

SSO and Disaster Response

Per Policy Memo:

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

Section 1 – Sponsor and site approval

1.

USING THE SUMMER FOOD SERVICE PROGRAM (SFSP) OR SEAMLESS SUMMER OPTION (SSO) IN DISASTER SITUATIONS

State agencies, SFAs, and sponsors may determine that operating SFSP or SSO sites would be useful when schools or day care facilities must remain closed due to disaster situations. SFSP regulations allow expedited approval of feeding sites during an emergency.

State agencies should encourage sponsors to plan for emergency situations in advance to ensure a rapid response. State agencies should pre-approve sponsors to operate emergency feeding sites during unanticipated school closures during their initial application process.

Summary:

All NSLP sponsors (with the exception of RCCI's) are eligible to utilize SSO as part of their NSLP application and agreement. SSO sites may be entered into their CNIPS application for approval to feed in emergency situations.

2. For more information about SSO participation see SP 39-2014.

Relevant excerpts from SP 39-2014:

- **Period of Eligibility** – SCN can approve SSO sites responding to unanticipated school closure in the months of October through April. (Question #22)
- **Unanticipated school closure** - An unanticipated school closure is defined as a natural disaster, unscheduled major building repair, court order relating to school safety or other issues, labor-management dispute, or other similar cause as approved by the State agency. (Question#25)
- **Non-School Sites** - As mandated by the Richard B. Russell National School Lunch Act, meals provided during an unanticipated school closure must be served at non-school sites. Under these circumstances, schools cannot offer meals at school site affected by an unanticipated school closure under the SSO. (Question #25)
- **Operation of sites after the disaster has occurred** - SFAs with current permanent agreements with their State agency may be approved to open emergency feeding sites when schools are closed due to a disaster even if it is after the disaster has already occurred. (Question # 26)

- **Request for approval of School sites** - SCN may approve school sites to operate the SSO during an unanticipated school closure when the school buildings are unaffected by the disaster and is the most appropriate location for emergency feeding. (Question # 26)
- **Who can be fed** - All persons in the community who are 18 years of age and under and those persons over age 18 who meet the State agency's definition of mentally or physically disabled may receive meals under the SSO. (Question # 27)
- **Meals that can be served** - a maximum of two meals, such as lunch and breakfast, or lunch and one snack, or breakfast and one snack, may be claimed per child per day. Sites cannot claim lunch and supper meals. (Question # 32)
- **Meal times** - Meal times for breakfast and lunch must follow the designated times in the SBP and NSLP regulations. According to 7 CFR 220.2(b), breakfast must be served to a child in the morning hours. Lunch must be offered between 10:00 am and 2:00 pm, as provided in 7 CFR 210.10(f). Snacks must be evenly and adequately spaced between other meal service times to minimize food waste and ensure good nutrition practices. Supper meal times must be established for each site. SFAs must gain approval of their established supper meal time from SCN by entering supper times in their SSO site application. (Question # 39)
- **Meal time exception requests** - SCN may approve SSO sites to operate meal services after the formal lunch time of 10am-2pm in accordance with the NSLP meal time exemptions policy. As a reminder, SCN has the authority to approve or deny the SFA's proposed SSO meal times. (Question # 40)
- **Weekend meals** - An SFA that plans to serve weekend meals in the SSO must include this information in its application for approval. (Question # 41)
- **Meal Pattern Requirements** - SFAs offering the SSO must follow the NSLP meal requirements in effect the SY prior to the beginning of service of SSO. (Question # 33) SFAs must use the NSLP lunch meal pattern described in 7 CFR 210.10. (Question # 38)
- **Age/Grade Groups** - SFAs offering the SSO should make every effort to follow the age/grade group requirements. Sponsors can work with SCN to make accommodations, which may include the use of a single age/grade group meeting the minimum meal pattern requirements for the most common age/grade group attending the site. All accommodations must possess a reasonable justification for the need to deviate from age/grade group requirement and be added as addendum to the agreement between the SFA and State agency. (Question # 34)
- **Menu and Production records** - As set forth in 7 CFR 210.10(a)(3) and 220.8(a)(3), schools must keep production records and menu records for the meals they produce, including program breakfasts and lunches offered under the SSO. The production records must allow the State agency to evaluate how the meals contribute to the required food components or menu items. However, records for food purchases (invoices, receipts) are necessary to document the expenditure of funds from the nonprofit foodservice account for compliance with determining the proportion of program and non-program food expenditures in relation to revenues. (Question # 48)

- **Reimbursement Rates** - Meals served under the SSO are reimbursed at the “free” rates prescribed by USDA for the NSLP, afterschool snacks served in afterschool care programs and for the SBP. Supper meals are reimbursed at the NSLP’s free lunch rate. (Question # 55) In most cases, the SFA will receive the same reimbursement rates for non-school sites as for the school sites they operate. When different schools within the SFA’s jurisdiction qualify for different rates, such as the severe need breakfast rate, then the non-school site will earn the same reimbursement rates as the school within which attendance boundary the site is located. If the SFA is sponsoring a school site that is outside of its jurisdiction, the SFA will receive the same NSLP reimbursement rates that the school site earns during the regular SY. (Question # 59)
- **Claiming meals** - Meals are claimed utilizing normal SSO claiming procedures (Question 61)

3.

Based on the significant needs of each community, FNS ROs may waive the requirements under CACFP, SFSP, and SSO that sponsors document that each site is serving an area in which poor economic conditions exist (7 CFR 225.6(c)(2); 7 CFR 226.2 (tier I day care home)). These requirements may be waived for existing eligible sites located in the area damaged by a natural disaster that must relocate to areas that are not eligible based on school or census data.

Summary: SERO can waive the requirement for existing eligible SSO sites that must relocate to an area in which poor economic conditions do not exist (not able to be determined as area eligible based on school or census data) because their current location is damaged by a natural disaster (presidentially declared).

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 (any claims, not just for meals served during an emergency) 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.

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.