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DEPARTMENT OF EDUCATION
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FISCAL YEAR 2012
CHILD AND ADULT CARE FOOD PROGRAM
FAMILY DAY CARE HOME SPONSORS MEMORANDUM #12

TO: Family Day Care Home Sponsors

FROM: Kyle L. Guerrant, Director (K.G) 5-25-12
Office of School Support Services

DATE: May 25, 2012

SUBJECT: **Disaster Response**

Attached is guidance from the United States Department of Agriculture on Disaster Response released on April 10, 2012.

If you have any questions regarding this memorandum, contact the Child and Adult Care Food Program office at 517-373-7391.

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United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive
Alexandria, VA
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DATE: April 10, 2012

MEMO CODE: SP 25-2012, CACFP 12-2012, SFSP 10-2012

SUBJECT: Disaster Response

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This memorandum provides an overview of ways State agencies, school food authorities (SFA) participating in the National School Lunch and School Breakfast Programs (NSLP and SBP), institutions participating in the Child and Adult Care Food Program (CACFP), and sponsors participating in the Summer Food Service Program (SFSP) can respond to situations resulting from damage or disruptions due to natural disasters such as hurricanes, tornadoes, and floods. State agencies should review the avenues available to prepare and plan before a disaster strikes so responses can be as swift as possible.

ELIGIBILITY FOR FREE MEALS AND DISASTER BENEFITS

Children Experiencing Homelessness

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. 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.

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.

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.

Disaster Benefits from the Supplemental Nutrition Assistance Program

Children in households receiving Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefits are categorically eligible for free meals in the Child Nutrition Programs. 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.

Emergency Shelters in the Child and Adult Care Food Program

Emergency shelters that provide temporary housing to displaced families are eligible to participate in CACFP. Where significant numbers of persons are being temporarily housed, State agencies may designate any appropriate facility as an emergency shelter, and may waive institution application requirements in these situations. When State agencies have designated a facility as an emergency shelter, all children through age 18 may receive up to three free meals (breakfast, lunch, and supper) each day.

An "appropriate facility" may include a school or an institution which, although it is not providing actual shelter, is nevertheless providing meals to displaced families who are being temporarily housed elsewhere, in locations that may not have the means to provide meal services to these temporary residents.

Certification by School Officials

School officials may submit applications on behalf of children they know to be homeless and therefore categorically eligible for free meals. See Part 3 of the Eligibility Manual for School Meals for additional information on this option.

Duration of Eligibility

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. CACFP participants remain eligible for free meal benefits for 12 months.

Carry-Over of Previous Year's Eligibility by SFAs

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.

For example, school began on Monday, August 29, 2011, and the food service was operating for the five days school was in session. Over the weekend, the school was damaged by hurricane-force winds and rain and was closed until September 19. If the school food service did not operate on any days during that time period because school was closed, the remaining 25 days of the carry-over period would start on September 19 and would end on October 21.

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. Organizations with current agreements to operate the SFSP may be approved to open emergency feeding sites (7 CFR 225.6(c)).

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. For more information on participation in SSO, please refer to the SSO questions and answers at: http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2009/SP_27-2009_os.pdf

USING USDA FOODS IN DISASTERS

Please refer to the Food Distribution Program's website for information about using and accounting for USDA Foods in disaster situations: http://www.fns.usda.gov/fdd/programs/fd-disasters/default.htm

FLEXIBILITIES THAT REQUIRE STATE AGENCY OR FOOD AND NUTRITION SERVICE (FNS) APPROVAL

Child Nutrition Program policies are designed to allow flexibility and support continuation of meal benefits to participants in disaster areas. There are existing flexibilities in meal service requirements and administrative procedures that make it easier for States, SFAs, institutions, and sponsors to operate and respond to disaster situations.

Meal Component and Meal Service

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(m)(2)(i); 7 CFR 225.16(f)(6); 7 CFR 226.20(e)).

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 (g)(4) allows SFAs, with approval from FNS, to serve meals that do not meet the menu planning or meal pattern requirements in disaster situations. In CACFP, 7 CFR 226.20 (i) allows special variations in the food components of meals, with FNS approval.

Accountability and Verification Procedures

In disaster situations, the FNS Regional Offices 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.

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 Regional Offices.

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.

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.

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)).

CACFP, SFSP, and SSO Site Eligibility

Based on the significant needs of each community, FNS Regional Offices 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.

Additionally, State agencies may waive the requirement that, during an unanticipated school closure, SFSP sites may not be located at school sites (7 CFR 225.6(d)(1)(iv)). Although schools may be closed, some school buildings may be unaffected by the disaster and may be approved as a location for emergency feeding.

State agencies should direct any questions concerning this guidance to the appropriate FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

Cindy Long
Director
Child Nutrition Division