



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

**DATE:** June 11, 2021

**MEMO CODE:** SP 15-2021, CACFP 13-2021, SFSP 08-2021

**SUBJECT:** Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022
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<b>Summary:</b>	(1) This memorandum provides clarification on questions related to Child Nutrition Program operations during School Year 2021-2022. (2) This memorandum provides Q&As related to the Nationwide Waivers released for School Year 2021-2022 and applies to State agencies administering, and local organizations operating, the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and the National School Lunch Program Seamless Summer Option. (3) This document relates to 7 CFR Parts 210, 220, and 226.

This memorandum includes questions and answers intended to provide clarification to State agencies and Program operators as they operate the Child Nutrition Programs, including the National School Lunch Program (NSLP), School Breakfast Program (SBP), NSLP Seamless Summer Option (SSO), and Child and Adult Care Food Program (CACFP), during school year (SY) 2021-2022.

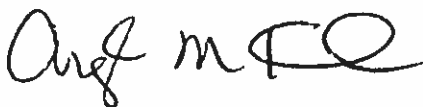
Pursuant to authority in Section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) has issued several nationwide waivers and flexibilities to support a successful reopening of school and child care in SY 2021-2022. The waivers, released on April 20, 2021, include:

- Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022
- Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022
- Nationwide Waiver to Allow Non-Congregate Meal Service for School Year 2021-2022
- Nationwide Waiver of Meal Time Requirements for School Year 2021-2022
- Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for School Year 2021-2022
- Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022
- Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022
- Nationwide Waiver to Allow Offer Versus Serve Flexibility for Senior High Schools in School Year 2021-2022
- Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in School Year 2021-2022
- Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION 3
- Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 3
- Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program – EXTENSION

Child Nutrition Program Nationwide Waivers for SY 2021-2022 may be found at:  
<https://www.fns.usda.gov/disaster/pandemic/cn-2021-22-waivers-and-flexibilities>.

FNS appreciates the exceptional efforts of State agencies and local Program operators working to meet the nutritional needs of child and adult participants during this challenging time. State agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Sincerely,



Angela M. Kline  
Director  
Policy and Program Development Division

### **GENERAL**

#### **1. What are the Food and Nutrition Service's (FNS) priorities for the Child Nutrition Programs in school year (SY) 2021-2022?**

Even as the nation recovers from the COVID-19 pandemic, FNS recognizes that school nutrition professionals and child care providers will continue to face challenges in their work, and will need flexibility to meet the needs of their communities. To support their extraordinary efforts, FNS has issued a new set of waivers that reflect the following priorities:

- Supporting the reopening of schools and institutions;
- Ensuring program access for children;
- Increasing funding for Program operators;
- Providing operational flexibility; and
- Promoting nutritious meals.

These waivers, which balance operational needs with the goal of serving nutritious meals, are expected to support the successful reopening of school and child care institutions in SY 2021-2022.<sup>1</sup>

#### **2. What major changes can schools expect regarding Child Nutrition Programs operations in the new school year?**

Unlike the previous school year waivers, the new set of waivers for SY 2021-2022, issued on April 20, 2021, did not extend the option for school food authorities (SFAs) or non-school sponsors to operate the Summer Food Service Program (SFSP) in SY 2021-2022. Schools will instead choose to operate the National School Lunch Program (NSLP) Seamless Summer Option (SSO) or the regular NSLP and School Breakfast Program (SBP). This means that schools will return to the school meal pattern, which emphasizes healthy eating with a focus on fruits and vegetables, whole grains, and sensible calorie levels. However, FNS has issued a targeted meal pattern waiver to give schools the flexibility they need to provide a safe meal service in SY 2021-2022 (see Questions 22 to 26). In recognition of the additional costs of serving safe meals during the COVID-19 pandemic, FNS is also allowing schools operating SSO to receive the higher SFSP reimbursement rate in SY 2021-2022 (See Questions 11 to 17).

