

MEMO

TO Sponsors of Summer Food Service Program, Child and Adult Care Food Program, and School Nutrition Program

FROM Vonda Ramp, M.S., R.D.
State Director, Child Nutrition Programs

DATE April 22, 2022

RE USDA Waiver Requests for Summer 2022 and 2022-23 School Year

MESSAGE:

The Pennsylvania Department of Education (PDE), Division of Food and Nutrition (DFN), has requested a waiver from the following regulations for the Summer of 2022 and the 2022-23 school year to facilitate program operations and protect health and safety of staff and children in light of the COVID-19 pandemic:

Summer Food Service Program (SFSP) and Seamless Summer Option (SSO):

The waivers in this section apply to SFSP and SSO for summer 2022. Flexibilities approved under the waivers in this section will be limited to when congregate meal service is limited by the COVID-19 pandemic.

- Non-Congregate Meal Service during Summer 2022 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)]
- Parent/Guardian Meal Pickup during Summer 2022 [42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2, 7 CFR 220.8(a), 7 CFR 225.2, and 7 CFR 225.9(d)(7)]

National School Lunch Program (NSLP) and School Breakfast Program (SBP):

The waivers in this section apply to the NSLP and SBP for the 2022-23 school year. Flexibilities approved under the waivers in this section will be limited to when congregate meal service is limited by the COVID-19 pandemic.

- Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1773(b)(1)(A)]
- Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)]
- Meal Service Times [7 CFR 210.10(l) and 220.8(l)]
- Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]

School Year Administration (NSLP/SBP/SFSP):

The following waivers will apply to the NSLP, SBP and SFSP for the Summer of 2022 and the 2022-23 school year. The following waivers will provide PDE and program operators

flexibility with meeting administrative responsibilities when needed due to administrative and staffing challenges experienced due to the COVID-19 pandemic.

- Local School Wellness Policy Triennial Assessment [42 U.S.C. 1758b(b) and 7 CFR 210.31(e)(2)]
- Food Service Management Company (FSMC) contract duration [7 CFR 210.16(d), 7 CFR 225.6(h)(7)]
- Administrative Review Onsite Requirements [7 CFR 210.18]
 - Onsite Requirement for SFA Onsite Reviews by February 1 [7 CFR 210.8(a)(1) and 220.11(d)(1)]
 - Onsite Requirement for Afterschool Care Reviews [7 CFR 210.9(c)(7)]
 - Onsite Requirement for Periodic On-site Visits when Utilizing an FSMC [7 CFR 210.16(a)(3) and 220.7(d)(1)(iii)]

Reporting Requirements (NSLP):

The waivers in this section apply to the NSLP for the 2022-23 school year. The following waivers allow State and program operators to appropriately allocate their limited staffing resources to meal service to best ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic.

- FNS-874 Second (Independent) Review of Applications [42 U.S.C. 796(c)(b)(6)(E)(iii) and 7 CFR 245.11(b)(2)]
- FNS-640 Administrative Review Data Report [42 U.S.C. 1769c(b)(1)(c)(iv) and 7 CFR 210.18(n)]

Special Milk Program (SMP):

The waivers in this section apply to the SMP for the 2022-23 school year. The following waivers are intended to provide needed flexibility to support schools and institutions in continuing to offer milk. The flexibilities under the waivers in this section will only be implemented by program operators when congregate milk service is limited by the COVID-19 pandemic.

- Non-Congregate Milk Service [42 U.S.C. 1772(a)(1) and 7 CFR 215.1]
- Parent/Guardian Milk Pickup [42 U.S.C. 1772(a)(7), 7 CFR 215.7(d)(2)(i), and 7 CFR 215.13a(a)]

Fresh Fruit and Vegetable Program (FFVP):

The waivers in this section apply to the FFVP for the 2022-23 school year. The following waivers are intended to provide flexibility to support schools in continuing to participate in the FFVP. The flexibilities under the waivers in this section will only be implemented by program operators when the FFVP elementary school is closed for in-person instruction and congregate meal service is limited by the COVID-19 pandemic.

- Parent/Guardian FFVP Pickup [42 U.S.C. 1769a]
- Alternate Site [42 U.S.C. 1769a(a)]

Unanticipated School Closures:

The waivers in this section apply to SFSP and SSO during unanticipated school closures for the 2022-23 school year. The flexibilities under these waivers will only be implemented by program operators when congregate meal service is limited by the COVID-19 pandemic.

- Non-Congregate Meal Service during Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)]
- Parent and Guardian Meal Pick-Up during Unanticipated School Closures (SFSP/SSO) [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2, and 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures in SY 2022-23 [7 CFR 225.16(c)(1) and 225.16(c)(2)]
- Meals at School Sites for Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(d)(1)(iv)]

Child and Adult Care Food Program (CACFP):

The waivers in this section apply to the CACFP for the 2022-23 school year. The operational flexibilities under these waivers will only be implemented by program operators when congregation is limited by the COVID-19 pandemic. The monitoring flexibilities will only be implemented when pandemic conditions interfere with the ability of PDE and sponsoring organizations to conduct reviews onsite.

- Non-Congregate Meal Service [42 U.S.C 1753(b)(1)(A) and 7 CFR 226.19(b)(6)(iii)]
- Parent/Guardian Meal Pick-Up [7 CFR 226.2]
- Meal Service Times [7 CFR 226.20(k)]
- State Agency Onsite Monitoring Visits [7 CFR 226.6(b)(1) and 226.6(m)(6)]
- Sponsoring Organization Onsite Monitoring Visits [7 CFR 226.16(d)(4)(iii)]

This is a required public notice that PDE, DFN submitted a request to USDA for waivers from the aforementioned regulations and does not imply the waivers have been approved at this time.

Questions may be directed to Vonda Ramp at vramp@pa.gov.