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DR. VERONICA C. GARCÍA  
SECRETARY OF EDUCATION

BILL RICHARDSON  
Governor

August 27, 2009

**MEMORANDUM**

**TO:** Local School District Superintendents,  
Charter Schools,  
Select New Mexico community organizations

**FROM:** Dr. Veronica C. García  
Secretary of Education

**RE:** Provision of meals during H1N1 school closures

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First, I would like to commend you all for the tremendous job you have done over the past school year in addressing the challenges we have had as a result of the H1N1 flu situation. Although it is not easy balancing health and safety requirements with the educational and social needs of the community, the grace and efficiency that New Mexico's superintendents and community leaders have shown indicate your dedication to your schools and your students. As a new school year begins, I urge you to begin thinking of your continued role in the New Mexico community in the face of the ongoing concerns about the H1N1 virus.

As you know, scientists and public health experts worry that the H1N1 virus may continue into the fall, potentially as a more severe strain. The continued viability of this virus may lead to school closures in some New Mexico communities. However, many people in the community rely on public schools not only for education of their children but for providing meals through the National School Lunch and School Breakfast Programs. This is especially true for low-income students, who may be left with the prospect of no breakfast and lunch should schools close due to an H1N1 virus emergency.

Fortunately, federal law and the Food Nutrition Service (FNS) of the United States Department of Agriculture (USDA) do provide that meals may be offered by schools and other eligible community organizations under a modified Summer Food Service Program (SFSP) or Seamless Summer Option (SSO). Such a program would allow for meal service to children age 18 and under in households where at least one child is enrolled in a school that is closed due to the H1N1 virus. In order to prevent spread of the virus, meals can be provided through either pick-up or delivery or any other means that

provides an alternative to meals in a congregate setting. These meals are fully reimbursable under the SFSP or SSO programs of the FNS.

The New Mexico Public Education Department (PED) is ready to support school districts and community organizations that provide these meals in an emergency situation. However, in order to provide these meals, you will first need to execute the enclosed Memorandum of Understanding (MOU) with PED and submit the attached waiver request. The MOU provides the legal basis for provision of these meals during an H1N1 outbreak, and the waiver request allows schools and community organizations to be exempt from SFSP and SSO requirements to provide meals in group settings. Both are prerequisites under FNS and USDA rules prior to providing meals under special circumstances.

I urge you to help PED plan for an H1N1 outbreak prior to an actual emergency by completing both the MOU and waiver request and agreeing to provide meals during an H1N1 school closure. It is essential that planning happens now, before an H1N1 emergency, rather than during an actual school closure.

Further information on this program can be found at:  
<http://www.fns.usda.gov/disasters/pandemic/default.htm>. Completed MOU's and waiver requests should be sent to:

Leonard Mirabal  
Director, Student Nutrition Bureau  
120 South Federal Place, Room 105  
Santa Fe, New Mexico 87501

Mr. Mirabal can also be contacted if you have any further questions at (505) 827-1821. Again, thank you for all your past efforts. PED looks forward to continuing working with you.

VCG/rv

Enclosures

cc: Brian Condit, Chief of Staff, Office of the Governor, State of New Mexico  
Peter Winograd, Policy Advisor for Education, Office of the Governor, State of New Mexico  
Alfredo Vigil, MD, Cabinet Secretary, New Mexico Department of Health  
John W. Wheeler, Cabinet Secretary, New Mexico Department of Homeland Security and  
Emergency Management  
Alvin H. Warren, Cabinet Secretary, New Mexico Indian Affairs Department  
Executive Team, New Mexico Public Education Department  
Leonard Mirabal, Director, Student Nutrition Bureau