# SNP Memo #2021-2022-42

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**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: May 27, 2022

TO: Directors, Supervisors, and Contact Persons Addressed

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

## SUBJECT: Waivers for Summer Feeding and School Year 2022–2023

The purpose of this memo is to outline the COVID-19 waivers available to sponsors for summer 2022 and school year (SY) 2022–2023. These waivers apply to the Summer Food Service Program (SFSP), Seamless Summer Option (SSO), National School Lunch Program (NSLP), School Breakfast Program (SBP), Fresh Fruit and Vegetable Program (FFVP), and the At-Risk portion of the Child and Adult Care Food Program (CACFP). Several waivers also apply to unanticipated school closures.

Each waiver listed below will be added to the SNPWeb USDA Waiver Tools for each program on Tuesday, May 31, 2022. Criteria for justifying the need for the waivers will include an increase in community COVID cases, an increase in supply chain issues, and staffing/labor shortages. Although sponsors will not be required to upload documentation to substantiate the criteria indicated for each waiver, sponsors must keep this documentation on file in the event the Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP) requests documentation at a later date or the sponsor receives an audit.

### Summer Operations (SFSP/SSO)

The waivers in this section apply to the SFSP and the SSO for summer 2022. These waivers are effective May 16, 2022–September 30, 2022. However, these waivers must only be implemented by sponsors when congregate meal service is limited by the COVID-19 pandemic.

#### *Waiver 1: Non-congregate Meal Service during Summer 2022 (SFSP/SSO)*

This waiver allows SFSP and SSO meals this summer to be served in a non-congregate setting. With this waiver, children do not need to consume meals onsite.

#### *Waiver 2: Parent and Guardian Meal Pick Up during Summer 2022 (SFSP/SSO)*

This waiver allows SFSP and SSO meals to be provided to parents instead of directly to children this summer. Sponsors must have a plan for maintaining accountability and program integrity. This includes putting in place processes to ensure that meals are distributed only to parents and guardians of eligible children, and that duplicate SFSP or SSO meals are not distributed to any child.

#### *Waiver: Non-Congregate Meal Service for Outdoor Summer Meal Sites Experiencing Excessive Heat (SFSP/SSO)*

The VDOE-SNP is applying for a waiver that would allow non-congregate meal service for outdoor summer meal sites experiencing excessive heat. Through this waiver, summer meal sponsors operating outdoor meal service at sites without a temperature-controlled alternative may be allowed to provide a non-congregate meal service on days when the area experiences excessive heat or other exceptional circumstances. This waiver is unrelated to COVID-19.

### School Year Operations (NSLP/SBP)

The waivers in this section are intended to provide needed flexibility to support School Food Authorities (SFAs) in continuing to offer nutritious meals. These waivers are available through June 30, 2023, and should only be implemented by sponsors when congregate meal service is limited by the COVID-19 pandemic.

#### *Waiver 3: Non-Congregate Meal Service (NSLP and SBP)*

This waiver allows SFAs to serve meals in a non-congregate setting. With this waiver, children do not need to consume meals onsite.

#### *Waiver 4: Parent and Guardian Meal Pick Up (NSLP and SBP)*

This waiver allows NSLP and SBP meals to be provided to parents instead of directly to children. SFAs must have a plan for maintaining accountability and program integrity. This includes putting in place processes to ensure that meals are distributed only to parents and guardians of eligible children, and that duplicate meals are not distributed to any child.

#### *Waiver 5: Meal Service Times (NSLP and SBP)*

This waiver eliminates the requirements surrounding set meal time parameters for school lunch and breakfast.

#### *Waiver 6: Offer Versus Serve (NSLP)*

Traditionally, high schools must participate in offer versus serve at lunch. This flexibility allows high schools to waive the requirement to serve school lunches to senior high school students using offer versus serve. This waiver also applies to SSO for the duration of this waiver, when there is an unanticipated school closure during the school year.

#### *Waiver 26: Carryover Eligibility (NSLP and SBP)*

This waiver allows schools that operated under the SSO for SY 2021–2022 and do not have eligibility determinations from SY 2021–2022 to use the most recent free and reduced-price determinations since SY 2019–2020 during the 30-day carryover period of SY 2022–2023. This waiver is effective for the carryover period during SY 2022–2023.

### FFVP Operations

The waivers in this section are effective July 1, 2022–June 30, 2023, and should only be implemented by SFAs when congregate meal service is limited by the COVID-19 pandemic.

#### *Waiver 14: Parent and Guardian Pick Up (FFVP)*

This flexibility allows SFAs participating in the FFVP to provide FFVP foods to parents or guardians of children whose elementary school is closed and who are learning virtually.

#### *Waiver 15: Alternate Site (FFVP)*

This waiver allows the VDOE-SNP to approve SFAs participating in the FFVP to provide FFVP foods at sites that are not FFVP elementary schools when FFVP elementary schools are closed.

### CACFP Operations

The waivers in this section apply to the CACFP. These waivers are effective July 1, 2022–June 30, 2023, and should only be implemented by sponsors when congregate meal service is limited by the COVID-19 pandemic.

