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Questions and Answers: Responding to School Dismissals for H1N1 Outbreaks

Schools participating in the National School Lunch and/or School Breakfast Programs may be dismissed or closed following declaration of a public health emergency under section 319 of the Public Health Service Act. For children enrolled in those schools, reimbursable meals may be offered by schools and other eligible community organizations under a modified Summer Food Service Program (SFSP) or Seamless Summer Option (SSO) as set forth in Policy Memorandum SP 31- 2009, SFSP 05-2009. Please note that this flexibility is being provided for H1N1-related school dismissals or closures only. It is not authorized for any other situation.

Please note, a school closure means closing the school and sending all the students and staff home. In a school dismissal, the school may stay open for staff while the children stay home. In this guidance, the term dismissal is used to refer to schools that are either closed or at which all students are dismissed.

The questions and answers below provide additional information regarding how these programs may operate in order to assist low-income children during such school dismissals. Questions marked with an asterisk (*) were answered in a previous memorandum (SP 33-2009, SFSP 06 -2009, School Closings for H1N1 Outbreaks: Questions and Answers, July 31, 2009). No changes were made to previously issued questions and answers.

GENERAL

1. *Which requirements for operating the SFSP and SSO are waived for H1N1-related school dismissals?

State agencies may waive the requirement that meals be served and consumed in a congregate setting, to support social distancing measures necessary during these outbreaks. States may also waive any pre-operational training and monitoring requirements. Limiting the operation of the SFSP or SSO during an unexpected school dismissal during the school year to non-school sites is also waived for these circumstances. Requests to waive other operational requirements applicable to the need to provide meals during an H1N1-related dismissal will be considered on a case-by-case basis and should be forwarded by State agencies to the appropriate FNS Regional Office for approval.

2. *What entities are eligible to operate the SFSP or SSO during H1N1-related school dismissals?

Any school food authority (SFA) or community organization (CO) otherwise eligible to operate the SFSP or SSO and which enters into an agreement with the State agency to operate such programs when schools are dismissed due to an H1N1 outbreak may participate. As described in SP 31-2009, SFSP 05-2009, the agreement with the State agency may be an existing agreement under which the SFA or community organization currently operates SFSP or SSO, or it may be an agreement entered into specifically to operate those programs in the event of possible school closures in the coming school year. These agreements should be submitted to the State at the same time waiver requests are submitted.

3. ***How does an SFA or CO initiate participation under the SFSP/SSO H1N1 authority?**

The SFA or CO must submit a waiver request to the State agency. (Please see #13 for information about the waiver request.) In order to assure a prompt response to school dismissals, SFAs and COs are encouraged to work with their State agency to develop their waiver request prior to a H1N1-related school dismissal. It is important to note that while multiple organizations in a community may work to respond to H1N1-related dismissals, a State agency may not approve waiver requests that would duplicate coverage. Therefore, it is critical that State agencies communicate with SFAs and COs to develop these waiver requests as soon as possible, and that communities identify the institution most able to respond to a dismissal at a particular school.

4. **Is it mandatory that meals be provided during a school dismissal?**

No. However, SFAs and COs are encouraged to ensure that the needs of low-income students are met during extended school dismissals.

5. **Can an SFA operate the SSO or SFSP only during an H1N1 outbreak and not during the summer?**

Yes, although we would strongly encourage SFAs to serve low-income children during the summer as well. At any time the SFA or CO operates, it must have an agreement with the State agency in order to receive reimbursement.

6. **Are Child and Adult Care Food Program (CACFP) participants eligible to participate in the H1N1 waiver?**

The SFSP/SSO H1N1 waiver is targeted to children who attend schools that have been dismissed due to H1N1. However, meals may be served to all children 18 and under in the household if at least one child attends the dismissed school. If a child care center that participates in the CACFP is located in a dismissed school, students enrolled in that center are eligible for meals provided to children attending the dismissed school.

7. **Can we serve parents and other adults in the community if they pay for the meal? What should we do about providing meals to nurses and other health care providers who may be providing vaccines to the public?**

If the SFA or CO has the capacity to provide meals to adults, they may do so but will not be reimbursed for those meals. Meals delivered to the home may be provided only for children in the family who are 18 and under. Additionally, we encourage you to work with your community to identify resources to address the needs of low-income parents, as well as individuals who are preparing meals, giving vaccinations, or otherwise supporting efforts to combat the H1N1 virus.

8. **May an SFA operate the SSO during an H1N1 outbreak and the SFSP during the summer?**

Yes, if the SFA has an agreement with the State agency to operate both programs.

9. If schools are not dismissed but a number of children contract H1N1 and are absent, may SFAs or COs provide meals to these children?

No. The SSO/SFSP H1N1 waiver may be implemented only if the entire school is dismissed, i.e., all students are out of school.

