



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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Alexandria, VA  
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DATE: July 23, 2009

MEMO CODE: SP 31-2009, SFSP 05-2009

SUBJECT: Responding to School Closings for H1N1 Outbreaks

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Agencies  
Child Nutrition Programs  
All States

This memorandum outlines how schools and community organizations may continue to provide reimbursable meals to low-income children during school closures related to the H1N1 influenza virus. Such closures would follow a declaration of a public health emergency under section 319 of the Public Health Service Act, and would prevent the service of congregate meals through the National School Lunch and School Breakfast Programs. Meals served during these school closures may be claimed either through the Summer Food Service Program (SFSP) or the National School Lunch Program's Seamless Summer Option (SSO).

The Richard B. Russell National School Lunch Act authorizes the provision of meal service to children who are not in school during non-summer months due to an unanticipated school closure. We are providing added flexibility using program waiver authority in an effort to address concerns regarding the loss of school meals for low-income children, many of whom may not have access to other sources of food when schools are closed. Thus, the requirement for serving meals in a congregate setting will be waived for these H1N1-related school closures in order to provide meals to low-income children. Otherwise, the SFSP or SSO will generally operate as it does during the summer months, and all meals provided to children 18 and under will be reimbursed at the SFSP rates for rural/self-prep or urban/vended meals, or the free School Meal Program rates for SSO.

Any school food authority (SFA) or eligible community organization that wants to continue to provide reimbursable meals for children in schools closed due to the H1N1 virus must have an agreement with the State agency which covers operation of the SFSP or the SSO. SFAs and organizations with existing agreements in place may modify these agreements to include waiver requests for operation during H1N1 school closures. The waiver request should include specific information about the closed school(s) for which meal service will be provided, the meals (breakfast, lunch and/or snack) that will be served, and the method of meal distribution that will be used. Meal distribution methods must address how meals will be provided for off-site consumption and must also address

food safety related concerns. SFA's and community organizations should also address how meals will be counted to ensure the integrity of the claims submitted. Interested SFAs and organizations not currently operating the SFSP or SSO should execute new agreements with waiver requests, as soon as possible, for planning purposes in anticipation of possible school closures in the coming school year. The waiver requests should include all relevant information described above. State agencies may require additional information be included in waiver requests from SFA's. All waiver requests must be submitted to the State agency for review and approval and reported to the appropriate FNS Regional Office in the event of a school closure.

We strongly encourage State agencies to assist SFAs in taking full advantage of the flexibilities available to serve low-income children. We request that State agencies provide the information in this memorandum to their SFA's as soon as possible to make them aware of the ability to continue to provide reimbursable meals during an H1N1 school closure. We recommend that State agencies work closely with SFAs and other community organizations to assist them in preparing appropriate plans, including meal distribution methods, which address their particular circumstances should such school closures occur.

We will provide additional information and technical assistance as needed to assist State agencies and SFAs in their efforts to serve low-income children affected by H1N1 school closures. This technical assistance will include prototype agreement language for meal service during H1N1 closures, prototype waiver request documents, and other technical resources on community emergency planning. This information will be available at <http://www.fns.usda.gov/disasters/pandemic/default.htm>.

State and local agencies should periodically check the FNS website for updates on our efforts to address the H1N1 situation. States should also ensure that local agencies have information on State websites which they should monitor for State-specific information related to the H1N1 virus.

**Original Signed**

CYNTHIA LONG  
Director  
Child Nutrition Division