



Food and
Nutrition
Service

Braddock
Metro Center

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Alexandria
VA 22314

DATE: July 8, 2022

CODE: COVID-19: Child Nutrition Response #114

SUBJECT: Nationwide Waiver of the Summer Sponsor Application Deadline and to Allow Reimbursement for Meals Served Prior to Notification of Approval for Summer 2022 Operations

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of the Summer Sponsor Application Deadline and to Allow Reimbursement for Meals Served Prior to Notification of Approval for Summer 2022 Operations
Document ID:	
Z-RIN:	
Date of Issuance:	July 8, 2022
Replaces:	N/A
Summary:	(1) Under this waiver and flexibility, Summer Food Service Program Sponsors and National School Lunch Program Seamless Summer Option Sponsors do not need to have submitted an application by June 15 for Summer 2022 operations. (2) FNS will allow reimbursement for meals served at a site before the sponsor has received written notification that the site has been approved for participation in the Program. (3) This document relates to 7 CFR 225.6(b)(1) and 7 CFR 225.9(d).
Disclaimer:	The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127), as amended, unless otherwise provided.

Pursuant to the authority in Section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as amended, and based on the exceptional circumstances of the COVID-19 pandemic, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to allow State agencies to waive the requirement that all Summer Food Service Program (SFSP) applicant sponsors submit written applications for Program participation to the State agency by June 15, and to allow State agencies to reimburse SFSP sponsors, back to the date a complete and correct application was received at the State agency, for meals served prior to the sponsor receiving written notification that the sponsor or site has been approved for participation in the Program. This waiver will ensure continuity of program operations and access to nutritious meals for program participants this summer. This waiver applies to the SFSP and FNS is extending this flexibility to the National School Lunch Program Seamless Summer Option (SSO).

Section 2202(a) of the FFCRA permits the Secretary of Agriculture to establish a waiver, due to the COVID-19 pandemic, for all States for purposes of providing meals or to ensure continuity of program operations under the Child Nutrition Programs. FNS recognizes that State agencies and local Program operators continue to need additional support and flexibility to serve meals to children in need while managing the impacts of COVID-19. FNS also recognizes that waiving the June 15 application requirement and allowing State agencies to reimburse sponsors, back to the date a complete and correct application was received at the State agency, for meals served prior to the sponsor receiving written notification that a site has been approved will enable sponsors to provide meal service at sites recently made area eligible by the *Nationwide Waiver to Extend Area Eligibility Waivers for Summer 2022 Operations – EXTENSION 5* and *Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites for Summer 2022 Operations – EXTENSION 4*.

Therefore, pursuant to the FFCRA authority cited above, FNS waives, for all States, the regulations at 7 CFR 225.6(b)(1), which require SFSP sponsors to submit written applications for Program participation by June 15. Written applications are still required for State agency approval of SFSP sponsor participation; however, those submissions are not required to meet a June 15 deadline. While there is no Federal application deadline for summer 2022, State agencies may establish a deadline based on local conditions. FNS also waives, for all States, the regulations at 7 CFR 225.9(d) that reimbursements shall not be paid for meals served at a site before the sponsor has received written notification of approval for participation in the Program. However, sponsors may only claim reimbursement for meals served retroactive to the date that a complete and correct application was received at the State agency, including meals that were served prior to their written approval to operate SFSP. All other requirements in 7 CFR 225.9(d) remain in effect, including the requirement that sponsors are not eligible for meal reimbursements unless they have executed an agreement with the state agency and all reimbursements shall be in accordance with the terms of that agreement.

This waiver is effective immediately and remains in effect through September 30, 2022. FNS also extends these flexibilities to SSO operations for the duration of this waiver.

As state agencies are reviewing SFSP sponsor applications and making decisions on which sponsors should serve the community, please note that, while this waiver allows State agencies to reimburse sponsors for meals served prior to notification of approval, if a sponsor is ultimately not approved to participate in SFSP, the meals that the denied sponsor served are not eligible for reimbursement. As required under program regulations at 7 CFR 225.6(b)(3), State agencies must notify applicants of the approval or disapproval within 30 days of receiving a complete and correct application from a sponsor. State agencies are strongly encouraged to streamline their application process to ensure applications are processed as quickly as possible to minimize the risk that sponsors that are ultimately not approved to participate in the program serve meals that are not eligible for reimbursement.

Consistent with Section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. This waiver may apply to any sponsor applying to participate in SFSP or SSO during summer 2022. If the State agency elects to implement this waiver, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform local Program operators of these flexibilities as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner.

As required by Section 2202(d) of the FFCRA, each State that elects to be subject to this waiver must submit a report to the Secretary not later than one year after the date such State elected to receive the waiver. The report must include a summary of the use of this waiver by the State agency and local Program operators.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

Original Signed

J. Kevin Maskornick
Director
Community Meals Policy Division