WAIVER IMPLEMENTATION

10. From what level does the public health emergency declaration need to come in order to implement the H1N1 waiver? For example, does the local/State health department have to declare an H1N1 public health emergency in order for schools to operate under the H1N1 waiver? Or is the declaration made at the Federal level?

United States Department of Health and Human Services Secretary Kathleen Sebelius has already declared that a nationwide public health emergency exists involving H1N1 (see www.hhs.gov/secretary/phe_swh1n1.html) under the authority of Section 319 of the Public Health Service Act. Therefore, the H1N1 waiver may now be implemented if a school is dismissed by local authorities based on conditions at the local level.

11. Who confirms that a school dismissal is for H1N1 instead of seasonal flu?

Decisions regarding school dismissals are made at the State or local level. Therefore, the State or local public health department or other designated officials would be responsible for determining whether the dismissal is related to H1N1 or seasonal flu.

12. Is the start date of the SSO/SFSP H1N1 waiver left up to the SFA?

In consultation with State agency, school district, and State and local public health officials, the SFA determines when to begin serving meals under the H1N1 authority once a school is dismissed. SFA's may decide whether to provide meal service immediately when schools are dismissed or delay implementation. We would encourage meal service to begin as soon as possible.

13. *What components are required as part of a waiver request?

The waiver request should address how the SFA or CO will operate the SFSP or SSO during an H1N1-related dismissal. At a minimum, the waiver request should address:

- Name of school(s) covered by waiver request
- At what point after the declaration of a public health emergency and school dismissal the meal service would start;
- What meal distribution method(s) the institution will use and how the waiver will target the children in the dismissed schools;
- How the meal distribution will target low-income children, including children that may not have free or reduced price eligibility information readily available (i.e., children new to the SFA) if the school does not have 50 percent or more free or reduced price children enrolled;
- Methods for communicating with families; and
- How the SFA or CO will ensure proper operation of the program including meal content, meal counts, food safety, oversight, etc.

State agencies may require additional information if necessary, to determine the appropriateness and feasibility of the response. Waiver requests are subject to State agency approval. Once approved, SFAs and COs must notify the State agency before they activate the waiver. State agencies are encouraged to recognize the need for flexibility and rapid response in these situations.

14. Are waiver requests made after schools have been dismissed or can schools do it in advance?

In conjunction with their State agency, SFAs and COs are encouraged to develop and submit waiver requests to operate the SSO or SFSP before the need for a school dismissal arises.

15. The following are required in the SFSP: media release, notification to the health department, pre-award compliance, health inspection certification, and budget. May these be waived under the H1N1 authority?

The only SFSP requirements waived under the H1N1 authority are those relating to serving meals in a congregate setting and pre-operational training and monitoring. Otherwise, the SFSP and the SSO will generally operate as they do during the summer months. State agencies may request a waiver of these and other operational requirements and those requests will be considered on a case-by-case basis.

16. The SFSP establishes time frames for serving breakfast, lunch, and supper. Can this requirement be waived and could this be a "standard" waiver, like waiving congregate feeding?

This requirement may be waived with State agency approval in order to accommodate meal distribution systems that would provide more than one meal to children. For example, an SFA could have a daily distribution at which both breakfast and lunch are provided.

17. Is one waiver request sufficient per sponsor or would each scenario need to be addressed ahead of time?

Only one waiver request per SFA or CO is required. To the extent possible, the request should address whatever methods and procedures would be implemented for any potential site. The request may include various responses based on specific sites or scenarios.

18. May meals be served on weekends and holidays (e.g., Thanksgiving)?

SFAs and COs may be approved by the State agency to provide meals on weekends and holidays, if appropriate for the local circumstances.

19. How would the H1N1 waiver operate in year around schools when the dismissal period would include a period when the SSO or SFSP was normally scheduled to operate?

Even though a school had scheduled operation of the SSO or SFSP during a planned break, it would need to operate under the H1N1 authority because of the need for social distancing.

MEAL DISTRIBUTION AND ELIGIBILITY

20. *Who is eligible to receive meals?

Eligible children are all children age 18 and under in a household where at least one child in the household is enrolled in the dismissed school.

21. *How do SFSP/SSO site eligibility requirements apply to H1N1 meal service? Must all schools served be in low-income areas?

The primary goal of meal service offered during an H1N1 related school dismissal is to address the loss of school meals for the low-income children enrolled in the dismissed schools. In general, SFSP/SSO site eligibility requirements apply, with modifications to address the unique circumstances of these school dismissals. The determination of site eligibility is based not on the location of the site, but rather on the dismissed school's population. For dismissed schools with 50 percent or more of their enrolled students certified eligible for free or reduced price meals, SFA's may develop meal distribution methods in which meals are available to all families with children enrolled in that school, with a focus on serving low income children. For dismissed schools with less than 50 percent free or reduced price enrollment, meal distribution methods must more directly target the households of enrolled children who are eligible for free or reduced price meals. Schools should use current free/reduced price certification information or, if necessary depending on the timing of the school dismissals, immediate prior year eligibility certifications.

