**Maine Department of Education Child Nutrition**

**List of USDA Waivers for COVID-19 Unanticipated School Closures**

Please note: National School Lunch Program Seamless Summer Option (SSO) frequently referenced throughout. Currently, there are no SSO operators in Maine.

**Maine Waivers Granted by USDA:**

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| **Waiver** | **USDA Description** | **Additional Information** | **Expiration Date** |
| *Waiver to Operate SFSP at School Sites During Unanticipated School Closures* | This waiver allows SFSP meals to be provided at schools during unanticipated school closures. State Agency Approval to operate is needed. |  | Expired end of SY 2020 |
| *Waiver to Allow Summer Meals using Non-congregate Feeding Methods During COVID-19 Unanticipated School Closures* | This waiver allows SFSP meals to be provided without the congregate (group) feeding requirement. Meals can be taken offsite. State Agency Approval to operate SFSP during Unanticipated School Closures is needed. | This waiver is superseded by USDA National Waiver #2. | Superseded by Nationwide Waivers |
| *Waiver for Area Eligibility SFSP/SSO* | This waiver allows SFSP to operate in non-area eligible locations as long as there is a plan to target students in need. Approval with requirements is available here: [Approved](https://www.fns.usda.gov/sites/default/files/resource-files/ME-CN-COV-AreaEligibility-Approval.pdf) | Sponsors must have a plan to ensure children in need are targeted for meal benefits. | Sites approved using this waiver are able to operate SFSP until school districts begin instruction for SY 2021 or until September 30, 2020 whichever comes first. |
| FFVP Unused Funds  (FFVP Alt Site) | This waiver would allow Maine high schools or other non-elementary school locations that are operating summer meal sites, to offer the Fresh Fruit and Vegetable Program to elementary school children that attend the meal site. | USDA approval granted on June 18, 2020  A waiver to continue this flexibility was applied for on August 17, 2020. Extension for SY 2021 approved on August 19, 2020. | June 30, 2021 |
| Provision II | This USDA approved waiver allows ME DOE to waive the requirements of 7 C.F.R. 245.9(b)(3)(i) and 245.9(b)(3)(ii) to allow the State to approve schools that were conducting a Provision 2 base year in SY2019-2020 to use dates from months when schools were in full operation when determining reimbursement for non-base years. | ME DOE may approve schools that were conducting a Provision 2 base year in SY 2019-2020 to develop their claiming percentage using data collected when school was in full operation.  Provision 2 schools are permitted to calculate an annual claiming percentage using the days the school was n full operation (prior to school closures due to COVID-19) and apply the annual percentage to all months during the non-base years.  Provision 2 schools opting to use a monthly claiming percentage may calculate their percentages by using monthly claiming percentages for the months schools were open and in normal operation. For the months schools were closed due to the COVID-19 pandemic, these schools would use an annual claiming percentage based on the days they were in operation in SY2019-2020. |  |
| SFSP 50% reimbursement SA Monitoring Requirement | On June 8, 2020 Maine applied for a waiver that removes the requirement that the State Agency annually review a number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total program meal reimbursements in the State in the prior year.  It may not be possible for the State Agency to meet this requirement due to COVID-19 impacting SFSP operations. | On August 19, 2020 Maine DOE received USDA approval on the use of this waiver. | September 30, 2020 |
| FFVP Parent/Guardian Pick-Up | In August 2020, Maine applied for a waiver to allow Districts to provide FFVP to parent/guardians when they pick up meals. | On August 21, 2020 this request was approved by USDA FNS.  This waiver allows Maine State approved school food authorities in the FFVP to distribute FFVP foods to a parent or guardian to take home to their children during non-congregate meal services due to the novel coronavirus. | June 30, 2021 |