#### *Waiver 20: Non-Congregate Meal Service (CACFP)*

This waiver allows SFAs to serve CACFP meals in a non-congregate setting. With this waiver, children do not need to consume meals onsite.

#### *Waiver 21: Parent and Guardian Meal Pick Up (CACFP)*

This waiver allows CACFP meals to be provided to parents instead of directly to children.

#### *Waiver 22: Meal Service Times (CACFP)*

This waiver eliminates the requirements surrounding CACFP meal service times.

### Unanticipated School Closures

The waivers in this section apply to the SFSP and the SSO during unanticipated school closures. These waivers are effective October 1, 2022–April 30, 2023. However, these waivers must only be implemented by sponsors when congregate meal service is limited by the COVID-19 pandemic.

#### *Waiver 16: Non-Congregate Meal Service during Unanticipated School Closures (SFSP/SSO)*

Under the SFSP and the SSO, meals must be served in a congregate setting and must be consumed by participants on site. This waiver allows SFSP and SSO meals during unanticipated school closures to be served in a non-congregate setting.

#### *Waiver 17: Parent and Guardian Meal Pick Up during Unanticipated School Closures (SFSP/SSO)*

This flexibility waives the requirement to serve meals directly to children and allows for parent and guardian pick up of SFSP and SSO meals during unanticipated school closures.

#### *Waiver 18: Meal Service Times for Unanticipated School Closures (SFSP/SSO)*

This waiver eliminates the requirements surrounding meal time parameters under the SFSP and the SSO during unanticipated school closures.

#### *Waiver 19: Service of Meals at School Sites during Unanticipated School Closures*

This waiver allows the operation of the SFSP and the SSO during unanticipated school closures at school sites.

### Area Eligibility for Summer Feeding Sites

The flexibilities outlined below are intended to support sponsors as they continue to face challenges and uncertainties in their critical role to provide meals for children during the COVID-19 pandemic. These flexibilities apply to the NSLP afterschool snack program (ASP), SSO, the At-Risk portion of the CACFP, and SFSP.

School data and census data are the primary data sources that may be used to determine whether a site is area eligible. School data must be used to establish area eligibility for CACFP At-Risk sites and for schools implementing the ASP. School data or census data may also be used to establish area eligibility of open sites in the SFSP and SSO.

In SY 2021–2022, schools participating in the SSO did not collect free and reduced-price applications and instead served all students free meals due to the impacts of COVID-19. As a result, schools do not have complete free and reduced-price eligibility information to make area eligibility determinations for summer 2022 and SY 2022–2023. Therefore, two additional data options are available for sponsors to use to qualify sites as area eligible. Both options are available to school and community sponsors who wish to use school data to make area eligibility determinations.

#### *Option 1: Use of School Year 2019–2020 Free and Reduced-Price Application Data*

In the absence of complete SY 2021–2022 school-level free and reduced-price data, program operators may use school data from a designated month of SY 2019-2020 to qualify as area eligible in summer 2022 and SY 2022–2023. CACFP, ASP, SFSP, and SSO sponsors must use data from October 2019 to establish area eligibility when utilizing Option 1.

Area eligibility determinations made for summer 2022 using SY 2019–2020 data are effective through summer 2024, and determinations made for SY 2022–2023 may be effective through SY 2024–2025. When area eligibility determinations expire and must be re-determined, sites must use existing guidance in SP 08-2017 CACFP-04 SFSP 03-2017 to establish area eligibility.

#### *Option 2: Allow All Schools to Use Community Eligibility Provision Data*

All schools that operated the SSO during SY 2021–2022 are permitted to use school-level identified student percentage (ISP) multiplied by the factor (1.6) to determine area eligibility. If the result of the ISP multiplied by 1.6 is equal to or greater than 50 percent, meal sites located at the school (or in the attendance area of the school) are area eligible. Once area eligibility is established, all ASP, SSO, CACFP At-Risk, and SFSP sponsors may establish sites based on the determination.

**Existing Community Eligibility Provision (CEP) Schools** must continue to determine area eligibility for attendance areas using approved school-level ISP. Individual school data must be used to determine area eligibility, even if the school is participating in CEP as part of a group or division claiming with a shared ISP.

**Non-CEP Schools** may use the same guidance as CEP schools to determine area eligibility for a school’s attendance area for summer 2022 and SY 2022–2023. Therefore, the individual school’s ISP is multiplied by a factor of 1.6. If the resulting percentage is at least 50, meal sites within the school’s attendance area are area eligible. **Schools must calculate the ISP using data as of April 1, 2022**. Determinations based on this option for non-CEP schools will only be valid for summer 2022 and SY 2022–2023. Area eligibility established using this option is not valid for five years. Schools that elect to use this option will have to establish area eligibility for summer 2023 and SY 2023–2024 using SY 2022–2023 school data.

For more information, please contact your assigned school or child nutrition programs regional specialist or the SNP policy mailbox via email at [SNPpolicy@doe.virginia.gov](mailto:SNPpolicy@doe.virginia.gov).

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