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<sup>1</sup> Except for the burden associated with States' reporting requirements under the waivers, which will be included in an upcoming revision to OMB control # 0584-0607 School Meals Operations Study: State Agency COVID-19 Child Nutrition Waivers Evaluation, expiration date 08/31/2022, all burden associated with the nationwide waivers, including the election to participate, discussed in this memorandum will be included in an upcoming change request to FNS Information Collection Needs due to COVID-19, OMB Control #0584-0654, expiration date 01/31/2022.

**3. Can schools operate SFSP after the regular school year begins in SY 2021-2022?**

No. The main purpose of the SFSP is to provide food service to children when schools are closed (7 CFR 225.1). Because FNS did not issue a waiver allowing SFSP to operate when schools are open during the regular school year in SY 2021-2022, SFSP operations must end when schools reopen for the new school year. When schools reopen for SY 2021-2022, schools may choose to participate in SSO or NSLP/SBP.

**4. Three nationwide waivers indicate that they are available through June 30, 2022 but should only be used until “greater levels of congregation in in-school settings is safe and healthy to pursue.” Who determines when congregate meal service is safe and healthy to pursue?**

Local Program operators should coordinate with the State agency to determine when congregate meal service is safe and healthy to pursue. FNS expects schools and child care providers to use the meal service flexibility waivers listed below only for the duration and extent that they are needed. Local Program operators, in collaboration with the State agency, are best positioned to determine how long, and to what extent, these waivers are needed:

- *Child Nutrition Response #87: Nationwide Waiver to Allow Non-Congregate Meal Service for School Year 2021-2022*
- *Child Nutrition Response #88: Nationwide Waiver of Meal Times Requirements for School Year 2021-2022*
- *Child Nutrition Response #89: Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for School Year 2021-2022*

For example, when all students at a school can safely return to the school cafeteria for breakfast and lunch, the school would no longer need the non-congregate meal service waiver. Similarly, child care providers who have returned to traditional child care services for all children would no longer need to provide parent pick-up of meals. However, FNS understands that some schools and child care providers will use alternative meal service models next school year and may need the flexibilities provided in these waivers in order to continue serving safe meals. In other cases, schools may be able to return to an in-person meal service but need flexibility for certain students who continue with remote learning due to special healthcare needs. Local circumstances will differ and change over time, and FNS encourages schools and child care providers to return to standard meal service operations when it is safe to do so.

The Centers for Disease Control and Prevention (CDC) has resources to support safe meal service. Schools and child care providers are encouraged to refer to CDC guidance when planning their transition back to standard meal service operations. To learn more, visit: [https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/nutrition\\_resources.html](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/nutrition_resources.html).

**5. Is there an expectation that SFAs participating in SSO in SY 2021-2022 will return to NSLP/SBP operations at some point during the school year?**

No. SFAs that participate in SSO for SY 2021-2022 may operate SSO for the full duration of the school year. Operating the SSO provides administrative flexibility for schools and maximizes access for children, while also giving schools additional financial support to provide nutritious meals. Further, by not collecting money for meals, schools have maximum flexibility to serve meals in a way that prioritizes health and safety. Allowing SSO for the full duration of the school year speeds up service of meals and facilitates CDC recommendations for safe meal service, reducing contact and potential exposure to COVID-19.

**6. Does the nationwide waiver of the area eligibility requirements apply to residential summer camps participating in the Summer Food Service Program (SFSP)?**

No. Consistent with the policy for summer 2020, camps must continue to determine each child's individual eligibility for free and reduced-price meals using income eligibility forms or certification information from each child's school (7 CFR 225.14(d)).<sup>2</sup> Residential camps serve a specific and limited population. Families enroll their children, and typically pay a fee to attend the camps. As part of the camp enrollment process, identifying low income children and targeting assistance to them is more operationally feasible than in traditional open summer sites. Camps are reimbursed only for meals served to enrolled children who meet the Federal free or reduced-price income eligibility guidelines.

