# SNP Memo #2023-2024-32

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**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: October 20, 2023

TO: Directors, Supervisors, and Contact Persons Addressed

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

## SUBJECT: Unanticipated Closures Waivers for School and Child Nutrition Programs in School Year 2023–2024

The purpose of this memorandum is to inform school food authorities (SFAs) and community organizations of waivers available for serving meals during unanticipated school closures in school year (SY) 2023–2024. These waivers will be accessible in SNPWeb following the October 26, 2023 webinar.

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), School Breakfast Program (SBP), Seamless Summer Option (SSO), Summer Food Service Program (SFSP), and Child and Adult Care Food Program (CACFP) when congregate meal service operations are limited due to unanticipated reasons. *These waivers apply to situations when schools experience an unanticipated closure and when virtual instruction is or is not being provided.*

### Circumstances for Waiver Usage

The below waivers may be elected 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.

There are currently no waivers available to allow non-congregate feeding during pre-planned school closures or pre-planned virtual learning days. The only feeding option for pre-planned virtual learning days is to serve congregate NSLP/SBP and/or CACFP meals onsite at a participating school or community location in accordance with the approved application.

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

These waivers are available when schools experience unanticipated closures and virtual instruction is provided.

#### 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.

### SFSP and SSO Waivers (effective through April 30, 2023)

These waivers are available when schools experience unanticipated closures and no virtual instruction is provided.

#### Non-Congregate Meal Service

This waiver allows SFAs and community organizations 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 meal services.

**Parent and Guardian Meal Pick Up**

This waiver allows meals to be provided to parents or guardians instead of directly to children. SFAs and community organizations 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.

#### Meal Service at School Sites

This waiver allows schools to serve as SFSP or SSO feeding sites.

### CACFP Waivers (effective through June 30, 2023)

These waivers are available when schools experience unanticipated closures, and virtual learning may or may not be provided.

#### Non-Congregate Meal Service

This waiver allows SFAs and community organizations to serve meals in a non-congregate setting when schools face unanticipated closures and virtual instruction is provided. With this waiver, children do not need to consume meals onsite.

#### Meal Service Times

This waiver eliminates the requirements surrounding set mealtime parameters for meal services.

#### Parent and Guardian Meal Pick Up

This waiver allows meals to be provided to parents or guardians instead of directly to children. SFAs and community organizations 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.

#### Enrichment/Academic Activities

#### This waiver allows SFAs and community organizations to forgo the requirement that meals

served in the At-Risk portion of the CACFP be accompanied by an academic or enrichment activity.

**Additional Details**

Waivers may be used for up to 10 consecutive operating days. If a SFA or community organizations 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

Waivers must be elected for each site by the SFA or community organization within the SNPWeb USDA Waiver Tool and approved by the VDOE-SNP before being implemented. Please notify your assigned regional specialist via email after waiver tools have been submitted.

### Unanticipated Closures Webinar

The VDOE-SNP will host a webinar on unanticipated closures waivers available in SY 2023–2024 on October 26, 2023, from 2:00–3:00 p.m. [Register in advance for this webinar](https://doe-virginia-gov.zoom.us/webinar/register/WN_DmB9mU0DRnmC3D09Z1s4wg). After registering, you will receive a confirmation email containing information about joining the webinar.

For more information, please contact your assigned SNP regional specialist for SFAs or Child Nutrition Programs regional specialist for community organizations.

SCC/AMN/MVP/cc