



Food and
Nutrition
Service

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SUBJECT: Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks

TO: Regional Directors
Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

This memorandum outlines how schools, child care institutions, and community organizations may continue to provide reimbursable meals to low-income children during school closures related to the novel coronavirus disease (COVID-19). Section 13(c)(1) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1761(c)(1)), codified at 7 CFR 225.6(d)(1)(iv), authorizes the provision of Summer Food Service Program (SFSP) or National School Lunch Program Seamless Summer Option (SSO) meal service to children during unanticipated school closures.

Based on the exceptional circumstances relating to the declaration of a public health emergency due to COVID-19 by the U.S. Department of Health and Human Services, effective January 27, 2020, and pursuant to the waiver authority granted at section 12(l) of the National School Lunch Act (NSLA), the Food and Nutrition Service (FNS) is providing additional flexibilities in an effort to address concerns regarding the loss of meals for low-income children.

Specifically, FNS has the ability to waive the requirements for serving meals in a congregate setting and the requirement to serve meals at a non-school site for COVID-19-related SFSP or SSO meal service operations. Please note that these waivers are being provided only for school closures related to COVID-19.

State agencies must submit to FNS an individual waiver request for statewide use prior to any COVID-19 SFSP or SSO operations. Once approved, the State agency may apply the waiver flexibilities for SFAs, institutions, and sponsors that have indicated they intend to serve meals during a COVID-19-related closure and that have satisfied any additional requirements set by the State agency.

State agencies are not required to provide meal service during school closures. However, FNS appreciates the willingness of State agencies and Program operators to consider continuing their meal service operations to ensure children receive the meals they need during COVID-19 conditions. State and local agencies should periodically check the FNS website for updates on our efforts to address the COVID-19 situation. State agencies are reminded to distribute this memorandum to Program operators. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Original Signed

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Attachment



Questions and Answers:

Child Nutrition Program Meal Service during COVID-19 Outbreaks

Schools participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) and institutions participating in the Child and Adult Care Food Program (CACFP) may be dismissed or closed due to Federal, State, or local public health requirements for social distancing due to COVID-19. Under these circumstances, school food authorities (SFAs) and other eligible community organizations (CO) may continue to serve meals to children affected by school or child care closures through the Summer Food Service Program (SFSP) or Seamless Summer Option (SSO).

Please note, a school closure means closing the school and sending all the students and staff home. In a school dismissal, the school may stay open for staff while the children stay home. In this guidance, the term closure or dismissal is used to refer to schools that are closed or at which all students are dismissed.

The questions and answers below provide additional information regarding how these programs may operate an SFSP or SSO under COVID-19 conditions.

1. Which regulatory requirements for SFSP and SSO operations may be waived for COVID-19-related operations?

FNS may waive the requirement at 7 CFR 225.6(e)(15) that meals be served and consumed in a congregate setting, in order to support any social distancing requested by Federal, State, or local authorities. FNS may also waive the requirements at 7 CFR 225.6(d)(1)(iv) limiting the operation of the SFSP or SSO during an unexpected school dismissal during the school year to non-school sites. Requests to waive other operational requirements will be considered on a case-by-case basis. Otherwise, the SFSP or SSO will generally operate as it does during the summer months.

2. How must a State agency obtain FNS approval to allow an SFA or CO to operate during COVID-19 conditions using policy waivers?

Each State agency must submit an individual State waiver to FNS for review and approval before initiating an SFSP or SSO response that includes policy waivers. Once FNS has approved the State's waiver, the State may initiate program operations at any location in the State and at any time in the approval period specified in the waiver response. FNS encourages State agencies to submit their individual waivers well in advance of any anticipated operations so that they are ready to begin working with eligible service providers right away when COVID-19 conditions arise.

3. How does an SFA or CO receive approval to operate during COVID-19 conditions?

The SFA or CO must submit an application to the State agency for the State's approval. It is at the State agency's discretion what information to require in SFA or CO applications. However,

FNS suggests that a waiver request address the specifics of how the SFA or CO will operate the SFSP or SSO during a COVID-19-related dismissal, including:

- Name of school(s) covered by waiver request;
- At what point following school dismissal the meal service would start;
- What meal distribution method(s) the institution will use and how the waiver will target the children in the dismissed schools;
- How the meal distribution will target low-income children, if the school does not have 50 percent or more free or reduced price children enrolled;
- Methods for communicating with families; and
- How the SFA or CO will ensure proper operation of the program including meal content, meal counts, food safety, oversight, etc.

In order to assure a prompt response to school dismissals, SFAs and COs are encouraged to work with their State agency to approve their application in advance of a COVID-19 related school dismissal. It is important to note that while multiple organizations in a community may work to respond to COVID-19 related dismissals, a State agency may not approve waiver requests that would duplicate coverage. Therefore, it is critical that State agencies communicate with SFAs and COs to develop these waiver requests as soon as possible, and that communities identify the institution most able to respond to a dismissal at a particular school.

4. Is it mandatory that meals be provided during a school dismissal?

No. However, SFAs and COs are encouraged to ensure that the needs of low-income children are met during extended school dismissals.

5. Who is eligible to receive meals when school is dismissed due to COVID-19?

The SFSP/SSO COVID-19 waiver is targeted to children who attend schools that have been dismissed due to COVID-19. However, in eligible areas, meals may be served to all children 18 and under in the household if at least one child attends the dismissed school. If a child care center that participates in the CACFP is located in a dismissed school, students enrolled in that center are eligible for meals provided to children attending the dismissed school.

6. How do SFSP/SSO site eligibility requirements apply to COVID-19 meal service? Must all schools served be in low-income areas?

For dismissed schools with 50 percent or more of their enrolled students certified eligible for free or reduced price meals, SFAs may develop meal distribution methods in which meals are available to all families with children enrolled in that school, with a focus on serving low income children. For dismissed schools with less than 50 percent free or reduced price enrollment, meal distribution methods must more directly target the households of enrolled children who are eligible for free or reduced price meals. Schools should use current free/reduced price certification information or, if necessary, depending on the timing of the school dismissals, immediate prior year eligibility certifications.

7. How many meals per child may be offered each day? May supper be provided? Can meals be distributed for more than one day?

The maximum number of meals that may be offered remains the same as under SFSP or SSO: up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper. As discussed below, the State agency may approve a distribution approach that includes meals for multiple days. The State agency should consider the capacity of the SFA or CO to execute such an approach effectively, including meeting food safety requirements.

8. Will there be any separate reporting requirements for meals served to children under the SFSP/SSO COVID-19 waiver or will the standard meal count reporting procedures apply?

Separate meal counts and records must be maintained for meals served under a COVID-19 waiver. To receive reimbursement, total meals must be reported to the State agency for submission to FNS.

9. How can a school with less than 50 percent free and reduced price eligibility target low-income children without overtly identifying those children as eligible for free or reduced price meals?

This will depend in large part on how the SFA or CO intends to provide meals. The waiver request should describe their method of meal distribution. For example, meal distribution sites might be located in areas that are easily accessible to low-income children while avoiding identification of individual children as low income.

10. What are the requirements for the meals?

The meals must meet the regular menu planning requirements of the SFSP or SSO. Offer versus serve (OVS) will not apply and all meals must be unitized, meaning a complete reimbursable meal that meets the requirements of the menu planning method used, including milk, must be distributed. Shelf-stable milk may be used. USDA commodity foods may also be used. If availability of milk or other meal components becomes an issue, FNS will work with the State agency to provide the needed waivers or flexibility.

11. Are we required to accommodate documented special needs?

Yes. This should be addressed in the SFA or CO's waiver request.