**NSLP SEAMLESS SUMMER OPTION**

**7. May any school, regardless of its location, provide meals through the SSO beginning on July 1, 2021?**

Yes, any school in a State that has elected *Child Nutrition Response #85: Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022*, may provide meals through the SSO in SY 2021-2022. FNS recognizes that providing schools greater flexibility to distribute meals at a variety of safe meal sites that serve a smaller number of children will support social distancing and community safety during the summer months and into the new school year. This is especially important at a time when communities are working to reopen but children are not yet vaccinated. Beginning July 1, 2021, and for the duration of SY 2021-2022, State agencies will no longer have to target SSO site participation under the waiver, and any school may participate. During COVID-19 operations in SY 2021-2022, any school, regardless of its location, may serve free meals to all children through the SSO.

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<sup>2</sup> The burden associated with the requirement to determine children's eligibility for free or reduced price meals in the SFSP will be included in a revision to 7 CFR Part 225, Summer Food Service Program, OMB Control #0584-0280, expiration date 12/31/2022.

**8. May SFAs operating SSO in SY 2021-2022 serve weekend and holiday meals through the SSO?**

No. Consistent with supporting a transition back to more traditional school year operations, SFAs may not provide weekend or holiday meals through the SSO when school is in session during the regular school year in SY 2021-2022. However, SSO weekend meals will remain available during unanticipated school closures. Furthermore, weekend or holiday meals may be provided through the Child and Adult Care Food Program (CACFP) At-Risk Afterschool Meals Program, which is more widely available in SY 2021-2022 due to the area eligibility waiver (Nationwide Waiver #93). Schools and afterschool care centers participating in CACFP At-Risk are required to serve meals and snacks in a structured and supervised environment, with an educational or enrichment activity, providing children with additional benefits along with nutritious food (7 CFR 226.17a(b)(1)(ii) and (iii)). FNS encourages schools to consider participating in CACFP At-Risk Afterschool Meals next school year.

**9. May SFAs operate SSO at non-school sites in SY 2021-2022?**

Yes, SFAs participating in SSO have maximum flexibility to serve meals in a way that prioritizes health and safety, including serving meals at non-school sites. However, FNS encourages SFAs to operate SSO at school sites when possible. As schools transition back to in-person learning, SFAs may choose to offer meals only at their school sites.

**10. Are schools that participate in SSO required to complete the public announcement of eligibility criteria for SY 2021-2022?**

Yes. Schools operating SSO must provide public notification regarding the availability of school meals and the eligibility criteria at or near the beginning of the school year, as provided in 7 CFR 245.5.<sup>3</sup> For SY 2021-2022, schools participating in SSO should notify households that all meals will be offered free through SSO.

### **REIMBURSEMENT RATES**

**11. When can SFAs operating SSO begin to claim meals at the SFSP reimbursement rate?**

SFAs in States electing *Child Nutrition Response #86: Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022* and operating SSO may begin claiming SSO meals at the SFSP rate on July 1, 2021.<sup>4</sup> This means that an SFA could begin to receive the higher SFSP reimbursement during summer operations,

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<sup>3</sup> The burden associated with the requirement for SSO operators to provide public notification regarding the availability of and eligibility criteria for school meals is included in 7 CFR Part 245 Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, OMB Control #0584-0026, expiration date 07/31/2023.

<sup>4</sup> The burden associated with submitting claims for reimbursement under the Child Nutrition Programs is included in Food Programs Reporting System (FPRS), OMB Control #0584-0594, expiration date 07/31/2023.

before the official start of the SFA's school year. SFAs operating SSO may continue to claim meals at the SFSP rate through June 30, 2022.

**12. May any type of SSO site claim meals at the SFSP rate after July 1, 2021?**

Yes. *Child Nutrition Response #86: Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022* allows any SSO site to receive the SFSP reimbursement rate, effective July 1, 2021 through June 30, 2022. This means that any SSO site, including closed enrolled sites and academic summer schools, may receive the SFSP reimbursement rate beginning July 1, 2021.

**13. Which SFSP reimbursement rates will be used for SFAs operating the SSO during SY 2021-2022?**

States will pay all SFAs serving SSO meals and snacks during SY 2021-2022 the combined reimbursement rates established for rural or self-prep sites, regardless of location. SFAs located in Hawaii and Alaska will be paid the corresponding rural or self-prep rates established for those States. *Child Nutrition Response #86: Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022* is effective July 1, 2021 and remains in effect through June 30, 2022.

