

USDA Flexibilities Granted in Response to Disaster Conditions in Louisiana – REVISED

UPDATED 8-23-2016

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. **Eligibility/Claiming**

a. **Non CEP Schools**

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.***

b. **CEP Schools**

1. CEP schools in the parishes subject to a Major Disaster Declaration pursuant to FEMA-4277-DR may serve and claim all meals at the Free Reimbursable Rate through September 30, 2016.
2. To claim meals beginning on October 1, 2016, schools in parishes subject to a Major Disaster Declaration pursuant to FEMA-4277-DR, which have elected to participate in CEP for SY 2016-2017, may either

- **Revert to using pre-disaster claiming percentages** confirmed by the LDOE at the time of CEP election, or
 - **Calculate a new ISP using data that reflects the current school population** (i.e. the number of identified students relative to enrolled students). Calculating a new ISP is expected to capture any increases, as a result of the disaster, in Supplemental Nutrition Assistance Program participation and homeless youth served by programs established under the Runaway and Homeless Youth Act (42 U.S.C. 5701).
3. For schools in parishes subject to a Major Disaster Declaration pursuant to FEMA-4277-DR, which choose to continue on CEP for school year 2017-2018, a new ISP must be calculated using data reflective of April 1, 2017.

FNS would like to underscore that all the Program flexibilities in the August 18, 2016 response and the updates in this response are in effect only until **September 30, 2016**.

CLARIFICATION

******* If meals were served prior to the closing due to the flood, in non-CEP schools, then those would have been counted at the point of service according to the eligibility status of the students at that time and in turn would appear to have to be claimed at such eligibility status. Upon return to school, post flood, then all free status would begin not to go beyond September 30, 2016.**

******* If meals were served prior to the closing due to the flood (pre-disaster), in CEP schools, then the CEP claiming percentage established for school year 2016-2017 (pre-disaster claiming percentages) would need to be applied. Upon return to school, post flood, then SFA may serve and claim all meals at the free reimbursement rate not to go beyond September 30, 2016.**

******* Please include a comment on the claim stating that the claim was submitted in accordance with USDA flexibility granted to schools in disaster declared parishes.**



Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

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

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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



Food and
Nutrition
Service

Park Office
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3101 Park
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Alexandria
VA 22302

DATE: August 22, 2016

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

TO: Mr. William Ludwig
Regional Administrator
Southwest Regional Office

This letter further responds 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. FNS responded to LA DOE's request on Thursday, August 18, 2016, by granting approval for the three flexibilities in the LA DOE request for the affected schools and child care institutions. Subsequently, LA DOE raised additional questions related to those flexibilities. After careful consideration, this letter clarifies how schools in the parishes subject to a Major Disaster Declaration pursuant to FEMA-4277-DR, which have elected to participate in the Community Eligibility Provision (CEP) for School Year 2016-2017, may calculate their identified student percentages (ISPs), given significant changes in their student populations resulting from the disaster.

- (1) CEP schools in the parishes subject to a Major Disaster Declaration pursuant to FEMA-4277-DR may serve and claim all meals at the Free Reimbursable Rate through September 30, 2016.
- (2) To claim meals beginning on October 1, 2016, schools in parishes subject to a Major Disaster Declaration pursuant to FEMA-4277-DR, which have elected to participate in CEP for SY 2016-2017, may either (1) revert to using pre-disaster claiming percentages confirmed by the LA DOE at the time of CEP election, or (2) calculate a new ISP using data that reflects the current school population (i.e., the number of identified students relative to enrolled students). Calculating a new ISP is expected to capture any increases, as a result of the disaster, in Supplemental Nutrition Assistance Program participation and homeless youth served by programs established under the Runaway and Homeless Youth Act (42 U.S.C. 5701).
- (3) For schools in parishes subject to a Major Disaster Declaration pursuant to FEMA-4277-DR, which choose to continue on CEP for school year 2017-18, a new ISP must be calculated using data reflective of April 1, 2017.

FNS would like to underscore that all the Program flexibilities in the August 18, 2016 response and the updates in this response are in effect only until September 30, 2016. 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

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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.



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