22. May schools with less than 50 percent of children eligible for free or reduced price meals serve paid children as long as they target children eligible for free and reduced price meals? If so, would their meals be claimed at the free rate?

Yes. Although the purpose of this effort is to ensure that low-income children who would normally receive free or reduced price school meals have access to nutritious meals during school dismissals, children that normally pay full price for their school meals may be served as long as the plan developed by the SFA or CO targets low-income children. We do not expect that any children attending the affected schools and who come forward to receive meals would be turned away. In fact, it could be that children who do not receive free or reduced price meals are in need during a pandemic if parents are unable to work due to business closures or because of the need to provide child care. This waiver would provide a timely resource to those families that would not necessarily be needed during normal school operation. Meals provided to children who are classified as paid under the NSLP would be reimbursed at the free rate under SSO or at the applicable SFSP rate.

23. Are private schools that normally participate in the NSLP covered by this waiver?

Yes. Private schools that participate in NSLP are eligible to enter into an agreement for meal service during H1N1-related dismissals. Because they are SFAs, they may operate SFSP or SSO. If an alternate State agency administers private schools, both State agencies should work together to avoid duplication of efforts.

24. *May meals be provided to siblings who may not be in school or who do not attend the dismissed school?

Yes. If a household has a child enrolled in the dismissed school, all children age 18 and under in that household may be served.

25. How many meals per child may be offered each day? May supper be provided? Can meals be distributed for more than one day?

The maximum number of meals that may be offered remains the same as under SFSP or SSO: up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper. As discussed in question and answer #16, the State agency may approve a distribution approach that includes meals for multiple days. The State agency should consider the capacity of the SFA or CO to execute such an approach effectively, including meeting food safety requirements.

26. *What distribution methods are envisioned for H1N1 meal service, and what logistical issues need to be considered?

We anticipate the meal distribution methods will be either pick-up or delivery models in order to meet the need for social distancing during an H1N1 outbreak. All methods should focus on targeting a dismissed school's low-income children, using the free and reduced price certification information available in each SFA. The logistical issues are numerous and further support the need for State agencies, SFAs, and COs to begin planning immediately.

27. If the parent of a child eligible for the H1N1 meal distribution does not have transportation, is there a plan for alternate meal delivery?

As noted above, the SFA or CO determines the method or methods it wishes to use to distribute meals. If the SFA or CO determines there is a need and it is logistically feasible to deliver meals directly to homes, it may do so with State agency approval.

28. *Can a parent/caregiver of a child enrolled in the dismissed school pick up meals for all of the children in the household?

Yes. As long as the meal distribution site has a way to verify that the adult picking up meals has an enrolled child in the dismissed school, this would be permissible. This arrangement should be described in the SFA's waiver request.

29. If a family has children in multiple schools, some of which are dismissed and some of which are open, will the waiver request have to allow for providing meals only to the children that attend the dismissed schools to ensure no service of second meals?

The waiver requests need to focus on children enrolled in dismissed schools, but other children in the household may also be served.

ACCOUNTABILITY

30. Will NSLP edit checks be waived for these meals provided under the SFSP/SSO H1N1 authority?

We are not providing a blanket waiver for edit checks but would expect the State agency to work with the affected SFAs and COs to ensure that meal counts submitted are valid given local circumstances.

31. How should SFAs or COs count the additional children in the household that are not enrolled in the dismissed schools but are provided with meals?

At a minimum, the number of meals distributed must be recorded. Additional information may be required by the State agency.

32. Will there be any separate reporting requirements for meals served to children under the SFSP/SSO H1N1 waiver or will the standard meal count reporting procedures apply?

Separate meal counts and records must be maintained for meals served under an H1N1 waiver. To receive reimbursement, total meals must be reported to the State agency for submission to FNS. All of the meals for H1N1 dismissals will be claimed and reimbursed at the free NSLP rates or the applicable SFSP rate. Each State agency will have more information on reporting requirements specific to their State.

33. An SFA plans to check students' names off of a roster when meals are picked up. If an individual picking up meals requests meals for other children in the household, is the SFA required to record the names of the other children receiving meals or simply record that additional meals were provided to the household in which the enrolled child resides?

The State agency may require rosters and encourage the SFA to retain some type of meal count by student. If additional meals are requested for other children in the household, the SFA can provide those meals as well and claim them at the free rate. Because all meals are claimed free at all sites, the SFA is not required to track the additional meals by the household requesting them. However, the SFA should have some method to avoid duplication so that meals for a given family are not provided twice. Whatever method is used, it is important that a record of the meals provided be maintained.

