# SNP Memo #2021-2022-21


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: January 14, 2022

TO: Directors, Supervisors, and Contact Persons Addressed

FROM: Sandra C. Curwood, PhD, RDN, ***Sandy***

## SUBJECT: Child and Adult Care Food Program Flexibilities during COVID-19 Supply Chain Disruptions

The purpose of this memorandum is to alert Child and Adult Care Food Program (CACFP) sponsors of the U.S. Department of Agriculture (USDA) policy memo CACFP 02-2022, *Child and Adult Care Food Program (CACFP) Flexibilities During Supply Chain Disruptions*. The memo highlights flexibilities that may be utilized in cases of severe food shortages due to supply chain challenges. The memo may be accessed online via the link below:

* [CACFP 02-2022, *Child and Adult Care Food Program (CACFP) Flexibilities During Supply Chain Disruptions*](https://www.fns.usda.gov/cacfp/flexibilities-during-covid-19-supply-chain-disruptions)

State agencies and sponsors are encouraged to prioritize technical assistance and training for findings related to meal pattern compliance over punitive actions like disallowing meals or determining a facility or sponsor seriously deficient.

Supply chain disruptions across the country are causing delays in shipments, order cancelations, and cost increases. The USDA strongly encourages child nutrition programs to adhere to the meal patterns and provide high quality, nutritious meals and snacks when possible, while also recognizing the challenges in doing so. CACFP sponsors may utilize emergency procurement flexibilities as described in 2 CFR 200.320, which allows noncompetitive procurement methods in instances of public emergency or exigency. Sufficient supporting documentation must be maintained to document the rationale behind the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

In emergency circumstances, CACFP regulations at 7 CFR 226.20(e) allow sponsors to, with state agency approval, serve meals without milk for a temporary period or to serve meals without milk for an ongoing basis if an equivalent of canned, whole dry, or fat-free dry milk is used to prepare components for meals. Sponsors faced with ongoing challenges in meeting the CACFP meal patterns may apply for a specific meal pattern waiver in their SNPWeb application as authorized in the [Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022](https://www.fns.usda.gov/cn/covid-19-child-nutrition-response-91). Available meal pattern flexibilities include the whole grain-rich requirement, the crediting of grains by ounce equivalents, and the requirement that low-fat milk must be unflavored. Justification is required and meal pattern waivers, if granted, are intended to be temporary until the item(s) becomes available.

If sponsors or sponsored centers prepare their own meals and are unable to meet meal pattern requirements, 7 CFR 226.14(b) allows the Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP) and sponsoring organizations to provide flexibility in taking fiscal action for noncompliance identified in monitoring visits. In lieu of disallowing payments or collecting overpayment, the VDOE-SNP and sponsoring organizations may instead provide technical assistance, training, and require corrective action.

The USDA released a fact sheet for sponsors related to supply chain challenges, which is attached to the email containing this memo. CACFP sponsors may also refer to [SNP Memo No. 2021-2022-16, Questions and Answers for Child Nutrition Program Emergency Procurement Due to Supply Chain Disruptions](https://www.doe.virginia.gov/support/nutrition/regulations/dir_memos.shtml) for additional information. Please contact your assigned regional school nutrition or child nutrition program specialist with questions or for additional information.

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