

**TO** Sponsors of School Nutrition Programs

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

**DATE** July 27, 2020

**RE** Pennsylvania Department of Education Waiver Requests to USDA

**MESSAGE:**

The Pennsylvania Department of Education (PDE) is seeking the following waivers from USDA, Food and Nutrition Service (FNS) for School Year 2020-2021. The intent of these waivers is to help minimize exposure to the novel coronavirus by providing flexibility to Child Nutrition Programs sponsors that are in good standing to operate programs outside of the cafeteria setting and to serve students who are engaged in distance learning due to the pandemic.

- Fresh Fruit and Vegetable Program (FFVP) Parent/Guardian Pick Up Waiver
  - PDE is requesting a waiver of the regulation that requires FFVP to be distributed only to students (National School Lunch Act, Section 19[42 U.S.C. 1769a](b)) so that, if provided for students engaged in distance learning, the FFVP item could be distributed to parents/guardians regardless of whether the student is present.
- FFVP Non-congregate Participation Waiver
  - PDE is seeking a waiver of the requirement to provide FFVP in the school (National School Lunch Act, Section 19[42 U.S.C. 1769a](b)) to allow School Food Authorities (SFAs) to provide FFVP snacks for consumption outside of the school itself in a non-congregate setting for children participating in distance learning in addition those on-site at the school.
- FFVP Distribution Time Waiver
  - PDE is seeking a waiver of the requirement that FFVP be provided during the school day and separate from National School Lunch Program (NSLP) and School Breakfast Program (SBP) service times (National School Lunch Act, Sections 19[42 U.S.C. 1769a](b) and (g)) to allow SFAs to provide FFVP snacks for consumption outside of the school for children participating in distance learning in addition those on-site at the school. This may require that FFVP snacks be distributed at the same time as National School Lunch Program and School Breakfast Program meals and / or outside of the school day.



- Age/Grade Group Meal Pattern Requirements for Non-Congregate Meals in NSLP Waiver
  - PDE is requesting a waiver of the regulation that requires SFAs to offer each child the quantities specified in the meal pattern for each age/grade group (7 CFR 210.10), when non-congregate meals are provided to students participating in distance learning.
  
- Milk Variety and Type Requirements for Non-Congregate Meals and Snacks in the NSLP and SBP
  - PDE is requesting a waiver of the requirement that SFAs must offer a variety (at least two different options, one of which is unflavored) of fluid milk and that all milk must be fat-free or low-fat (National School Lunch Act, 42 USC 1758 Sec. 9(a)(2)(A) and 7 CFR 210.10(d) and 220.8(d)), when non-congregate meals and snacks are provided to students participating in distance learning.
  
- Potable Water Requirement at Sites Participating in the NSLP Waiver
  - PDE is seeking a waiver of the requirement that NSLP sites must make potable water available to children for free during lunch in the space where lunch meals are served (National School Lunch Act, 42 USC 1758 Sec. 9(a)(5) and 7 CFR 210.10(a)(i)), when meals are served in non-cafeteria sites, including non-congregate sites.
  
- Activity/Enrichment Requirement in Afterschool Care in the Child Nutrition Programs
  - PDE is requesting flexibility in the enrichment requirement of afterschool meals and snacks (7 CFR 210.10(o)(1)(ii) and 7 CFR 226.17a(b)(1)(ii) and (iii)), by broadening the scope of enrichment activities to include virtual/non-congregate options.

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

Questions may be directed to Vonda Ramp at [vramp@pa.gov](mailto:vramp@pa.gov).