

# NSLP and Disaster Response

## Per Policy Memo:

MEMO CODE: SP 46-2014, CACFP 12-2014, SFSP 18-2014

## Section 1 – Eligibility for Free Meals and Disaster Benefits

1.

Children residing in or evacuated from disaster areas may be determined homeless under the McKinney-Vento Homeless Assistance Act. These children are categorically (automatically) eligible for free meals in the Child Nutrition Programs (CNPs). A school district's homeless coordinator makes a determination of homelessness and provides a list of all children determined homeless due to a disaster situation. The SFA, institution, or sponsor must certify these children for free meals.

### Summary:

The homeless liaison determines if children residing in or evacuated from a disaster area (presidentially declared) may be determined as homeless under the McKinney-Vento Homeless Assistance Act. A list of children determined to be homeless from the homeless liaison must then be provided to the CND who must then certify these children for free meals.

2.

In cases where a household from a designated disaster area moves in with another household, the homeless liaison may determine the displaced individuals homeless under the McKinney-Vento Homeless Assistance Act. Displaced children and adult participants in CACFP are automatically eligible for free meals in centers and tier I meals in family day care homes, even if they are temporarily residing with another family. The host family may include the displaced family members and any income provided to them when applying for free or reduced price meals.

### Summary:

The homeless liaison must determine if children from a designated disaster area (presidentially declared) moves into another household are homeless under the McKinney-Vento Homeless Assistance Act. A list of children determined to be homeless from the homeless liaison must then be provided to the CND who must then certify these children for free meals. The household in which the displaced children are residing may include the displaced family members on an application for free or reduced meals.

In determining eligibility for benefits, the number of household members would include both the host household as well as the displaced household. The income used for evaluation for benefits would include the income of both the host household as well as the displaced household.

3.

Institutions and sponsors that require eligibility information can receive certification of the participant's homeless status from the agency that assisted with the evacuation or that is providing shelter. If the child is not residing in an emergency shelter, the institution should have an adult living with the child complete an income eligibility form indicating that the child is homeless. No further information is required to certify the child's eligibility.

**Summary:**

**The information to certify a homeless status for children may be provided by the agency that assisted with the evacuation of the household from a designated disaster area (presidentially declared) or is providing the emergency shelter where the household is staying. No further information is required to certify the child's eligibility.**

**If the household is not residing in an emergency shelter, (example, the household was able to get a room in a hotel) an adult member of the household can complete an application for free or reduced meals and indicate on the application that the child is homeless. No further information is required to certify the child's eligibility.**

4.

Children in households receiving Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefits are categorically eligible for free meals in the CNPs. Certification of these children may be accomplished through direct contact with the SNAP agency or by an application submitted by a household with a case number.

**Summary:**

**Households who apply and receive Disaster Supplemental SNAP benefits may be certified for free meals in the same manner in which any household receiving SNAP benefits may be certified for free meals.**

5.

Children certified for free or reduced price meal benefits because of a disaster situation are no longer *temporarily* approved because households are no longer required to report changes in income or household size. Their eligibility, including eligibility based on homeless status or receipt of D-SNAP benefits, remains in effect for the entire school year and up to 30 days in the next school year.

**Summary:**

**Regardless of how a household is determined to be eligible to receive free or reduced meals, the status is applicable for the entire school year and up to 30 operating days in the next school year.**

6.

The 30-day carry-over of the previous year's eligibility for school meals is based on operating days. If schools already in session were temporarily closed, or schools delayed opening at the beginning of the school year, the SFA determines the 30-day carry-over period using the number of days schools were actually operating. A child's prior year free or reduced price eligibility continues until eligibility status for the current school year is established or upon the completion of 30 operating days, whichever is less.

**Summary:**

**The 30 day carryover of a households eligibility for free or reduced meals is based on the number of days that the school is actually in session including any delays in opening at the beginning of the year or any temporary closures after the beginning of the year.**

## Section 2 – Meal Component and Meal Service

1.

Flexibility is allowed with regard to time of meal service and use of offer versus serve. These modifications may be made with State agency approval.

If emergency conditions exist that prevent schools, institutions, or sponsors from obtaining fluid milk, the State agency may allow service of meals without milk or with an alternate form of milk, such as canned or dry milk (7 CFR 210.10(d)(2)(i); 7 CFR 225.16(f)(6); 7 CFR 226.20(e)).

### **7 CFR 210.10(d)(2)(i):**

**(i)** If emergency conditions temporarily prevent a school that normally has a supply of fluid milk from obtaining delivery of such milk, the State agency may allow the school to serve meals during the emergency period with an alternate form of fluid milk or without fluid milk.