| Maine State Agency Oversight and Monitoring Plan | For SY2021, Maine DOE Child Nutrition has submitted a waiver of traditional monitoring and oversight guidelines of NSLP, SFSP, and CACFP. | On January 12, 2021 FNS granted MEDOE’s request for an alternative monitoring plan for the state agency and sponsoring organizations.  This waiver allows MEDOE and sponsoring organizations to implement alternative oversight plans. | FNS granted MEDOE’s request through   * June 30, 2021 for NSLP monitoring requirements; * September 30, 2021 for CACFP and SFSP monitoring requirements; * June 30, 2022 for the NSLP FSMC review cycle extension; and * June 30, 2025 for the NSLP review cycle extension. |

**National USDA Waivers Maine has accepted:**

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| **Waiver** | **USDA Description** | **Additional Information** | **Expiration Date** |
| *#1 Nationwide Waiver to Allow Meal Service Time Flexibility in the Child Nutrition Programs* | FNS has provided a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus. ([Guidance for States on Meal Times Nationwide Waivers](https://www.fns.usda.gov/cn/covid-19-meal-times-nationwide-waiver)) | This waiver allows for the serving of meals outside of the standard meal times during COVID-19 Unanticipated School Closures for:   * National School Lunch Program (NSLP) * School Breakfast Program (SBP) * Child and Adult Care Food Program (CACFP) * Summer Food Service Program (SFSP)   This waiver removes the meal time requirements typically in place.  Extensions: #17 (SFSP), #23, and #34 | ~~SFSP – September 30, 2020~~ (superseded)  NSLP, SBP, CACFP – June 30, 2021 |
| *Congregate Meal Waiver – Guidance for States* | **Congregate Meal Waivers**: Provided to Maine, this waiver enables Summer Food Service Program (SFSP) and National School Lunch Program Seamless Summer Option (SSO) sponsors to serve meals in a non-congregate setting and at school sites during school closures related to the coronavirus.  FNS issued guidance on [meal delivery using existing authorities in summer meal programs](https://www.fns.usda.gov/sfsp/covid-19-meal-delivery). | This waiver, granted to Maine, allows meals to be taken offsite during SFSP operations during school closures related to COVID-19. | Superseded by Nationwide waivers. |
| *#2 Nationwide Non-congregate Feeding Waiver* | FNS has provided a nationwide waiver of congregate feeding requirements to support access to nutritious meals while minimizing potential exposure to the novel coronavirus. ([Guidance for States on Non-Congregate Feeding Nationwide Waivers](https://www.fns.usda.gov/cn/covid-19-non-congregate-feeding-nationwide-waiver)) | This waiver allows meals to be taken and eaten offsite, in a non-group setting during COVID-19 Unanticipated School Closures for:   * NSLP * SBP * CACFP * SFSP   Related Waivers/Extensions: #22, #33, and #44 (SFSP) | ~~SFSP - September 30, 2020, or for the duration of summer operations, whichever is earlier~~ (Superseded)  NSLP, SBP, CACFP – June 30, 2021 |
| *#3 Nationwide Afterschool Activity Waiver* | FNS has provided a nationwide waiver to support access to nutritious meals and snacks while minimizing potential exposure to the novel coronavirus. ([Guidance for States on Afterschool Activity Nationwide Waivers](https://www.fns.usda.gov/cn/covid-19-afterschool-activity-waiver)) | This waiver allows afterschool snacks and meals to be served outside of a structured environment and without an educational or enrichment purpose during COVID-19 Unanticipated School Closures.  This waiver applies to afterschool snacks in the NSLP and at-risk afterschool meals and snacks in CACFP. | June 30, 2020 |
| *#4 Nationwide Meal Pattern Waiver* | **Nationwide Meal Pattern Waiver**: FNS has provided nationwide approval for states to locally waive specific meal pattern requirements as needed to support access to nutritious meals when certain foods are not available due to the novel coronavirus. ([Guidance for States on Meal Pattern Waivers](https://www.fns.usda.gov/cn/covid-19-meal-pattern-flexibility-waiver)) | With **Maine Department of Education Child Nutrition approval**, this waiver allows meal pattern to not be met during the COVID-19 Unanticipated School Closure due to disruptions to the availability of food products.  Program operators should make all efforts to meet meal pattern requirements; however, if unable due to supply disruptions, they can contact Child Nutrition for approval.  Requests to Child Nutrition must be targeted and justified based upon disruptions to the availability of food products resulting from unprecedented impacts of COVID-19.  This waiver applies to:   * NSLP * SBP * CACFP * SFSP   Related Waivers/Extensions: #13, #24, #26, #36, #38, #45 (SFSP) | ~~SFSP - September 30, 2020, or for the duration of summer operations, whichever is earlier~~ (Superseded)  NSLP, SBP, CACFP – June 30, 2021 |
