# SNP Memo #2020-2021-29

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**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: September 24, 2020

TO: Directors, Supervisors, and Contact Persons Addressed

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

## SUBJECT: Updates for the Child and Adult Care Food Program (CACFP) for School Year 2020-2021 - Revised

*This memo was originally published by the Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP) on September 4, 2020. The VDOE-SNP is revising this memo to include the most recent waiver from the U.S. Department of Agriculture (USDA), which waives the area eligibility requirement in the At-Risk portion of the CACFP. This memo is also revised to specify that the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) can operate concurrently with the At-Risk portion of the CACFP.*

The purpose of this memo is to provide information on the current CACFP waivers and updates from the USDA for the upcoming 2020-2021 school year. Recently, the USDA released additional CACFP waivers that will help further structure the 2020-2021 school year, for both school food authorities (SFAs) and non-school sponsoring organizations.

### Nationwide Waiver to Allow SFSP and SSO through December 2020

This waiver allows sponsors to operate the SFSP or the SSO instead of operating the National School Lunch Program (NSLP), through December 2020. As specified in USDA memo SP 25-2020, CACFP 14-2020, and SFSP 14-2020, the SFSP and SSO can operate concurrently with the At-Risk portion of the CACFP.

### Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the CACFP - Extension of Waiver Issued June 8, 2020

This waiver provides guidance on monitoring requirements for sponsors of the CACFP. The CACFP monitoring requirements for the 2020-2021 school year are as follows:

1. CACFP sponsors may conduct two or more reviews of their CACFP facilities.
2. Only one of the CACFP facility reviews is required to be unannounced.
3. Unannounced reviews do not have to include an observation of meal service.
4. Six months may elapse between reviews.
5. Sponsoring organizations must review new facilities within the first four weeks of operation.
6. To assist with minimizing the risk of COVID-19, desk audits are encouraged.

This waiver remains in effect through September 30, 2021.

### Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the CACFP - Extension of the Waiver Issued June 8, 2020

CACFP regulations require that state agencies conduct an administrative review at least once every three years. This waiver allows the state agency to conduct the required CACFP administrative reviews offsite. This waiver remains in effect through September 30, 2021.

### Nationwide Waiver of Onsite Monitoring Requirements in the NSLP and the School Breakfast Program (SBP)

This waiver extends the June 8, 2020, memo that allows state agencies to conduct the required onsite portion of the administrative review offsite. In addition, SFAs are required to conduct a review of the counting and claiming system and other general areas. This review, the Accountability Review, can be conducted offsite. To assist in offsite monitoring, a new accountability review form is being developed and will be available in the *Download Forms* section in SNPWeb. This waiver remains in effect through June 30, 2021.

The VDOE-SNP has developed monitoring forms to assist SFAs and non-school sponsors in meeting these new monitoring requirements. The form sets include forms to use when conducting desk audits and offsite monitoring. Monitoring forms for each program can be found in the *Download Forms* section of SNPWeb, in the corresponding program module.

SFAs and non-school sponsors that wish to elect the monitoring waivers for the CACFP must complete the online [2020-2021 Monitoring Waivers Survey](https://www.surveymonkey.com/r/monitoring-waivers).

**Nationwide Waiver of Area Eligibility in the CACFP At-Risk Afterschool Care Program**

This waiver is effective through December 31, 2020, and waives the program regulation requiring that sites must be located in areas where 50 percent of NSLP participants are eligible for free or reduced-price meals. This waiver allows the VDOE to approve sites located in areas below the 50 percent threshold.

Sponsor wishing to elect this waiver must complete the [CACFP Area Eligibility Waiver Survey](https://www.surveymonkey.com/r/cacfp-area-elig-waiver).

### USDA Question and Answer

On August 21, 2020, the USDA released a set of [Question and Answers](https://www.fns.usda.gov/disaster/pandemic/covid-19/questions-and-answers-child-nutrition-programs-during-sy-2020-21) to provide additional guidance on the upcoming school year. Question number seven revealed important information about the 2018 Final Rule, *Child Nutrition Program: Flexibilities for Milk, Whole Grains, and Sodium Requirements.* The Center for Science in the Public Interest (CSPI) sued the USDA for how they handled the Final Rule. The CSPI won the lawsuit, therefore nullifying the flexibilities offered in the Final Rule. The meal pattern must return to the requirements of the 2012 Final Rule and therefore:

* In the CACFP, flavored milk may only be nonfat.

The VDOE-SNP recognizes the challenges faced by sponsors to implement these requirements at this time. SFAs and non-school sponsors requesting to waive the 2012 Final Rule requirement can complete the [2012 Nutrition Standards Final Rule Waiver Survey](https://www.surveymonkey.com/r/final-rule-waiver-survey).

### Additional Waivers for the CACFP

Additional waivers currently available for the CACFP include:

* Nationwide Waiver to Allow Non-Congregate Feeding in the Child Nutrition Programs.
* Nationwide Waiver to Allow Meal Time Flexibility in the Child Nutrition Programs.
* Nationwide Waiver to Allow Parents and Guardians to Pick-up Meals for Children.
* Nationwide Waiver to Allow Pattern Flexibility in the Child Nutrition Programs.

State Agency Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the CACFP.

A summary of each waiver can be found in attachment A to this memo.

The VDOE-SNP will provide sponsors additional information as it becomes available. Please contact your assigned regional specialist if you have any questions, or Maggie Parker, Child Nutrition Programs (CNP) Manager, by email at [maggie.parker@doe.virginia.gov](file:///C:\Users\aks88732\Downloads\maggie.parker@doe.virginia.gov).

SCC/MVP/BDB/cc

**Attachment**

1. School Year 2020-2021 Waivers - CACFP