



# Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

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## MEMORANDUM

To: Institutions and Sponsors Participating in the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP)

From: Tamika Boone, Nutrition Services Director *(Original Signed)*

Date: March 13, 2020

Subject: Meal Service During Unanticipated School Closures

Legal Authority: USDA Waiver Approval, March 13, 2020 and February 12, 2020. (*see also*, USDA Policy Memorandum, SP 04-2020, CACFP 03-2020, SFSP 03-2020, November 5, 2019 (*superseding* SP 55-2016, CACFP 26-2016, SFSP 18-2016, September 9, 2016 and DECAL Memorandum, *Meal Service during Unanticipated School and Day Care Closures*, February 17, 2016)

This memorandum was updated in light of USDA's approval of two waiver requests submitted by DECAL on January 14, 2020 and March 12, 2020. Further, this memorandum supersedes DECAL Policy Memoranda, *Meal Service during Unanticipated School and Day Care Closures*, February 17, 2016 and *Meal Service During Unanticipated School Closures*, November 27, 2019.

### **Purpose and Background**

The purpose of this memorandum is to provide updated guidance on the Child Nutrition Program flexibilities available during unanticipated school closures. Schools may face unanticipated closures due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, public health emergencies, or when approved by the State agency, a similar cause. Unanticipated school closures prevent children from receiving educational instruction and the nutritious meals they would normally receive. The Food and Nutrition Service (FNS) encourages school food authorities (SFAs) participating in the National School Lunch Program (NSLP) and/or the School Breakfast Program, institutions participating in the Child and Adult Care Food Program (CACFP), and sponsors participating in the Summer Food Service Program (SFSP) to use the flexibilities described in this memorandum to help ensure that children do not experience a lapse in food security when extreme weather or other events force area schools and child care facilities to close.

### **Operating the Summer Food Service Program (SFSP)**

During unanticipated school closures, State agencies and Program operators may determine that operating the SFSP is a feasible option. Previously, FNS recommended that State agencies include an option on their SFSP application that allows sponsors to indicate whether they intend to serve meals during an unanticipated closure should unforeseen events occur. As suggested, DECAL added this option to SFSP applications and sponsors may now indicate their desire to operate during these circumstances within their application.

If sponsors are approved by DECAL to serve meals during unanticipated school closures, these meals, like all SFSP meals, are reimbursed at the appropriate free rates. If there is an unanticipated school closure and childcare centers and/or day care homes in the area are also affected, children that normally attend those centers or homes may participate in the SFSP meal service during the closure and receive meals at no cost. Consistent with regular SFSP operations, SFSP sites operating during an unanticipated school closure are open to all children age 18 and under.

State agencies are required to monitor SFSP operators that serve meals during unanticipated school closures consistent with the requirements found at 7 CFR 225.7(d). However, pre-approval visits of sponsors proposing to operate during unanticipated school closures during the period from October through April (or at any time of the year in an area with a continuous school calendar) are not required and may be conducted at the discretion of the State agency (7 CFR 225.7(d)(1)(i)). Additionally, when the same SFA personnel administer SFSP as well as the NSLP, the State agency is not required to conduct a review of the SFSP in the same year in which the NSLP operations have been reviewed and determined to be satisfactory. When unanticipated school closures occur, State agencies may exempt experienced sponsors and SFAs from submitting a new application if the sponsor participated in SFSP at any time during the current year or in either of the prior two calendar years (7 CFR 225.6(c)(1)). In addition, new sponsors applying for participation in the Program due to an unanticipated school closure are exempt from the application submission deadline (7 CFR 225.6(b)(1)). Area eligibility requirements still apply during unanticipated school closures.

### **Serving SFSP Meals at School Sites**

Previously, FNS conducted a review of whether nationwide waivers issued through policy memoranda were in compliance with the statutory waiver authority requirements set forth in Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(1). As a result, FNS determined that a previous memorandum—which allowed meals to be served at *school* sites *without* requiring submission of individual waivers for FNS approval—was not fully consistent with Section 12(l) waiver requirements.<sup>1</sup> Thus, FNS issued guidance on November 5, 2019 which provided that SFSP meals could no longer be served at school sites during unanticipated school closures absent a waiver approved by FNS.<sup>2</sup>

In response, on January 14, 2020, DECAL requested a statewide waiver of the SFSP requirements codified at 7 CFR 225.6(d)(1)(iv), which would allow it to approve the operation of SFSP meal service at school sites during anticipated school closures. USDA approved DECAL's waiver request on February 12, 2020. Accordingly, the waiver is effective immediately and valid through April 30, 2022.

### **Serving SFSP Meals in a Non-Congregate Setting**

Further, On March 12, 2020, DECAL requested a statewide waiver of the SFSP requirement that during unanticipated school closures, SFSP meals must be served in a *congregate* setting. USDA approved

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<sup>1</sup> USDA Policy Memorandum, SP 55-2016, CACFP 26-2016, SFSP 18-2016, *Meal Service During Unanticipated School and Day Care Closures*, September 9, 2016.

<sup>2</sup> USDA Policy Memorandum, SP 04-2020, CACFP 03-2020, SFSP 03-2020, *Meal Service During Unanticipated School Closures*, November 5, 2019.

DECAL's waiver request on March 13, 2020. **Effective immediately, this waiver allows DECAL to approve SFSP sponsors, in good standing, to provide meals during an unanticipated school closure due to the novel coronavirus in a non-congregate setting.** This will enable approved sponsors to allow meals to be taken away from sites and consumed elsewhere, thereby allowing for social distancing. USDA's waiver approval of this request is valid through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier.

To summarize, if a sponsor wants to provide SFSP meals during an unanticipated school closure, they can provide meals at either a school or non-school site. However, the sponsor must submit a written request to DECAL's Policy Administrator for review. DECAL will then make an eligibility determination as to whether the sponsor is eligible to serve meals during the anticipated school closure. Once DECAL makes a final eligibility determination (approval or denial), it will notify the sponsor. Additionally, effective immediately, DECAL may approve SFSP sponsors, in good standing, to provide meals during an unanticipated school closure due to the novel coronavirus in a non-congregate setting.

#### **Using the At-Risk Afterschool Meals Component of the CACFP**

State agencies may allow afterschool centers to continue serving meals and snacks through the At-Risk Afterschool Meals component of CACFP during unanticipated school closures (7 CFR 226.17a(b)(1)). When operating during unanticipated school closures, afterschool centers must continue to meet At-Risk Afterschool requirements, including the requirement that programs must offer education or enrichment activities. With State agency approval, afterschool centers that normally offer a snack and supper after school may instead choose to offer either lunch and a snack, or breakfast and a snack. These meals and snacks are reimbursed through CACFP at the free rate. For more information about operating the At-Risk Afterschool Meals component of CACFP, see <http://www.fns.usda.gov/cacfp/afterschool-programs>. Notably, institutions and sponsors are reminded that they must update their application in GA ATLAS to reflect these changes.

For questions concerning this memorandum, please contact DECAL's Policy Administrator at (404) 651-8193.