| *#5 Nationwide Parent/Guardian Meal Pickup Waiver* | FNS is allowing states approved for non-congregate feeding to waive the rule preventing parents and guardians from picking up meals for their children, as long as they protect accountability and integrity. ([Guidance for States on Meal Pickup Waivers](https://www.fns.usda.gov/cn/covid-19-parents-and-guardians-waiver)) | This waiver allows parents and/or guardians to pick up meals for their children, without the need for the student to be present during the COVID-19 Unanticipated School Closure.  This is to support social distancing and minimize the exposure to COVID-19.  Districts/program Sponsors must have a plan to ensure that accountability and program integrity is maintained.  This waiver applies to:   * NSLP * SBP * CACFP * SFSP   Related Waivers/Extensions: #25, # 35, #47 (SFSP) | ~~SFSP - September 30, 2020, or for the duration of summer operations, whichever is earlier~~ (Superseded)  NSLP, SBP, CACFP – June 30, 2021 |
| *#6 Nationwide Community Eligibility Provision (CEP) Data Waiver* | FNS is extending CEP election, notification and reporting and deadlines for School Year 2020-21. ([Guidance for States on CEP Waivers](https://www.fns.usda.gov/cn/covid-19-cep-deadlines-waiver)) | This waiver adjusts annual CEP deadlines due to the COVID-19 pandemic. Contact Child Nutrition for more information.  This waiver applies to districts operating NSLP and SBP. | Data Used to Calculate ISP: Anytime between April 1-June 30, 2020  LEA Notification/State Agency Notification: June 15, 2020  State Agency Publication: June 30, 2020  Elect CEP for Following SY: August 31, 2020 |
| *#7 – 11 Nationwide Waivers of Child Nutrition Program Monitoring* | FNS has used its authority under FFCRA to waive certain onsite monitoring requirements for the school meals programs, the Child and Adult Care Food Program, and the Summer Food Service Program, to maintain program integrity and support social distancing while providing meals. ([Guidance for States on Monitoring Waivers](https://www.fns.usda.gov/cn/child-nutrition-monitoring-nationwide-waiver)) | Several waivers were granted to provide flexibilities to certain onsite monitoring requirements for:   * NSLP * SBP * CACFP * SFSP   These are effective during the unanticipated school closure due to COVID-19 and include:   * #7 Onsite monitoring requirements for sponsors in CACFP: [Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program](https://www.fns.usda.gov/sites/default/files/resource-files/CN-COV-NationwideWaiverCACFPSponsorMonitoring.pdf) * #8 Onsite CACFP monitoring requirements for State Agencies: [Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program](https://www.fns.usda.gov/sites/default/files/resource-files/CN-COV-NationwideWaiverCACFPStateMonitoring.pdf) * #9 Onsite monitoring requirements for school meal programs: [Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs](https://www.fns.usda.gov/sites/default/files/resource-files/CN-COV-NationwideWaiverSchoolsMonitoring.pdf) * #10 Onsite monitoring requirements for sponsors operating SFSP during the Unanticipated School Closure: [Nationwide Waiver of Onsite Monitoring Requirements for Sponsoring Organizations in the Summer Food Service Program](https://www.fns.usda.gov/sites/default/files/resource-files/CN-COV-NationwideWaiverSFSPSponsorMonitoring.pdf) * #11 State Agency onsite monitoring requirements for SFSP during Unanticipated School Closures: [Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Summer Food Service Program](https://www.fns.usda.gov/sites/default/files/resource-files/CN-COV-NationwideWaiverSFSPStateMonitoring.pdf)   Related Waivers/Extensions: #27-31; #40-43 | CACFP Sponsor/State Agency onsite monitoring: September 30, 2021  SFSP Sponsor/State Agency onsite monitoring: September 30, 2021  SBP/NSLP State Agency and School Food Authority Administrative Review onsite monitoring: June 30, 2021 |