34. Do you have any suggestions for how a school with less than 50 percent free and reduced price eligibility can target low-income children without overtly identifying those children as eligible for free or reduced price meals?

This will depend in large part on how the SFA or CO intends to provide meals. The waiver request should describe their method of meal distribution. While meal service must be targeted to children eligible for free or reduced price meals, that does not preclude the service of some meals to paid children. SFAs and COs may look to their summer feeding plans as a means of targeting low income children without overt identification. For example, meal distribution sites might be located in areas that are easily accessible to low income children while avoiding identification of individual children as low income.

COUNTING AND CLAIMING MEAL

35. How will Provision 2 and Provision 3 schools be handled?

Because all provision 2 and 3 schools have a high percentage of children eligible for free and reduced price meals, they may develop waiver requests that make meals available to all enrolled students when the school is dismissed.

36. If an SFA is doing a base year for Provision 2 or Provision 3, how would this be handled?

We do not anticipate that schools will be dismissed for extended time periods. The SFA should work with the State agency if a school dismissal occurs when applications for a base year are being collected.

37. Under the SSO and SFSP a child could get a second meal if he/she was still hungry. Is that still applicable as part of this plan?

No. Second meals may not be served under H1N1 authority.

38. For those dismissed schools where less than 50 percent of the children are eligible for free and reduced price meals may we collect the co-pay for reduced price meals?

No. Meals are reimbursed at the free rate for SSO and the applicable SFSP rate. No payment may be collected from students.

39. Will there be a maximum number of meals that may be claimed by an affected area?

No, there is no maximum total number of meals that can be claimed in an area. However, it may be appropriate for a State agency to establish a daily limit on meals served to ensure the integrity of the H1N1 waiver.

40. How would a State agency determine that a meal count is "reasonable" since all children in every household are eligible (including children not enrolled in school) and children do not have to come to pick up their meals?

The State agency could use factors such as the total enrollment of the dismissed school(s) and the extent and severity of the H1N1 outbreak in the community to determine if the meal counts are reasonable.

MEAL CONTENTS

41. *What are the requirements for the meals?

The meals must meet the regular menu planning requirements of the SFSP or SSO. SFAs and COs may find it easier to use food based menu planning and provide the maximum portion size, rather than trying to provide meals based on the various ages of the children served. Offer versus serve (OVS) will not apply and all meals must be unitized, meaning a complete reimbursable meal that meets the requirements of the menu planning method used, including milk, must be distributed. Shelf-stable milk may be used. USDA commodity foods may also be used.

42. Will a variety of fat contents in milk still be required?

No.

43. If there is a shortage of shelf-stable milk, may the milk requirement be waived?

We expect that all required components of a meal be provided, including milk. We encourage SFAs and COs to make plans to have shelf-stable milk on hand for this purpose, to the extent that is possible. If we encounter a situation in which milk availability becomes an issue, FNS will work with the State agency to provide the needed flexibility.

44. Are we required to accommodate documented special needs?

Yes. This should be addressed in the SFA or CO's waiver request.

ALLOWABLE COSTS/AVAILABLE FUNDS

45. *At what rates will the meals be reimbursed?

Waivers operating under the SSO will be reimbursed at the applicable free meal rate for school meal programs. Waivers operating under SFSP will be reimbursed at the appropriate rural/self-prep or urban/vended rates. Keep in mind that the reimbursements are provided on a per meal basis and no additional Federal funds, i.e., start-up or administrative, funds will be provided for this effort.

46. *When operating under an H1N1 waiver, what types of expenses may be paid from the nonprofit school food service account?

Schools may pay any allowable cost from the non-profit school food service account including any equipment or supplies that may be needed to hold and distribute meals, costs related to meal distribution, and staff wages to prepare and distribute meals. Public or private non-profit organizations operating under SFSP are not required to have a separate non-profit food service account, but all regular Program requirements related to allowable costs and recordkeeping will apply. Keep in mind that reimbursements are provided on a per meal basis and no additional Federal funds, i.e., start-up or administrative funds will be provided for this effort.

47. Will security at food delivery sites be reimbursed?

Security is an allowable cost that may be paid from the reimbursement provided or from other funds from the nonprofit school food service account.

48. Will there be an increased reimbursement to offset the cost of shelf stable products?

No.

49. Will there be any additional administrative funds allocated for SFAs or COs operating under an H1N1 waiver?

No. Reimbursements are provided on a per meal basis and are expected to help cover both administrative and operating expenses.

50. Can SFAs and COs request an advance for operating under an SFSP/SSO H1N1 waiver?

With State agency approval, operating advances may be provided.