



North Carolina Department of Health and Human Services  
Division of Public Health – Women’s & Children’s Health Section  
1914 Mail Service Center • Raleigh, North Carolina 27699-1914  
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Beverly Eaves Perdue, Governor

Lanier M. Cansler, Secretary

September 24, 2009

SFSP 09-11

**MEMORANDUM**

**TO:** Sponsors Participating in the Summer Food Service Program

**FROM:** Cynthia Ervin, MBA *Cynthia D. Ervin*  
SFSP Coordinator, Special Nutrition Programs

**SUBJECT:** Responding to School Closings for H1N1 Outbreaks

This memo outlines how schools and community organizations may continue to provide reimbursable meals to low-income children during the school closures related to the H1N1 influenza virus. Such closures would follow a declaration of a public health emergency under section 319 of the Public Health Service Act, and would prevent the service of congregate meals through the National School Lunch and School Breakfast Programs. Meals served during these school closures may be claimed through the Summer Food Service Program (SFSP).

The Richard B. Russell National School Lunch Act authorizes the provision of meals served to children who are not in school during non-summer months due to an unanticipated school closure. USDA Food and Nutrition Service is providing added flexibility using program waiver authority in an effort to address concerns regarding the loss of school meals for low-income children, many of whom may not have access to other sources of food when schools are closed. Thus, the requirement for serving meals in a congregate setting will be waived for these H1N1-related school closures in order to provide meals to low-income children. Otherwise, the SFSP will generally operate as it does during the summer, and all meals provided to children 18 years and under will be reimbursed at the SFSP rates for rural/self prep or urban/vended meals.

Any school food authority (SFA) or eligible community organization that wants to continue to provide reimbursable meals for children during school(s) closure due to the H1N1 virus must have an agreement with the State agency which covers operation of the SFSP. SFAs and organizations with existing agreements in place may modify these agreements to include waiver request for operating during the H1N1 school closures. The waiver should include:

- specific information about the closed school(s);
- the meals (breakfast, lunch or snack) that will be served;
- the method of meal distribution- how meals will be provided for off-site consumption and food safety; and
- how meals will be counted to ensure the integrity of the claims submitted.

Interested SFAs and organizations not currently operating the SFSP should execute new agreements with the waiver requests, as soon as possible, for planning purposes in anticipation of possible school closures in the coming school year. The waiver requests should include all relevant information described above. All waiver



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We strongly encourage SFAs to take full advantage of the site meal consumption flexibilities available for serve low- income children during school closures due to H1N1. An off site consumption waiver request is enclosed. Interested sponsors should complete and submit this waiver to receive prior approval. Also enclosed, is a document entitled, *Questions and Answers: Responding to School Closing for H1N1 Outbreaks*. Please review all the information provided. You may contact me at 919-707-5774 if you have questions or are considering providing meals as specified above.

cc: SNP Staff  
Auditors



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**WAIVER REQUEST FOR MEAL SERVICE DURING AN H1N1-RELATED SCHOOL CLOSURE**

This waiver request is implemented in accordance with NC Department of Health and Human Service SFSP 09-11 Policy Memo that outlines how School Food Authorities (SFAs) and Community Organizations (COs) may continue to provide reimbursable meals to low-income children through the Summer Food Service Program (SFSP) of the National School Lunch Program during school dismissals related to the H1N1 influenza virus.

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 closed school. Any SFA or CO seeking to implement this waiver request agrees to operate the SFSP in accordance with Federal regulations with these noted exceptions:

1. The requirement for serving and consuming meals in a congregate setting is waived.
2. Pre-operational training and monitoring requirements are waived.
3. Limitation of the operation during an unexpected school dismissal during the school year to non-school sites is waived.

This waiver request may be implemented only by SFAs/COs with a current agreement with the State agency for participation in the SFSP. In the event that the SFA/CO intends to implement this waiver request during an H1N1 related school closure, the SFA/CO must contact the State agency to receive approval to serve meals under the terms of the current agreement and agreement addendum.



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**Summer Food Service Program  
H1N1 Waiver Request**

At what point after the declaration of a public health emergency and school dismissal would the meal service start?