| *#12 Nationwide 60-Day Reporting Waiver* | Under its FFCRA authority, FNS is extending the 60-day reporting deadline for all state agencies, school food authorities, and CACFP and SFSP sponsoring organizations for January and February 2020. ([Guidance on 60 Day Reporting Waivers](https://www.fns.usda.gov/cn/nationwide-waiver-60-day-reporting-requirements)) | This waiver applies to claims covering operations in the months of January and February 2020.  Deadlines for these two claim months are extended for 30 calendar days from their original required date of submission.  This waiver applies to:   * NSLP * SBP * CACFP * SFSP * Special Milk Program | Only applies for claims covering operations in the months of January and February 2020. |
| *#13 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION* | Please reference #4 above. | This is an extension of the initial expiration date set for waiver #4.  Related Waivers/Extensions: #4, #24, #26, #36, #38, #45 (SFSP) | ~~SFSP - September 30, 2020, or for the duration of summer operations, whichever is earlier~~ (Superseded)  NSLP, SBP, CACFP – June 30, 2021 |
| *#14 Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option* | Under this waiver, for all States, Summer Food Service Program (SFSP) and National School Lunch Program Seamless Summer Option (SSO) closed enrolled sites during the COVID-19 public health emergency may determine site eligibility through area eligibility without collecting income eligibility applications.  This document relates to 7 CFR 225.15(f). | This waiver allows closed enrolled sites to be established using area eligibility during the COVID-19 public health emergency.  Area eligibility can be determined using school free and reduced data or census tract data. Please work with Maine DOE Child Nutrition to confirm eligibility.  This waiver applies to:   * SFSP * Seamless Summer Option | ~~September 30, 2020~~  Superseded |
| *#15 Nationwide Waiver to Waive First Week Site Visits in the Summer Food Service Program* | FNS waives, for all States, the requirement that Summer Food Service Program (SFSP) sponsors are required to visit each of their sites at least once during the first week of operation.  This waiver applies to State agencies administering and local organizations that have operated the SFSP successfully in the previous year, and SFSP sponsors in good standing that have successfully participated in the Child and Adult Care Food Program (CACFP) or the National School Lunch Program (NSLP).  This document relates to 7 CFR 225.15(d)(2) | This waiver removes the requirement that sponsors visit each of their sites at least once during the first week of operation under the program, for sites that have operated successfully in the previous year and sponsors that successfully participate in the CACFP or the NSLP.  This waiver applies to:   * SFSP | ~~September 30, 2020~~  Superseded |
| *#16 Nationwide Waiver to Allow Offer Versus Serve Flexibilities in the Summer Food Service Program* | During the public health emergency due to COVID-19, FNS waives, for all States, requirements that limit the use of Offer versus Serve (OVS) to School Food Authorities and require sponsors to apply OVS under the rules followed for the National School Lunch Program.  This waiver applies to State agencies administering and local organizations operating the Summer Food Service Program.  This document relates to requirements at 42 U.S.C. 1761(f)(7) and 7 CFR 225.16(f)(1)(ii). | This waiver allows both SFA and non-SFA SFSP sponsors to use the serving method Offer Versus Serve for the SFSP meal pattern.  OVS is designed for congregate feeding and, if used in a non-congregate setting, must be done so with thoughtful planning and consideration. The conditions under which sponsors are operating and their ability to follow appropriate safety measures in providing meals are important factors to consider. Child Nutrition recommends that CDC guidelines for safe food preparation and meal service are adhered to during the COVD-19 pandemic.  OVS is not intended to be a way to circumvent meal pattern requirements or eliminate specific components.  More information on OVS in SFSP, including safety considerations, can be found here: <https://www.maine.gov/doe/schools/nutrition> under the “Unanticipated School Closure” area.  This waiver applies to:   * SFSP | ~~September 30, 2020~~  Superseded |