FNS recognizes that SFAs have incurred significant costs during COVID-19 operations and need additional support and flexibility to continue serving meals to children while maintaining appropriate safety measures in SY 2021-2022. Allowing SFAs to claim SSO meals and snacks at these higher prescribed SFSP rates will provide additional funding to offset the costs associated with providing a safe meal service.

**14. SFSP reimbursement rates are effective for each calendar year (January 1 – December 31), whereas NSLP/SBP rates are effective for each school year (July 1 – June 30). Does this mean that the rates paid for SSO meals will change in the middle of SY 2021-2022?**

Yes. SFSP reimbursement rates are adjusted annually for inflationary changes and become effective January 1 of each year. Therefore, rates for schools operating SSO will be updated in January 2022.

**15. Under *Child Nutrition Response #86: Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022*, SFAs may claim SSO meals and snacks at the SFSP free rate. Does this mean SFAs may claim breakfast, lunch, and snack at the SFSP rate each day meals are served?**

No. Nationwide Waiver #86 does not change the maximum number of meals that can be served through SSO each day. SFAs participating in SSO may serve and claim up to two meals, or one meal and one snack, per child, per day. For example, an SFA could choose to serve breakfast and lunch, breakfast and snack, or lunch and snack. For SY 2021-2022, the meals and snacks an SFA opts to serve through SSO may be claimed at the SFSP

reimbursement rate. Meals or snacks served through other Child Nutrition Programs would be claimed at the appropriate Program reimbursement rate. For example, if an SFA also serves suppers through the CACFP At-risk Afterschool Program, the suppers would be claimed at the CACFP reimbursement rate for suppers.

**16. May SFAs operating SSO during SY 2021-2022 and earning SFSP reimbursement rates also receive additional reimbursement amounts tied to NSLP/SBP operations, including the NSLP 7 cents performance-based reimbursement and 2 cents differential, and SBP severe need payments?**

No. These additional payments are specifically tied to the receipt of NSLP/SBP base reimbursement rates and may not be paid to SFAs receiving the higher SFSP reimbursements during SY 2021-2022.

**17. Will schools operating SSO with SFSP rates in SY 2021-2022 be eligible to receive State matching funds as described in Section 7 of the National School Lunch Act and at 7 CFR 210.17?**

Yes. Schools operating SSO in SY 2021-2022 are eligible to receive State matching funds. Section 7(b) of the National School Lunch Act states that funds must be distributed equitably among local NSLP operators to the extent the State deems practicable. Local educational agencies (LEAs) electing to operate the SSO meet this definition, as SSO operations are encompassed under the NSLP regardless of the reimbursement rate paid.<sup>5</sup>

**CHILD AND ADULT CARE FOOD PROGRAM**

**18. Can the CACFP At-Risk Afterschool Program continue to operate in summer 2021 after schools close for summer vacation? For example, if a school officially ends SY 2020-2021 on May 30, 2021, can the school continue to operate CACFP At-Risk until June 30, 2021?**

No. The NSLA definition at Section 17(r)(2)(A) specifies that the CACFP At-Risk Program provides care to schoolchildren during after-school hours, weekends, or holidays during the regular school year. Therefore, the Program is only able to operate while school is in session. Unless an afterschool care center is in the attendance area of a school operating on a year-round calendar, afterschool meals may not be claimed during summer vacation (7 CFR 226.17a(m)(2)).

FNS understands that communities have been adversely impacted by the current public health emergency and appreciates States' efforts to assist by providing more meals to children. The Families First Coronavirus Response Act of 2020 (P.L. 116-127), as amended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), offers

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<sup>5</sup> The burden associated with the requirement for LEAs to elect to operate the SSO is included in 7 CFR Part 210 National School Lunch Program, OMB Control #0584-0006, expiration date 07/31/2023, as part of the requirement for the SFA applications covered under 7 CFR 210.15(a)(2).



