



Food and
Nutrition
Service

DATE: September 15, 2021

CODE: COVID-19: Child Nutrition Response #99

Braddock
Metro Center

SUBJECT: Nationwide Waiver of the Annual Half Aggregate Monitoring Requirement in the Summer Food Service Program

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Alexandria
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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 Annual Half Aggregate Monitoring Requirement in the Summer Food Service Program
Document ID:	
Z-RIN:	
Date of Issuance:	September 15, 2021
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies the monitoring requirements included at 7 CFR 225.7(d)(2)(ii)(B). (2) This waiver and flexibilities applies to State agencies administering, and sponsors operating, the Summer Food Service Program. This waiver remains in effect until September 30, 2022.

Pursuant to the authority in Section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is waiving the requirement that the State agency annually review a number of sponsors whose program reimbursements, in the aggregate, account for at least one-half of the total program reimbursements in the State in the previous year. This waiver applies to State agencies administering the Summer Food Service Program (SFSP).

Section 2202(a) of the FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

The [Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through School Year 2020-2021-Extension](#)¹ resulted in an increase in the number of sponsors operating the SFSP through most of FY 2020 and during all of FY 2021. Many large sponsors, such as School Food Authorities (SFAs), operated the SFSP in order to serve their community during COVID-19. These large sponsors served more SFSP meals in FY 2021 than would usually be served during a typical fiscal year due to the flexibility granted in the Nationwide Waiver to allow SFSP operations to extend through the school year, not just the summer. The influx of meals served will increase the aggregate dollar amount of reimbursement received by SFSP sponsors within States. Under SFSP Program regulations at 7 CFR 225.7(d)(2)(ii)(B), State agencies are required to annually review a number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total program meal reimbursements in the State, in the year prior².

However, the increase in reimbursements received by sponsors operating in FY 2021 (due to the waiver allowing SFSP to operate during the school year, not just the summer) will significantly increase the number of monitoring reviews State agencies must conduct to meet the one-half aggregate monitoring requirement for FY 2022, regardless of whether there is a change in the number of SFSP operators in fiscal year 2022. An increased number of required reviews creates an administrative burden on State agencies and will require them to conduct reviews on large sponsors, such as SFAs, who have received continual support and technical assistance from State agencies throughout the school year. This significant increase in burden will pull resources from State agencies and hinder their ability to conduct reviews on new sponsors and those who experienced operational issues in the prior year.

FNS recognizes that State agencies and local Program operators continue to need additional support and flexibility to monitor the SFSP while managing the impacts of COVID-19. FNS also recognizes that modification of meal service models during COVID-19 has impacted SFSP sponsors, and waiving the above requirement will allow State agencies to focus on ensuring meals are provided to children with appropriate safety measures with respect to COVID-19.

Therefore, pursuant to the FFCRA authority cited above, FNS waives, for all States, the monitoring requirements included at 7 CFR 225.7(d)(2)(ii)(B) that State agencies annually review a number of sponsors whose program reimbursements, in the aggregate, account for at least one-half of the total program reimbursements in the State in the previous year. State agencies must continue to meet all other monitoring requirements including the requirements found at ²:

¹ The burden associated with the Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through School Year 2020-2021-Extension, the reporting for this waiver, and the requirement to elect participation in the Nationwide Waiver will be included in an upcoming change request to OMB Control #0584-0654 FNS Information Collection Needs due to COVID-19 (1/31/22).

² FNS will submit to OMB for approval a revision to OMB Control # 0584-0280 7 CFR Part 225 Summer Food Service Program (SFSP) (12/31/2022) to cover the burden associated with the monitoring requirements at 7 CFR 225.7(d)(2)(ii)(A)-(E).

- 7 CFR 225.7(d)(2)(ii)(A) Conduct a review of every new sponsor at least once during the first year of operation;
- 7 CFR 225.7(d)(2)(ii)(C) Annually review every sponsor which experienced significant operational problems in the prior year;
- 7 CFR 225.7(d)(2)(ii)(D) Review each sponsor at least once every three years; and
- 7 CFR 225.7(d)(2)(ii)(E) As part of each sponsor review, conduct reviews of at least 10 percent of each sponsor's sites, or one site, whichever number is greater.

This waiver remains in effect until September 30, 2022.

Consistent with Section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. State agencies must elect to be subject to this waiver in order to use it. If the State agency elects to implement this waiver, it must notify its respective FNS Regional Office, which will acknowledge receipt³.

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 1 year after the date such State elected to receive the waiver³. The report must include:

- A summary of the use of this waiver by the State agency, and
- A description of whether and how this extension resulted in improved services to Program participants.

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

Sincerely,

Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division

³ The burden associated with the Nationwide Waiver of the Annual Half Aggregate Monitoring Requirement in the Summer Food Service Program, and the requirement to elect participation in the Nationwide waiver, will be included in an upcoming change request to OMB Control #0584-0654 FNS Information Collection Needs due to COVID-19 (1/31/22), which also covers the reporting requirements of this waiver under the Paperwork Reduction Act.