



Food and
Nutrition
Service

DATE: September 22, 2021

Braddock
Metro Center

SUBJECT: Child Nutrition Waiver Update to Address Meal Service During
Unanticipated School Closures and Supply Chain Issues

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TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This memo announces a new set of Child Nutrition Program waivers for school year (SY) 2021-2022. Since March 2020, USDA has worked to ensure State agencies, schools, and other community partners have the tools they need to maintain children's access to nutritious meals during COVID-19. Most recently in April 2021, USDA released a suite of waivers to support a successful reopening in SY 2021-2022.

As schools across the nation are working towards a successful reopening, USDA appreciates the need for flexibility and additional support in a dynamic and unpredictable environment. This set of waivers is designed to maintain children's access to nutritious meals during unanticipated school closures, and to support schools facing supply chain challenges. For the purposes of these waivers, unanticipated school closures only occur when instruction is not provided to children. If a school is offering virtual learning or a mix of in-person classes and virtual learning, the school is considered open, and the unanticipated school closure waivers would not apply.¹

Meal Service During Unanticipated School Closures

Generally, the Seamless Summer Option (SSO) and Summer Food Service Program (SFSP) only operate during the summer months. For SY 2021-2022, USDA issued a waiver that allows school food authorities to operate the SSO during the regular school year. Additionally, under standard program policy,² SSO and SFSP sponsors are permitted to operate during the regular school year when there is an unanticipated school closure. Traditionally, this policy has been used to maintain children's access to meals when school is closed due to a natural disaster or a snow day.

Due to the COVID-19 pandemic, USDA understands that additional flexibility is needed to support social distancing in cases when SFSP operations are in place during unanticipated school closures. School food authorities already have operational flexibility under the SSO for the full

¹ However, the definition of a school closure for pandemic EBT (P-EBT) is different. PEBT is authorized under a different statute. For more information please visit <https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>.

² *Meal Service During Unanticipated School Closures*: <https://www.fns.usda.gov/cn/meal-service-during-unanticipated-school-closures>.

duration of SY 2021-2022,³ and may use these flexibilities during unanticipated school closures. However, these options, such as non-congregate feeding, currently are not available to service institutions that may serve SFSP meals during unanticipated school closures.

To ensure service institutions have the resources they need to serve safe meals during an unanticipated school closure, USDA is issuing the following set of waivers. These waivers apply only to SFSP sponsors that operate during unanticipated school closures in SY 2021-2022:

- Nationwide Waiver to Allow Non-Congregate Meal Service for Service Institutions Operating the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022
- Nationwide Waiver of Meal Times Requirements for Service Institutions Operating the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022
- Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals Served by Service Institutions through the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022
- Nationwide Waiver of Area Eligibility Requirements for Service Institutions Operating the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022

FNS also recognizes that site location flexibility is necessary to ensure the provision of SFSP or SSO meals in a safe manner. Therefore, FNS is issuing a waiver of the requirement that meal service during unanticipated school closures must be at non-school sites:

- Nationwide Waiver to Allow Service of Meals at School Sites during Unanticipated School Closures in School Year 2021-2022

These waivers can be found here: [School Year 2021-22 Waivers and Flexibilities](#).

USDA also reminds stakeholders of existing flexibilities available to school food authorities in SY 2021-2022. An overview of the flexibilities and additional resources can be found on USDA's website: <https://www.fns.usda.gov/tn/planning-dynamic-school-environment>.

Additional Waivers to Address Supply Chain Challenges

USDA is working hard to provide State and local program operators the tools they need to respond to food supply chain issues. Nationwide waivers issued in April 2021 allow school food authorities and child care providers to request flexibility for certain meal pattern requirements in SY 2021-2022. In addition, schools have procurement options when they experience unexpected supply chain disruptions such as entering into emergency noncompetitive procurement contracts⁴, purchasing cooperatively, or purchasing smaller quantities through multiple local producers or small businesses. However, even with these flexibilities, USDA understands that

³ *School Year 2021-2022 Waivers and Flexibilities*: <https://www.fns.usda.gov/disaster/pandemic/cn-2021-22-waivers-and-flexibilities>

⁴ Emergency procurement under 2 CFR 200.320(c)

some schools are concerned about their ability to obtain the types, amounts, and variety of foods needed to serve meals that meet the meal pattern requirements.

To support school food professionals who are putting forth extraordinary effort to provide children with nutritious meals despite unprecedented challenges, USDA is providing additional flexibility. For all States where there is a supply chain disruption due to COVID-19, USDA is waiving the requirement for State agencies to take fiscal action for missing food components or missing production records, and for repeated violations involving milk type and vegetable subgroup requirements. Given nationwide supply chain constraints, USDA encourages State agencies to use this discretion not to take fiscal action for meal pattern violations resulting from supply chain issues. For more information, please see: [*Waiver to Allow Fiscal Action Flexibility for Meal Pattern Violations Related to COVID-19 Supply Chain Disruptions Impacting School Meals in SY 2021-22*](#), issued September 15, 2021.

USDA remains committed to providing Child Nutrition Program operators the resources they need to offer a high-quality meal service this school year. We are grateful to our State and local partners for their exceptional efforts to maintain children's access to nutritious meals that they need to learn, grow, and be healthy. We know that even as the nation recovers from this difficult time, schools and other program operators will still face any number of challenges, and want to assure you that USDA stands ready to provide additional support as needed.

For
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