State agencies the opportunity to extend Pandemic EBT (P-EBT) benefits to households with eligible children through the summer. FNS recommends that States explore the options granted in the nationwide waivers and through P-EBT to maximize the number of meals and other nutrition assistance benefits provided to children through these Programs after the school year ends.

**19. Under the area eligibility waiver (Nationwide Waiver #93), how long are day care homes eligible to receive the tier I reimbursement rates?**

In States that elect to use it, the waiver suspends requirements for day care home classification to allow all providers to receive tier I reimbursement for meals and snacks served from July 1, 2021 through June 30, 2022. After this period ends, sponsoring organizations must once again follow the requirements under 7 CFR 226.15(f) to determine tier I eligibility for each day care home that had not previously been classified as tier I, using current school or census data or free and reduced price applications.<sup>6</sup>

Normally, when school or census data is used to classify a day care home as tier I based on area eligibility, the classification is for 5 years. Day care homes that had been classified as tier I based on area eligibility data, prior to July 1, 2021, would continue to receive tier I reimbursement through the end of the previously determined 5-year period.

**20. Can new family day care home providers use the area eligibility waiver (Nationwide Waiver #93)?**

Yes, all family day care home providers operating under *COVID-19: Child Nutrition Response #93: Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in School Year 2021-2022*, regardless of their location, will receive the tier I reimbursement rate for all meals and snacks. This waiver is effective beginning July 1, 2021 and remains in effect through June 30, 2022. After this period ends, sponsoring organizations must once again follow the requirements under 7 CFR 226.15(f) to determine tier I eligibility for each day care home that had not previously been classified as tier I, using current school or census data, provider's own income, or free and reduced price applications. Day care home providers that serve their own children will still need to meet the criteria listed under 7 CFR 226.18(e).

**21. Are meals served to providers' own children eligible for tier I reimbursement?**

For providers that are receiving the tier I reimbursement rate under the waiver, meals served to their own children may be reimbursed at the tier I rate if the criteria listed under 7 CFR 226.18(e) are met. Payment may be made for meals served to the provider's own children when (1) such children are enrolled and participating in the child care program during the time of the meal service, (2) enrolled nonresident children are present and participating in the

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<sup>6</sup> The burden associated with determining tier I eligibility under the CACFP will be included in an upcoming reinstatement request to 7 CFR part 226, Child and Adult Care Food Program (CACFP), OMB control number 0584-0055, expiration date February 29, 2020.

child care program, and (3) providers' children are eligible to receive free or reduced-price meals. Meals may not be claimed for provider's own children if those three criteria are not met.

### **MEAL PATTERN**

#### **22. Are schools permitted to use the broader NSLP/SBP and SSO meal pattern waiver (Nationwide Waiver #74) through September 30, 2021?**

Yes, schools may continue to use the broader NSLP/SBP and SSO meal pattern waiver through September 30, 2021, even if school reopens prior to September 30, 2021. However, schools are encouraged to meet the meal patterns to the greatest extent possible, and it may be easiest operationally for schools to transition to the targeted meal pattern waiver (Nationwide Waiver #90) when the regular school year begins. FNS expects that the targeted meal pattern waiver will cover any flexibilities that schools will need as the regular school year begins.

As a reminder, the broader NSLP/SBP and SSO meal pattern waiver, *Child Nutrition Response #74: Nationwide Waiver to Allow Meal Pattern Flexibilities for Summer 2021 Operations*, released March 9, 2021, remains in effect through September 30, 2021. This is intended to account for traditional summer programs that may extend into September. The targeted NSLP/SBP and SSO meal pattern waiver, *Child Nutrition Response #90: Nationwide Waiver to Allow Specific Meal Pattern Flexibility for School Year 2021-2022*, released April 20, 2021, is effective beginning October 1, 2021.

