students and parents regarding lack of availability of low-fat, flavored milk; and
- Significant negative feedback from students regarding the palatability of fat-free, flavored milk.

The form must be submitted via email or mail if an exemption is requested from the milk requirement for school year 2017-2018.

❖ **Food Service Director Professional Standard Exemption:**

<https://dese.mo.gov/sites/default/files/FNS-ProfessionalStandardsExemptionForm.pdf>

Per the USDA's "Guide to Professional Standards for School Nutrition Programs," LEAs with enrollments less than 500 students must obtain State Agency approval when the candidate for employment has a high school diploma (or HSE) and less than the required three years of work experience. This form must be submitted via email or mail if an exemption is requested for school year 2017-2018.