| *#17 Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option* | FNS waives, for all States that elect to be subject to this waiver, the meal service time requirements allowing meals served outside of the standard meal times.  This waiver applies to State agencies administering and local organizations operating the: Summer Food Service Program and National School Lunch Program Seamless Summer Option.  This document relates to 7 CFR 225.16I(1) and (2), 210.10(l), and 220.8(l). | This waiver removes the federal limits on the amount of time that must elapse between the beginning of one meal service and the beginning of the next, and the duration of a meal service.  SFSP sponsors are still required to establish meal service times for each site.  This waiver acts as an extension of Waiver #1 listed above for the SFSP.  This waiver applies to:   * SFSP * Seamless Summer Option   Timeframe: This waiver is effective from July 1, 2020 and remains in effect until September 30, 2020.  Related Waivers/Extensions: #1 | ~~September 30, 2020~~  Superseded |
| *#18 Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs* | FNS has established this waiver to support schools unable to complete a triennial assessment of the local school wellness policies by June 30, 2020, due to school closures as a result of COVID-19.  This waiver provides a new first triennial assessment deadline of June 30, 2021. | This waiver applies to:   * NSLP * SBP   More information on this waiver can be found here: <https://www.fns.usda.gov/cn/nationwide-waiver-local-school-wellness-policy-triennial-assessments-nlsp-sfsp> | First triennial assessment due June 30, 2021 |
| *#19 Nationwide Waiver of Food Service Management Contract Duration in the National School Lunch Program and Summer Food Service Program* | FNS waives the food service management company (FSMC) contracts duration requirements at 7 CFR 210.16(d) and 225.6(h)(7).  FSMC contracts that may expire by or around June 30, 2020, may be extended through school year 2020-2021 (June 30, 2021).  To ensure Program integrity, extended food service management company contracts are limited to one-year only. | This waiver applies to:   * NSLP * SFSP   More information on this waiver can be found here: <https://www.fns.usda.gov/cn/nationwide-waiver-food-service-management-contract> | September 30, 2020 |
| *#20 Nationwide Waiver of Annual Review Requirements for State Agencies in the Child and Adult Care Food Program* | FNS waives CACFP monitoring requirements for State Agencies.  FNS recognizes that it is no longer safe to meet monitoring requirements under the COVID-19 public health emergency.  This document relates to requirements at Section 17(d)(2)I of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766] and regulations at 7 CFR 226.6(m)(6) and 226.6(m)(6)(i) through (ii). | This waiver applies to:   * CACFP   Expiration: September 30, 2020 or until expiration of the federally declared public health emergency, whichever is earlier. | September 30, 2020 |
| *#21 Nationwide Waiver to Extend Unanticipated School Closure Operations through June 30, 2020* | This waiver delays the transition from National School Lunch Program Seamless Summer Option (SSO) and Summer Food Service Program (SFSP) operations during unanticipated school closures associated with the COVID-19 pandemic to traditional SSO and SFSP operations to June 30, 2020.  Federal regulations limit SSP and SFSP operations during unanticipated school closures to the period from October through April of the school year. This waiver extends the April deadline.  This document relates to 42 U.S.C. 1761I(1) and 7 CFR 225.6(b)(1), 6(b)(4), 6(c)(1), 6(c)(2)(i)(G), 6(c)(3)(i)(B), 6I(1)(iii), 7(a), 7(d)(1)(i), 14(a), and 15(d)(1). | The current flexibilities via waivers in place during the COVID-19 unanticipated closure can continue until the June 30, 2020 deadline provided by USDA.  However, the meal pattern waiver (#4) deadline is May 31, 2020 and will be re-evaluated by USDA in short term increments.  This waiver applies to:   * SFSP * Seamless Summer Option | June 30, 2020 |
| *#22 Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs – EXTENSION* | This waiver extends the Nationwide Waiver to Allow Non-congregate Feeding in Child Nutrition Programs granted on March 20 that expires June 30, 2020. | Please also reference #2 above.  This waiver applies to:   * NSLP * SBP * CACFP * SFSP   Related Waivers/Extensions: #2, #33, and #44 (SFSP) | ~~SFSP - September 30, 2020, or for the duration of summer operations, whichever is earlier~~ (Superseded)  NSLP, SBP, CACFP – June 30, 2021 |