#### **23. What justification is needed for the State agency to approve a meal pattern waiver?**

State agencies have discretion to determine the justification needed to approve a meal pattern waiver. FNS expects that the justification SFAs and child care providers submit will vary based on their meal service plans and local circumstances. For example, if a school plans to provide pre-packaged, grab-and-go meals for students to pick up as they enter the school building, the school may be unable to meet the milk variety and age/grade group requirements. Providing two types of milk and determining the age/grade group for each student could slow down meal distribution and undermine the school's efforts to support social distancing. When submitting the request to the State agency, the school should provide information about its meal distribution plan as justification to waive the milk variety and age/grade group requirements.

In general, States that elect to use *Child Nutrition Response #90: Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022* or *Child Nutrition Response #91: Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022* should consider requests that are targeted and justified, based on plans to support safe access to nutritious meals.

FNS expects that SFAs and child care providers will strive to meet the nutrition standards to the greatest extent possible in the new school year. However, FNS also understands that some meal pattern flexibilities may be needed during SY 2021-2022 to support a safe and successful reopening, particularly for schools and child care providers that continue to use alternative meal service models to support social distancing.

**24. Do SFAs need to request a waiver for the sodium flexibility?**

Yes. However, in all cases, State agencies should approve use of the sodium flexibility.<sup>7</sup> Many schools are relying on pre-packaged, grab-and-go foods to provide a safe meal service, and many of these foods are higher in sodium than the foods that were typically used by schools prior to COVID-19. FNS is still requiring schools to request use of the sodium flexibility, but the sodium request will function as a notification to the State, so that State agencies can meet waiver reporting requirements.

**25. Do SFAs need to request a waiver to offer low-fat (1%) flavored milk?**

Through appropriations, Congress has provided flexibility for schools to offer low-fat (1%), flavored milk in the NSLP/SBP and SSO. This flexibility is currently effective through September 30, 2021. Absent Congressional action, schools will need to request a waiver in order to serve low-fat, flavored milk. FNS will notify States and Program operators of any Congressional action impacting this flexibility beyond September 30, 2021. In addition, schools can request waivers to address the remainder of the school year if necessary, based on their circumstances, such as operational or procurement constraints affecting their ability to change practice during the school year.

**26. Under Nationwide Waiver #91, child and adult care providers are permitted to request a waiver to offer low-fat (1%) flavored milk. What age/grade group does this apply to?**

This waiver applies to children 6 years and older and adults. Child and adult care providers that request and receive State approval to use this waiver may serve low-fat (1%) flavored milk to children 6 years and older and adults.

**FRESH FRUIT AND VEGETABLE PROGRAM**

**27. May an elementary school operate the Fresh Fruit and Vegetable Program (FFVP) if they are operating the SSO in SY 2021-2022?**

Yes. During SY 2021-2022, elementary schools that are operating SSO may also provide FFVP foods.

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<sup>7</sup> The burden associated with the requirement for Program operators to request, and State agencies to approve, use of the nationwide meal pattern waivers, including the sodium flexibility, will be included in an upcoming change request to FNS Information Collection Needs due to COVID-19, OMB Control #0584-0654, expiration date 01/31/2022.

**28. May State agencies request statewide waivers of FFVP requirements to facilitate FFVP operations in SY 2021-2022?**

Yes. Previously, for SY 2020-2021, FNS provided statewide waivers of the FFVP distribution requirements, which require Program operators to provide FFVP foods directly to students. Additionally, to facilitate the service of FFVP foods, FNS provided statewide waivers to allow Program operators to provide FFVP foods at sites that are not elementary schools. State agencies may request these statewide waivers again for SY 2021-2022, to facilitate safe access to FFVP foods.<sup>8</sup>

**APPLICATIONS AND VERIFICATION**

**29. Should LEAs collect school meal applications if they are operating SSO?**

Generally, the school meal application is used to determine eligibility for free or reduced-price meals. By extension, eligibility for school meals is used to determine eligibility for P-EBT. LEAs must make school meal applications available as needed to certify children for free and reduced-price meals, and that information may be used to qualify newly eligible children for SY 2021-2022 and summer 2022 P-EBT benefits.

