



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

3101 Park  
Center Drive  
Alexandria, VA  
22302-1500

DATE: June 25, 2013

MEMO CODE: SP 48-2013

SUBJECT: Extending Flexibility for RCCIs in the  
National School Lunch Program

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

On July 16, 2012, the Food and Nutrition Service (FNS) issued memorandum SP 38-2012, which allowed Residential Child Care Institutions (RCCIs), with State agency approval, to serve the National School Lunch Program (NSLP) meal pattern in effect for the highest age/grade group served to all residential students. In order to utilize this flexibility, the RCCI must meet all three of the following criteria: 1) be a juvenile detention or correctional facility; 2) serve children in different age/grade groups; and 3) have legitimate safety concerns, or State juvenile justice laws or regulations related to offering meals with varying amounts of food within the same meal period.

Since issuance of SP 38-2012, school food service operators and State agencies have asked FNS to consider offering additional flexibility to RCCIs that are not juvenile justice facilities, but serve specific, special populations of students, due to the unique needs of these populations. This memorandum extends additional meal pattern and dietary specification flexibility to RCCIs for both lunch and breakfast, as discussed below.

#### **EXTENSION OF MEAL PATTERN FLEXIBILITY IN SP 38-2012 TO ADDITIONAL RCCIs**

One particular challenge that RCCIs have identified with the meal standards is the potential for violence among students at certain types of facilities when they are not served the same portion sized meal. RCCIs that serve special populations, such as students with severe cognitive disabilities or who are at-risk for incarceration, often have legitimate concerns about student unrest at meal times, but cannot use the flexibility granted in SP 38-2012 because they are not considered juvenile detention centers or correctional facilities.

This memorandum extends the meal pattern flexibility offered in SP 38-2012, service of the highest age/grade group in residence to all students, to RCCIs that are alternative schools for students of different age/grade groups that can demonstrate **operational limitations to separating age/grade groups** and can show **legitimate safety concerns** if

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Regional Directors  
State Directors  
Page 2

students are served different portions. The RCCI must submit a request to the State agency to utilize this flexibility and clearly articulate the safety concerns to the satisfaction of the State. State agencies must consider RCCI requests to implement this option on a case-by-case basis and ensure that the above criteria are met.

It is anticipated that the extension of this flexibility will help address the safety concerns raised by RCCIs, and result in an overall improvement of the meals they serve.

As implementation of the new meal pattern continues, State agencies are encouraged to work with school food authorities (SFAs) to assist them in meeting the new requirements. We anticipate that the additional flexibility extended to RCCIs as reflected in this memorandum will continue to facilitate implementation of the new meal pattern in School Year 2013-2014 and beyond. As previously described, feedback from SFAs and State agencies continues to be encouraged.

State agencies are reminded to distribute this memorandum to program operators immediately. SFAs should contact their State agencies for additional information. State agencies may direct any questions concerning this guidance to the appropriate Food and Nutrition Service Regional Office.

**Original Signed**

Cynthia Long  
Director  
Child Nutrition Division

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.