

USDA Flexibilities Granted in Response to Disaster Conditions in Louisiana

The Louisiana Department of Education (LDOE), Division of Nutrition Support, submitted a request to USDA to grant flexibilities to assist participating Child Nutrition Programs in parishes subject to a Major Disaster Declaration pursuant to FEMA-4277-DR.

1. **LDOE requested a waiver of the meal pattern requirements** (milk requirements and meal component standards) for Child Nutrition Programs participating in the NSLP, SBP and CACFP in parishes subject to a Major Disaster Declaration pursuant to FEMA-4277-DR. **USDA allows service of meals without milk or with an alternate form of milk during emergency conditions for all three programs.**

FNS Response - *FNS recognizes that meeting nutritional standards during a disaster is a challenge and **approves meal pattern flexibilities** for schools and child care institutions and facilities in the affected areas **through September 30, 2016.***

2. **LDOE requested permission to extend the Community Eligibility Provision** (CEP) deadline for schools located in the affected area. LDOE is authorized to approve CEP applications received from schools throughout school year 2016-17 pursuant to the March 10, 2016 FNS Memorandum SP 30-2016, *Extension of the Deadline for Local Educational Agencies to Elect the community Eligibility Provision for School year 2016-17.*

FNS Response - *LDOE may extend the CEP application deadline without further approval from FNS.*

3. **LDOE requested that all schools in the parishes subject to a Major Disaster Declaration** pursuant to FEMA-4277-DR **be allowed to serve and claim meals at the free reimbursable rate for all students in attendance.**

FNS Response - *Under the authority of Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5141, **FNS is granting the LDOE the flexibility to allow schools in affected parishes, which are not currently participating in CEP, to provide reimbursable meals at no charge to students and be reimbursed for all meals served at the Free Reimbursable Rate through September 30, 2016.***

*Schools that already participate in CEP, as well as those newly approved for CEP, **will continue to provide free meals to all students the school year 2016-17 at their approved claiming rate.** USDA is considering whether flexibilities can be provided to schools that have opted into CEP.*



Food and
Nutrition
Service

Park Office
Center

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DATE: August 18, 2016

SUBJECT: Request for Flexibilities in Response to Disaster Conditions in Louisiana

TO: Mr. William Ludwig
Regional Administrator
Southwest Regional Office

This letter is in response to the August 16, 2016, request from the Louisiana Department of Education (LA DOE) to assist schools and child care institutions and facilities in parishes subject to a Major Disaster Declaration pursuant to FEMA-4277- DR in implementing flexibilities in meal pattern requirements for the National School Lunch Program (NSLP), School Breakfast Program (SBP), and Child and Adult Care Food Program (CACFP) and meal claiming for schools. After careful consideration, FNS will grant approval for the three flexibilities in the LA DOE request for the affected schools and child care institutions and facilities.

Firstly, LA DOE requested a waiver of the meal pattern requirements found at 7 CFR 210.10 for the NSLP, 7 CFR 220.8 for the SBP, and 7 CFR 226.20 for the CACFP. Specifically, they are requesting exemptions for certain milk requirements and meal component standards. Program regulations at 7 CFR 210.10(d) (2) and (m)(4), 220.8(d), 226.20(e) and (i), and FNS Policy Memorandum SP 46-2014, CACFP 12-2014, SFSP 18-2014, *Disaster Response*, allow service of meals without milk or with an alternate form of milk during emergency conditions for all three programs. In addition, State agencies may allow service of meals that do not meet the menu planning or meal pattern requirements for NSLP, SBP, or CACFP in disaster situations, with FNS approval. FNS recognizes that meeting nutritional standards during a disaster is a challenge and approves meal pattern flexibilities for schools and child care institutions and facilities in the affected areas through September 30, 2016.

Secondly, LA DOE requested permission to extend the Community Eligibility Provision (CEP) deadline for schools located in the affected area. LA DOE is authorized to approve CEP applications received from schools throughout School Year 2016 – 2017 pursuant to the March 10, 2016 FNS Memorandum SP 30-2016, *Extension of the Deadline for Local Educational Agencies to Elect the Community Eligibility Provision for School Year 2016-17*. Consistent with that memorandum, LA DOE may extend the CEP application deadline without further approval from FNS.

Thirdly, the State requested that all schools in the parishes subject to a Major Disaster Declaration pursuant to FEMA-4277- DR be allowed to serve and claim meals at the Free Reimbursable Rate for all students in attendance. This request cites challenges in the ability of parishes in the major disaster area to make eligibility determinations in accordance with program requirements and thus would affect accurate counting and claiming of meals. Similar to the flexibility extended to schools in affected parishes

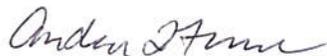
Mr. William Ludwig

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following Hurricane Katrina and to schools in New York affected by Hurricane Sandy under the authority of Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5141, FNS is granting the LA DOE the flexibility to allow schools in affected parishes, which are not currently participating in CEP, to provide reimbursable meals at no charge to students and be reimbursed for all meals served at the Free Reimbursable Rate through September 30, 2016. Schools that already participate in CEP, as well as those newly approved for CEP, will continue to provide free meals to all students for School Year 2016 – 2017 at their approved claiming rate.

The LA DOE must monitor the parishes' progress in resuming normal food service and administrative functions of the affected schools and CACFP institutions and facilities and notify FNS if a request for an extension of the flexibilities approved in this memorandum is needed for affected operations beyond September 30, 2016. Please ensure that LA DOE submits an extension request to your office for assessment and approval and that all the necessary information is submitted to the National Office no later than September 23, 2016. This will ensure that FNS has adequate time to consider and respond to the request.

We appreciate the efforts of the Louisiana Department of Education to continue operating the Child Nutrition Programs during this challenging time. Should you have any questions or concerns, please contact Andrea Farmer, Chief, Community Meals Branch at 703-305-2470 or Tina Namian, Chief, Schools Branch at 703-305-2634.



for Angela M. Kline
Director
Policy and Program Development Division
Child Nutrition Programs