### **Summary:**

**SCN can approve flexibility to timing of meal services, OVS and milk requirements when emergency conditions exist that prevent sponsors from obtaining fluid milk.**

2.

If changes to other meal component requirements are needed, SFAs, institutions, and sponsors should consult with their State agencies. For the school meals programs, 7 CFR 210.10 (m)(4) allows SFAs, with approval from FNS, to serve meals that do not meet the menu planning or meal pattern requirements in disaster situations.

### **7 CFR 210.10 (m)(4):**

**(4)Exceptions for natural disasters.** If there is a natural disaster or other catastrophe, FNS may temporarily allow schools to serve meals for reimbursement that do not meet the requirements in this section.

### **Summary:**

**Sponsor requests to serve meals that do not meet the menu planning or meal pattern requirements (including age/grade group requirements) due to disaster situations must be submitted to SCN. SCN must then seek FNS approval for the request.**

## Section 3 – Accountability and Verification Procedures

1.

In disaster situations, the FNS Regional Offices (ROs) are authorized to allow State agencies, SFAs, institutions, and sponsors to submit claims beyond the 60/90-day requirement. Claims submitted outside of the 60/90-day requirement, as a result of a disaster, are not subject to the one-time exception for late submissions.

### Summary:

**In disaster situations, SERO can permit SCN to approve claims submitted outside of normal deadlines which would then not be subject to the one-time exception for late claims.**

2.

If SFAs, institutions, or sponsors need to reconstruct unsubmitted claims due to loss of current records, they must consult with their State agencies. State agencies may approve such requests in consultation with their FNS ROs.

### Summary:

**If records for unsubmitted claims are destroyed or lost during disaster situations, SCN must consult with SERO for approval of and guidance for requests from sponsors to reconstruct the records to submit a claim.**

3.

When records required for review purposes, such as paid claims, approved applications and production records, are destroyed, SFAs, institutions, or sponsors should inform their State agencies of the circumstances and dates of the losses, and the types and approximate age of the records that were lost. State agencies should note the losses in their records for the purpose of any future administrative reviews and audits.

### Summary:

**Sponsors should notify SCN when records that are required to be maintained are destroyed. Information required to be provided to SCN are the circumstances that resulted in the loss of the records, dates of loss, the types of records and approximate age of the records lost. SCN should note the information in the sponsors' permanent records for the purpose of any future administrative review and audit.**

4.

SFAs, institutions, and sponsors that are operational, but unable to maintain normal accountability systems, including counting, claiming, and monitoring, must contact their State agencies regarding how to proceed. In these situations, waiver requests must be submitted to FNS for approval.

**Summary:**

**If normal program accountability and program requirements are not able to be utilized or maintained, sponsors must notify SCN. SCN must then submit a waiver request to FNS for approval on how the sponsor is to proceed.**

5.

With regard to verification under NSLP, the State agency may approve deadline extensions from November 15 through December 15 (7 CFR 245.6a(b)(2)). Extensions beyond that date must be approved by FNS. In addition, FNS may approve alternatives for sample size and selection when the SFA has had a disaster (7 CFR 245.6a(c)(6)).

**7 CFR 245.6a(b)(2):**

**(2)Deadline extensions.** (i) The local educational agency may request an extension of the November 15 deadline, in writing, from the State agency. The State agency may approve an extension up to December 15 of the current school year due to natural disaster, civil disorder, strike or other circumstances that prevent the local educational agency from timely completion of verification activities.

**7 CFR 245.6a(c)(6):**

**(6)Local conditions.** In the case of natural disaster, civil disorder, strike or other local conditions as determined by FNS, FNS may substitute alternatives for the sample size and sample selection criteria in paragraphs (c)(3) and (c)(4) of this section.

**Summary:**

**SCN may approve requests from sponsors for extensions to complete verification activities up through December 15<sup>th</sup>. Requests must be submitted in writing (no phone calls) and must be related to a natural disaster, civil disorder, strike or other extenuating circumstances as determined by SCN.**

**FNS must approve requested extensions beyond the December 15<sup>th</sup> date and any requested alteration to sample size selection to verification procedures.**

6.

Other exceptional emergency situations or man-made disasters, such as human pandemic or chemical plant explosions, may impact the ability of schools, institutions, and sponsors to continue normal program operations. In this circumstance, FNS may approve flexibilities to accommodate the needs of severely impacted areas. Flexibilities are provided on a case-by-case basis and will require justification from the requesting State agency. Changes to program operation or administration must be approved by FNS prior to implementation.

**Summary:**

**FNS must approve flexibilities to program operations in severely impacted areas on a case-by-case basis with justification for the flexibility provided by SCN. Any changes to program operation or administration must be approved by FNS prior to implementation.**