| *#23 Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program – EXTENSION* | This waiver extends the Nationwide Waiver to Allow Meal Service Time Flexibility in Child Nutrition Programs granted on March 20 that expires on June 30, 2020. | Please reference #1 above.  This waiver applies to:   * NSLP * SBP * CACFP   Please note - #17 provides the flexibility to SFSP  Related Waivers/Extensions: #1 and #34 | NSLP, SBP, CACFP – June 30, 2021 |
| *#24 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION* | This waiver extends the Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION granted on April 21 that expires on May 31, 2020. | Please reference #4 above.  This waiver applies to:   * NSLP * SBP * CACFP * SFSP   Related Waivers/Extensions: #4, #13, #26, #36, #38, #45 (SFSP) | ~~SFSP - September 30, 2020, or for the duration of summer operations, whichever is earlier~~ (Superseded)  NSLP, SBP, CACFP – June 30, 2021 |
| *#25 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION* | This waiver extends the Nationwide Pickup Waiver to Allow Parents and Guardians to Pick Up Meals for Children granted on March 25 that expires on June 30, 2020.  Program operators must be able to maintain accountability and program integrity. Meals must be distributed only to parents and guardians of eligible children, and duplicate meals may not be distributed to any child. | Please reference #5 above.  This waiver applies to:   * NSLP * SBP * CACFP\* * SFSP   Program operators must be able to maintain accountability and program integrity. Meals must be distributed only to parents and guardians of eligible children, and duplicate meals may not be distributed to any child.  Related Waivers/Extensions: #5, # 35, and #47 (SFSP)  \*Please note, this waiver also applies to guardians picking up meals for adult participants in CACFP Adult Day Care programs. | ~~SFSP - September 30, 2020, or for the duration of summer operations, whichever is earlier~~ (Superseded)  NSLP, SBP, CACFP – June 30, 2021 |
| *#26 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION 3* | This waiver extends the Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION 2 granted on May 14, 2020 that expires on May 31, 2020. | Please reference #4 above.  This waiver applies to:   * NSLP * SBP * CACFP * SFSP   Related Waivers/Extensions: #4, #13, #24, #36, #38, #45 (SFSP) | ~~SFSP - September 30, 2020, or for the duration of summer operations, whichever is earlier~~ (Superseded)  NSLP, SBP, CACFP – June 30, 2021 |
| *#27 Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program – EXTENSION* | This waiver extends the Nationwide Waiver #7 granted on March 26, 2020. | This is an extension of #7 above. More information can be found here: [Extension](https://www.fns.usda.gov/sites/default/files/resource-files/COVID19%20Monitoring%20Nationwide%20Waiver%20CACFP%20Sponsor%20EXTENSION.pdf)  This waiver applies to:   * CACFP   Related Waivers/Extensions: #7 and #39 | September 30, 2021 |
| *#28 Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION* | This waiver extends the Nationwide Waiver #8 granted on March 26, 2020. | This is an extension of #8 above. More information can be found here:  [Extension](https://www.fns.usda.gov/sites/default/files/resource-files/COVID19%20Monitoring%20Nationwide%20Waiver%20CACFP%20State%20EXTENSION.pdf)  This waiver applies to:   * CACFP   Expiration: August 31, 2020  Related Waivers/Extensions: #8 and #40 | September 30, 2021 |
| *#29 Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION* | This waiver extends the Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised granted on June 5, 2020 that expires on June 30, 2020. | This is a revised extension of #9 above. More information can be found here: [Extension](https://www.fns.usda.gov/sites/default/files/resource-files/COVID19%20Monitoring%20Nationwide%20Waiver%20Schools%20Monitoring%20Revised%20EXTENSION.pdf)  This waiver applies to:   * NSLP * SBP   Related Waivers/Extensions: #9, #29, #41 | June 30, 2021 |
| *#30 Nationwide Waiver of Onsite Monitoring Requirements for Sponsoring Organizations in the Summer Food Service Program – EXTENSION* | This waiver extends the Nationwide Waiver #10 granted on March 26, 2020. | This is an extension of #10 above. More information can be found here: [Extension](https://www.fns.usda.gov/sites/default/files/resource-files/COVID19MonitoringNationwideWaiverSFSPSponsorsEXTENSION.pdf)  This waiver applies to:   * SFSP   Related Waivers/Extensions: #10 and #42 | September 30, 2021 |
