# Attachment A, SNP Memo No. 2019-2020-39

April 7, 2020

# **Virginia Department of Education Office of School Nutrition Programs logo**

# **COVID-19 Waivers**

| **Waiver Title** | **Description** | **Programs\*** | **Sponsor Actions** | **Data Requirements** |
| --- | --- | --- | --- | --- |
| Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs | Program regulations require that participants onsite consume meals in the child nutrition programs. This waiver allows the meals to be taken offsite for consumption.  Expires: June 30, 2020 | * NSLP * SBP * CACFP * SFSP | Sponsors must request to elect this waiver from VDOE waiver by completing the [CACFP Waiver Request Form](https://www.surveymonkey.com/r/cacfp-waivers) or the [SFSP/SSO Non-congregate Waiver Request Form](https://www.surveymonkey.com/r/sfsp-sso-non-congregate-waiver). | * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants |
| Waiver of the Activity Requirement in Afterschool Care Child Nutrition Programs | Program regulations require that eligible schools and at-risk child care centers serve afterschool meals and snacks in a structured and supervised environment with educational or enrichment activity. This waiver allows meals to be offered without an educational or enrichment activity.  Expires: June 30, 2020 | * NSLP * CACFP | Sponsors are not required to apply for this waiver but must elect this waiver by completing the [CACFP Waiver Request Form](https://www.surveymonkey.com/r/cacfp-waivers). | * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants |
| Waiver to Allow Meal Service Time Flexibility in the Child Nutrition Program | Program regulations site specific times must pass between meals. This waiver allows for sponsors to serve meals that best meet their program needs. This can be through approved pick-up times or delivery plans with designated times for distribution.  Expires: June 30, 2020 | * NSLP * SBP * CACFP * SFSP | Sponsors must request to elect this waiver from VDOE by completing the waiver by completing the [CACFP Waiver Request Form](https://www.surveymonkey.com/r/cacfp-waivers).  Sponsors must indicate the rationale for the request, indicate the distribution time period and if distributing multiple meals. | * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants * Methods for distributing meals |
| Waiver of Community Eligibility Provision Guidelines in the National School Lunch and School Breakfast Programs | Program regulations require that LEAs intending to elect or conduct a grace year in the following year with the Community Eligibility Provision must submit counts of identified and enrolled students as of April 1 of the prior school year. This waiver allows states to extend the April 1 deadline and the counts of identified and enrolled students may be calculated using data drawn between April 1, 2020 and June 30, 2020. Program regulations also require LEAs to submit a report to state agencies by April 15, 2020. The waiver extends this deadline to June 15, 2020. | * NSLP * SBP | VDOE issued guidance on March 27, 2020 in Superintendent's Memo #081-20. Deadlines for identifying student and enrollment data is now June 1, 2020. The corresponding report is due June 15, 2020 and the application to participate in the Community Eligibility Program is July 31, 2020. | * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants |
| Waiver of Community Eligibility Provision Guidelines in the National School Lunch and School Breakfast Programs (state requirements) | Program regulations require that the state agency publish a list of LEAs and schools with:   * LEAs with a divisionwide ISP of at least 40 percent; * LEAs with a divisionwide ISP greater than or equal to 30 percent but less than 40 percent; * LEAs currently participating in CEP; * LEAs in the fourth year of CEP participation with a divisionwide ISP greater than or equal to 30 percent but less than 40 percent.   States must notify LEAs of these eligibility categories by April 15.  This waiver extends this deadline to June 30, 2020. | * NSLP * SBP | N/A- state agency elected this waiver from USDA. | * Data collection used to calculate ISP- between April 1, 2020 and June 30, 2020 * LEA notification- June 15, 2020 * State notification – June 15, 2020 * LEAs that wish to participate- August 31, 2020 |
| Waiver of Meal Pattern Flexibility in the Child Nutrition Programs | Program regulations require that sponsors follow a prescribed meal pattern. During the public health emergency, sponsors can apply to the state agency for flexibilities in the meal pattern. Under normal emergency feeding, USDA would have to approve these flexibilities; this waiver allows the state agencies to approve requests from sponsors to waive meal pattern requirements.  Expires: April 30, 2020 | * NSLP * SBP * CACFP * SFSP | Sponsors are eligible to elect this waiver if the waiver for non-congregate meals is already approved.  Sponsors must request to elect this waiver from VDOE by completing the [SFSP/SSO Parent Pick-up and Meal Flexibility Waiver Request Form](https://www.surveymonkey.com/r/cnpwaiver) or the [CACFP Waiver Request Form](https://www.surveymonkey.com/r/cacfp-waivers). | * When the sponsor makes the request and when it is approved * Sponsor name * Sponsor location * The food component(s) the sponsor is requesting be waived * Justification for the waiver request * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants |
| Waiver to Allow Parents and Guardians to Pick-up Meals for Children | Program regulations require that meals must be served to eligible children. This waiver allows sponsors to distribute meals to a parent or guardian to take home to their children.  Expires: June 30, 2020 | * NSLP * SBP * CACFP * SFSP | Sponsors with an approved waiver for non-congregate meals can elect this waiver from VDOE by completing the [SFSP/SSO Parent Pick-up and Meal Flexibility Waiver Request Form](https://www.surveymonkey.com/r/cnpwaiver) or the [CACFP Waiver Request Form](https://www.surveymonkey.com/r/cacfp-waivers). | * Sponsors must complete an online waiver request form. * Sponsors must describe they will maintain accountability and program integrity. * Sponsors must describe how they will ensure meals are distributed only to parents or guardians of eligible children. * Sponsors must describe how they will ensure duplicate meals are not distributed to children. * A summary of the use of the waiver by the state agency and local program operators. * A description of whether and how this waiver resulted in improved service to program participants. |
| Waiver to Suspend Area Eligibility Requirements for all Eligible Sponsors Operating SSO and SFSP | Program regulations require that open sites must be located in areas where at least 50 percent of NSLP participants are eligible for free and reduced-price meals. This waiver allows VDOE to approve sites that are below 50 percent of NSLP participants eligible for free and reduced-price meals.  Expires: June 30, 2020 | * NSLP * SBP * SFSP | Sponsors must apply for these sites to participate and describe how they are targeting the eligible students above 50 percent eligibility.  This information must be included in the SNPWeb application. | * A summary of the use of this waiver by the state agency and program operators * A summary of how new meal sites were previously eligible or new economic impacts of COVID-19 * A description of whether and how this waiver resulted in improved services to program participants |
| Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program | Program regulations that require monitors as described in 7 CFR 226.16(d)(4)(iii) are waived and sponsoring organizations monitor their sites as follows:   1. Two reviews of their facilities each year; 2. Only one CACFP visit is unannounced; 3. At least only one unannounced review must observe a meal; 4. That no less than six months elapse between reviews; 5. Allows sponsoring organizations to review new CACFP facilities within the first four weeks of operation as a desk audit.   Expires: June 30, 2020 | * CACFP | Sponsors are not required to apply for this waiver but, if they elect to utilize the waiver, are required to indicate on the [CACFP Waiver Request Form](https://www.surveymonkey.com/r/cacfp-waivers). | * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants |
| Waiver of Onsite Monitoring Requirements for Sponsoring Organizations in the Summer Food Service Program. | Program regulations found at 7 CFR 225.15 (d) are waived and sponsoring organizations are not required to make onsite visits but, to the extent practicable, continue offsite monitoring.  Expires: June 30, 2020 | * SFSP | Sponsors are not required to apply for this waiver but, if they elect to utilize the waiver, VDOE will conduct monitoring during the summer. | * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants |
| Waiver of Onsite Monitoring Requirements in the School Meals Programs | Program regulations require that state agencies conduct monitoring of the school meals programs on a three-year cycle. The waiver allows for monitoring to be conducted offsite.  Expires: June 30, 2020 | * NSLP * SBP | N/A- state agency elected this waiver from USDA. | * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants |
| Waiver of Onsite Monitoring Requirements for State Agencies in the Summer Food Service Program | Program regulations required that state agencies are to monitor programs:   1. At least once during the first year of operation for new sponsors; 2. Annually review a number of sponsors whose program requirements, in aggregate, account for at least one-half of the total program reimbursements of the state in the prior year; 3. Annually review every sponsor with significant operational problems in the prior year;   d) Review each sponsor at least every three years.  This waives the requirement for onsite monitoring. Site agencies may also postpone required site visits until summer 2020. | * SFSP | N/A- State Agency elected this waiver from USDA. | * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants |
| Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Programs | Program regulations require that state agencies conduct one scheduled visit of CACFP institutions at not less than three-year intervals. State agencies are also required to do a pre-approval visit of all new CACFP sponsors. The waiver allows these reviews to be conducted offsite. | * CACFP | N/A - state agency elected this waiver from USDA. | * A summary of the use of the waiver by the state agency and local program operators * A description of whether and how this waiver resulted in improved service to program participants |
| Waiver of Milk by the State Agency during an Emergency | The state agency has the ability to waive the requirement for milk during an emergency if milk becomes unavailable. | * NSLP * SBP * CACFP * SFSP | Sponsors must submit a waiver to the VDOE-SNP office. This was superseded by the Nationwide Meal Pattern Waiver. | No data required |

\* National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP)