# SNP Memo #2022-2023-38

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**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: December 22, 2022

TO: Directors, Supervisors, and Contact Persons Addressed

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

## SUBJECT: Unanticipated Closures Waivers for School Meals

The purpose of this memorandum is to inform school food authorities (SFAs) of the new waivers available for serving meals during unanticipated school closures. The Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP), received approval from the United States Department of Agriculture, Food and Nutrition Services (USDA-FNS), to implement waivers that would allow for non-congregate meal service in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) when congregate meal service operations are limited due to reasons other than COVID-19. These new waivers apply to situations when schools experience an unanticipated closure and virtual instruction is being provided.

If schools experience an unanticipated closure and virtual instruction is not provided, SFAs must utilize the Summer Food Service Program (SFSP) or Seamless Summer Option (SSO) waivers. These waivers are listed in the SNPWeb USDA waiver tools under the respective programs.

Please refer to [SNP Memo #2022-2023-20](about:blank) for information on unanticipated school closure waivers related to COVID-19.

### NSLP & SBP Waivers (effective through June 30, 2023)

#### Non-Congregate Meal Service

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

#### Meal Service Times

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

#### Parent and Guardian Meal Pick Up

This waiver allows meals to be provided to parents or guardians 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.

#### Offer Versus Serve

Traditionally, high schools must participate in offer versus serve at lunch. This waiver allows high schools to waive the requirement to serve school lunches to senior high school students using offer versus serve.

### Circumstances for Waiver Usage

These waivers may be utilized when schools experience unanticipated closures related to:

* natural disasters,
* unscheduled major building repairs,
* court orders relating to school safety or other issues,
* labor-management disputes, or,
* when approved by the VDOE-SNP, for a similar unanticipated cause.

### Additional Details

These waivers are in effect until June 30, 2023. Waivers may be used for up to 10 consecutive operating days. If a SFA needs these waivers for longer than 10 consecutive operating days, USDA-FNS approval would be required.

Schools that are not participating in a Special Provision Option, such as the Community Eligibility Provision or Provision 2, must continue to count and claim meals by type (free, reduced price, or paid) when utilizing the waivers.

### SNPWeb USDA Waiver Tool

The unanticipated closure waivers for NSLP and SBP will be added to the SNPWeb USDA Waiver Tool the week of December 26, 2022. Waivers must be elected by the SFA and approved by the VDOE-SNP within the USDA Waiver Tools for each site before being implemented. Please notify your assigned regional specialist via email after waiver tools have been submitted.

For more information, please contact your assigned School Nutrition Programs regional specialist or the SNP policy mailbox via email at [SNPpolicy@doe.virginia.gov](about:blank).

SCC/AMN/CN/cc