



**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Service

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Alexandria, VA  
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DATE: July 16, 2012

MEMO CODE: SP 38-2012

SUBJECT: Residential Child Care Institutions exception for safety if serving Multiple Age/Grade Groups

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

This memorandum allows Residential Child Care Institutions (RCCIs) meeting certain requirements to serve one meal pattern even when the age/grades being served span more than one age/grade group. The age/grade groups are set forth in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) meal patterns.

Specifically, this memorandum only applies to RCCIs that are: 1) juvenile detention or correctional facilities, 2) consist of more than one age/grade group 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.

For these facilities only, the State *may* permit the RCCI to serve NSLP/SBP meals with the same amount of food at the meal service. In such cases, RCCIs shall serve meals meeting the NSLP meal pattern in effect for the highest age/grade group represented, to ensure nutritional adequacy. The RCCIs that meet the requirements must obtain approval from their State agency prior to implementing the option. State agencies must consider RCCI requests to implement this option on a case-by-case basis and must ensure that all three criteria are met.

This exception to the age/grade groups applies only to the situations described in this memo. Ensuring the health and safety of the children served by the program is critically important, and FNS will continue to monitor this issue during the implementation of the new meal patterns.

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.

RCCIs and other program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

**Original Signed**

for Cynthia Long  
Director  
Child Nutrition Division