



#324-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #324-21**

DATE: December 10, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **School Nutrition Program Waivers for Unanticipated Closures and Supply Chain Disruptions**

The purpose of this memorandum is to announce the availability of nationwide waivers to address meal service challenges due to unanticipated closures and supply chain disruptions in school nutrition programs. To utilize the waiver, school food authorities (SFAs) must elect the waiver in SNPWeb under the 2021-2022 Seamless Summer Option (SSO) application. The Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP) will host a webinar on Thursday, December 16, 2021, at 2:00 p.m. to provide further guidance on these waivers. [Register for the VDOE-SNP webinar.](#)

Unanticipated School Closures Waiver

COVID-19: Child Nutrition Response #105, [Nationwide Waiver to Allow Service of Meals at School Sites during Unanticipated School Closures in School Year 2021-2022](#), applies to SFAs planning to operate the SSO during unanticipated closures during the 2021-2022 school year. COVID-19 Waiver #105 is effective October 1, 2021, through April 30, 2022.

Under normal program operations during unanticipated closures, program regulations prohibit SFAs from serving SSO meals and snacks in schools and only allow the operation of SSO at non-school sites. However, the U.S. Department of Agriculture (USDA) recognizes that site

location flexibility is necessary to support access to food in a safe manner. The USDA defines unanticipated closures as instances when instruction is not provided to children. Schools offering remote learning, a hybrid of remote and in-person learning, or unscheduled remote learning do not qualify as closed. Waiver #105 aligns with the Virginia Department of Education's [Final Guidance for Unscheduled Remote Learning Days](#).

Supply Chain Disruptions Waiver

COVID-19: Child Nutrition Response #100, [Waiver to Allow Fiscal Action Flexibility for Meal Pattern Violations Related to COVID-19 Supply Chain Disruptions Impacting School Meals in School Year 2021-2022](#), provides fiscal action flexibility for meal pattern violations related to COVID-19 supply chain disruptions. Meal pattern violations include missing food components, missing production records, repeat milk type violations, and repeat vegetable subgroup violations.

SFAs are encouraged to explore procurement options when experiencing supply chain disruptions. Emergency procurement, sole source agreements, and contract piggybacking are allowable practices with sufficient documentation.

For more information

For more information, please contact your assigned school nutrition program specialist or the SNP policy mailbox via email at SNPpolicy@doe.virginia.gov.

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