



Transitioning to Standard Operations in the Child Nutrition Programs and the Keep Kids Fed Act of 2022:

Follow-Up Questions and Answers from Webinars

Summer Programs

1. What waivers are available for the Summer Food Service Program in summer 2022?

Using authority provided in the Families First Coronavirus Response Act (FFCRA) (P.L. 116-127) as amended by the Keep Kids Fed Act of 2022 (P.L. 117-158), FNS issued a suite of nationwide waivers for summer 2022:

- COVID-19: Child Nutrition Response #107 [Nationwide Waiver to Extend Area Eligibility Waivers for Summer 2022 Operations - EXTENSION 5](#) (6/30/22)
- COVID-19: Child Nutrition Response #108 [Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites for Summer 2022 Operations - EXTENSION 4](#) (6/30/22)
- COVID-19: Child Nutrition Response #109 [Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates for the Seamless Summer Option in Summer 2022](#) (6/30/22)
- COVID-19: Child Nutrition Response #111 [Nationwide Waiver to Allow Non-Congregate Feeding for Summer 2022 Operations - EXTENSION 7](#) (7/6/22)
- COVID-19: Child Nutrition Response #112 [Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for Summer 2022 Operations - EXTENSION 7](#) (7/6/22)
- COVID-19: Child Nutrition Response #113 [Nationwide Waiver of Meal Service Time Restrictions for Summer 2022 Operations - EXTENSION 4](#) (7/6/22)
- COVID-19: Child Nutrition Response #114 [Nationwide Waiver of the Summer Sponsor Application Deadline and to Allow Reimbursement of Meals Served Prior to Notification of Approval for Summer 2022 Operations](#) (7/8/22)

2. How can State agencies participate in the nationwide waivers for summer 2022?

Consistent with previously issued nationwide waivers, State agencies must still opt-in to each of the nationwide waivers before local Program operators are able to utilize these flexibilities. If a State agency would like to participate, they must contact their FNS Regional Office and notify them of their intent.

State agencies that have already received individual 12(1) waivers for summer 2022 may elect to be covered by the corresponding nationwide waivers during the COVID-19 pandemic in place of



their individual waivers. Therefore, there is no need for state agencies to withdraw or resubmit those requests. State agencies that have requested individual 12(1) waivers for non-congregate meal service related to heat, air quality, or other exceptional circumstance and/or the sponsor application deadline may withdraw their pending summer 12(1) waiver requests and opt into the nationwide waivers by contacting their respective FNS Regional Office.

3. Is participation in the summer 2022 nationwide waivers mandatory?

No. Participation in the nationwide waivers is not mandatory, although it is strongly encouraged. FNS recognizes that State agencies may still wish to submit individual summer 12(1) waiver requests for a variety of reasons.

4. Are the new nationwide waivers retroactive to the beginning of summer?

No. All nationwide waivers for summer 2022 operations are effective immediately as of their date of publication and are not retroactive unless specified otherwise.

5. May SFSP sponsors operate SFSP grab-and-go meal service and/or home delivery meal service this summer using the nationwide non-congregate meal service waiver?

Yes. States that adopt the [*Nationwide Waiver to Allow Non-Congregate Feeding for Summer 2022 Operations - EXTENSION 7*](#) may offer grab-and-go or home delivered summer meals. Depending on how the non-congregate service is structured, the parent pick-up and meal times nationwide waivers may also be necessary. Local sponsors should work with their State agencies to determine which flexibilities are available, as well as appropriate next steps. There is no additional reimbursement for home delivery, but related expenses, such as postage or delivery service fees, would be considered an allowable cost. Delivery costs could also be paid with non-program funds, such as State or local funds, or private donations.

6. Who may pick up grab-and-go SFSP meals on behalf of a child under the nationwide waivers?

Children may pick up the meals. Additionally, the [*Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for Summer 2022 Operations - EXTENSION 7*](#) allows both parents and guardians to pick up meals on behalf of children (children do not need to be present). Local sponsors should work with their State agency on questions about who may pick up meals on behalf of child.



7. During summer 2022, may meals for multiple days be distributed at one time? May those meals contain bulk items?

Multiple meals, including meals for multiple days that contain bulk items, may be distributed at one time during summer 2022 in States that have obtained waivers of both congregate meal service and meal times requirements. FNS expects that flexibilities under these waivers will only be implemented by Program operators when congregate meal service is limited by COVID-19. Local Program operators, in collaboration with the State agency, are best positioned to determine to what extent these waivers are needed.

8. May summer sites operate through September 30, 2022?

The operating period for the SFSP and SSO is May through September, except for schools that operate under a continuous school calendar. In accordance with 7 CFR 225.6(e), summer meal service may only be offered for children on school vacation. State agencies have the discretion to approve sponsor operations during the May to September period based on school schedules, which may vary by location depending on local school calendars. Once the traditional school year has started in an area, all summer operations must be discontinued.

9. May camps use the closed enrolled nationwide waiver to establish site eligibility?

No. This waiver does not apply to sites that meet the regulatory definition of a camp and receive reimbursement for three meals a day. SFSP regulations at 7 CFR 225.6(b)(8) requires that camps shall be approved for reimbursement only for meals served free to enrolled children who meet the Program's eligibility standards.

10. Will FNS publish any nationwide waivers for summer 2022 that provide meal pattern flexibilities?

At this time, FNS is not planning to release nationwide waivers of meal pattern requirements for summer 2022. If local Program operators are experiencing challenges with meal pattern standards, they should contact their State agency for technical assistance.

Area Eligibility

11. Under the waiver to allow area eligibility for closed enrolled sites, what sources of data may the State agency use to establish area eligibility for closed enrolled SFSP and SSO sites?



State agencies can use data sources outlined in [SFSP 03-2017: Area Eligibility in Child Nutrition Programs, December 1, 2016](#) to verify that closed enrolled sites are in an eligible area. Data sources include school, census, or other approved sources of data that indicate that 50 percent of the children in the site's area are eligible for free or reduced-price school meals. For SFAs that do not have complete free and reduced price eligibility information to make area eligibility determinations for summer 2022, State agencies should refer to [SFSP 04-2022: Area Eligibility for Summer 2022 and School Year 2022-2023](#) for additional flexibilities. Alternatively, in States that have elected the nationwide waiver to allow area eligible for open sites, sponsors could opt to operate as open sites, instead of closed enrolled sites, in areas that are not located in “Areas in which poor economic conditions exist.”

12. For State agencies not using the nationwide area eligibility waivers. If an SFSP site qualified as area eligible in 2019 using school data, do State agencies need to requalify it again in 2022?

No. As outlined in [SFSP 04-2022: Area Eligibility for Summer 2022 and School Year 2022-2023, May 13, 2022](#), State agencies do not need to make re-determinations for summer 2022 for sites still eligible under their current five-year determinations.