The Department of Education has developed a Fact Sheet to support school districts in determining alternate methods of allocating Title I funds when school meal data is unavailable. FNS encourages LEAs to consider the options outlined in the Fact Sheet for data purposes that are unrelated to school meal or P-EBT eligibility. For example, the options outlined in the Fact Sheet may be used to determine which schools qualify for additional State and local funding based on need. The Fact Sheet can be found on the FNS website at: <https://www.fns.usda.gov/cn/departement-education-guidance-implementation-child-nutrition-program-waivers>.

FNS and the Department of Education will continue to provide guidance to schools to successfully implement programs authorized under the Elementary and Secondary Education Act of 1965 (ESEA) while operating under Child Nutrition Program Nationwide Waivers during the COVID-19 pandemic. FNS encourages stakeholders with questions about the waivers and ESEA programs to contact The Department of Education at: [OESE.titlei-a@ed.gov](mailto:OESE.titlei-a@ed.gov).

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<sup>8</sup> The burden associated with the statewide waiver requests will be included in an upcoming change request to FNS Information Collection Needs due to COVID-19, OMB Control #0584-0654, expiration date 01/31/2022.

**30. If LEAs operating SSO choose to collect applications, are they required to conduct verification?**

Yes. LEAs that collect household applications in SY 2021-2022 are required to conduct verification, regardless of the reason the applications were collected and/or the Child Nutrition Program they are operating.<sup>9</sup> The sample size used to conduct verification activities must be based on the number of approved applications on file as of October 1, 2021.

**31. LEAs will accept applications throughout the summer to allow newly income eligible households to qualify for Summer P-EBT benefits. If a household is determined eligible through an application submitted after school ends in May or June, but before July 1, may LEAs that elect to operate NSLP/SBP rather than SSO honor that application for free or reduced-price meal benefits in SY 2021-2022?**

No. Eligibility determinations for free or reduced-price school meals must be made every school year. The NSLA and Program regulations define the school year as the period beginning July 1 of any year and ending June 30 the following year (Section 12(d)(6) and 7 CFR 210.2). Therefore, school meal eligibility determinations for SY 2021-2022 must be made after July 1, 2021.

**MONITORING**

**32. Can the State implement a blended (off-site and on-site) monitoring approach? For example, on-site monitoring for high-risk sponsors and off-site monitoring for low-risk sponsors?**

Yes. The nationwide waivers, *Child Nutrition Response #94: Nationwide Waiver of Onsite Monitoring Requirements in the School Meal Programs - Revised - EXTENSION 3* and *Child Nutrition Response #95: Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the CACFP - EXTENSION 3*, provide the flexibility for States to do off-site monitoring; however, they do not prohibit reviews from occurring on-site. State agencies that elect to participate in the waivers can establish their own plan for how to implement the waivers, based on circumstances in their State. Their plan can include a mix of conducting reviews, or specific review elements, either on-site or off-site, or a combination of both.

**33. Does the on-site monitoring waiver apply to SSO monitoring requirements for SFAs?**

Yes, the SSO is part of the NSLP and includes the SBP. SFAs that choose to operate SSO during SY 2021-2022 may use off-site monitoring flexibilities, per Nationwide Waiver #94 (*Child Nutrition Response #94: Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Program-Revised-EXTENSION-3*).

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<sup>9</sup> The burden associated with verification activities is included under 7 CFR Part 245 - Determining Eligibility for Free & Reduced Price Meals and Free Milk in Schools, OMB Control #0584-0026, expiration date 07/31/2023, and will be reviewed and revised as necessary in the next revision submitted to OMB for approval.

**34. The Nationwide On-site Monitoring Waivers (#94, #95, & #96) remain “in effect until 30 days after the end of the public health emergency.” Is this based on a Federal declaration of a public health emergency, or a State declaration of a public health emergency?**

The waivers providing off-site monitoring flexibilities nationwide are dependent on the Federal public health emergency, which was declared by the U.S. Department of Health and Human Services (HHS) on January 31, 2020. For the purposes of these waivers, the end of the public health emergency will be the date declared by HHS and the waivers will expire nationwide 30 calendar days after that date.