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Describe what meal distribution method(s) will be used.

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What meals will be served? Estimate the average number of daily meals to be served. (Only one meal, or a combination of one meal and one snack, or two meals will be eligible for reimbursement. Lunch and supper cannot be reimbursed for the same child on the same day).

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Describe how the meal service will be operated, including whether dismissed schools will be served by a central site and whether schools will be served by a CO or the SFA.

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**Summer Food Service Program  
H1N1 Waiver Request**

Provide name, address, and contact information for each meal preparation site.

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Describe how the SFA/CO will ensure food safety requirements are met, including maintaining food at proper temperatures.

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Describe how the SFA/CO will target the meal service to low-income children from the dismissed school(s), including children that may not have free or reduced price eligibility information on file (i.e., children new to the SFA).

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Describe how the SFA/CO will communicate the availability of meals to eligible families.

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**Summer Food Service Program  
H1N1 Waiver Request**

Describe how the SFA/CO will ensure proper operation of the program including meal content, meal counts, oversight, etc.

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Describe any additional changes to standard meal service operations that will be necessary when serving meals during an H1N1-related school dismissal. (This may include issues of personnel and staffing, availability of suppliers, procurement requirements, and any limitations imposed by current SFA contracts with suppliers of food service management companies, etc.)

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## **Questions and Answers: Responding to School Closings for H1N1 Outbreaks**

Schools participating in the National School Lunch and/or School Breakfast Programs may be closed following declaration of a public health emergency under section 319 of the Public Health Service Act. For children enrolled in those closed 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. The questions and answers below provide additional information regarding how these programs may operate in order to assist low income children during such school closures. Please note that this flexibility is being provided for H1N1 related school closures only. It is not authorized for any other situation.

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

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 closure 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 closure 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 closures?**

Any school food authority (SFA) or community organization 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 closed 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 (see #3 below)

### **3. How does an SFA or community organization initiate participation in the SFSP/SSO H1N1 program?**

The SFA or community organization must submit a waiver request to the State agency. Please see # 7 for information on what information should be included in the waiver request. In order to assure a prompt response to school closings, SFAs and community organizations are encouraged to work with their State agency to develop their waiver request prior to a H1N1 related school closing.

It is important to note that while multiple organizations in a community may work to respond to H1N1 related closures, a State agency may not approve waiver requests which would duplicate coverage. Therefore, it is critical that State agencies communicate with SFAs and community organizations to develop these waiver requests as soon as possible, and that communities identify the institution most able to respond to a closure at a particular school.

### **4. 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 closed school.

**5. 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 closure is to address the loss of school meals for the low-income children enrolled in the closed schools. In general, SFSP/SSO site eligibility requirements apply, with modifications to address the unique circumstances of these school closings. As discussed below, the determination of site eligibility is based not on the location of the site, but rather on the closed school's population. For closed 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 closed 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 closures, immediate prior year eligibility certifications.

**6. 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 closed 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 community organizations to begin planning immediately.

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

The waiver request should address how the SFA or eligible community organization will operate the SFSP or SSO during an H1N1 related closure. 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 closure would the meal service start;
- What meal distribution method(s) the institution will use and how the program will be operated to target the children in the closed schools (see # 4);
- 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 community organization 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. The SFA waiver requests are subject to State agency approval. Once approved, SFAs and community organizations 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.

**8. Can meals be provided to siblings who may not be in school or who do not attend the closed school?**

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

**9. Can a parent/caregiver of a child enrolled in the closed school pick up meals for their children?**

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 closed school, this would be permissible. This arrangement should be described in the SFA's waiver request.

**10. How many meals per child may be offered each day? 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. The State agency may approve a distribution approach that includes meals for multiple days. The State agency should consider the capacity of the school or community organization to execute such an approach effectively, including meeting food safety requirements.

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

Programs operating under the SSO will be reimbursed at the applicable free meal rate for school meal programs. Programs 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.

**12. What are the requirements for the meals?**

The meals must meet the regular menu planning requirements of the SFSP or SSO. SFAs or service institutions 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.

**13. When operating an H1N1 program, what types of expenses may be paid from the non-profit 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.