| *#31 Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Summer Food Service Program – EXTENSION* | This waiver extends the Nationwide Waiver #11 granted on March 26, 2020. | This is an extension of #11 above. More information can be found here: [Extension](https://www.fns.usda.gov/sites/default/files/resource-files/COVID19MonitoringNationwideWaiverSFSPStateEXTENSION.pdf)  This waiver applies to:   * SFSP   Related Waivers/Extensions: #11 and #43 | September 30, 2021 |
| *#32 Nationwide Waiver to Extend Area Eligibility Waivers through August 31, 2020.* | This waiver extends until August 31, 2020:  (1) Previously approved Statewide waivers that allow Program operators to locate Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO) open sites in areas that do not meet area eligibility requirements.  (2) This waiver applies to State agencies administrating and local organizations operating the SFSP and SSO.  (3) This document relates to 42 U.S.C. 1761(a)(1)(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). | Sponsors must have a plan to ensure children in need, for instance, children who may be eligible for benefits due to the economic impacts of COVID-19, are targeted for meal benefits.  USDA FNS reserves the right to withdraw this approval subject to availability of funding.  This waiver may apply to any site that operated under the previous State area eligibility plan.  This waiver applies to:   * SFSP * Seamless Summer Option   Related Waivers/Extensions: : State of Maine Area Eligibility Waiver and #46 | ~~September 30, 2020, or for the duration of summer operations, whichever is earlier~~  Superseded |
| *#33 Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs – EXTENSION #2* | This waiver extends the Nationwide Non-congregate Feeding Waiver granted on May 14, 2020.  (1) Under this waiver, Program operators may provide non-congregate meals during COVID-19 related operations throughout school year 2020-2021.  (2) This waiver applies to State agencies administering, and local organizations operating the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program.  (3) This document relates to 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1773(b)(1)(A)(i)(I), and 7 CFR 226.19(b)(6)(iii) | This is an extension of #2 and #22 above. More information can be found here: [Extension](https://fns-prod.azureedge.net/sites/default/files/media/file/COVID-19NoncongregateNationwideWaiverSY%2020-21s.pdf)  This waiver applies to:   * NSLP * SBP * CACFP   This waiver is effective July 1, 2020 through June 30, 2021  Related Waivers/Extensions: #2 and #22 | June 30, 2021 |
| *#34 Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program – EXTENSION #2* | (1) This waiver extends the Nationwide Waiver to Allow Meal Service Time Flexibility in National School Lunch Program, School Breakfast Program, and Child and Adult Food Program – EXTENSION granted on May 14, 2020.  (2) This waiver applies to State agencies administering, and local organizations operating the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program.  (3) This document relates to 7CFR210.10(1), 220.8(1) and 226.20(k) | This is an extension of #1 and #23 above. More information can be found through this link: [Extension](https://www.fns.usda.gov/disaster/pandemic/covid-19)  This waiver applies to:   * NSLP * SBP * CACFP   This waiver is effective July 1, 2020 through June 30, 2021  Related Waivers/Extensions: #1 and #23 | June 30, 2021 |
| *#35 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION #2* | (1) This waiver extends the Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION granted on May 14, 2020.  (2) This waiver applies to State agencies administering and local organizations operating the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program.  (3) This document relates to 7 CFR 210.10(a), 220.2 (breakfast), and 220.8(a), and 226.2(Meals). | This is an extension of #5 and #25 above. More information can be found through this link: [Extension](https://fns-prod.azureedge.net/sites/default/files/resource-files/COVID-19ParentPickupNationwideWaiverSY20-21s.pdf)  This waiver applies to:   * NSLP * SBP * CACFP   This waiver is effective July 1, 2020 through June 30, 2021  Related Waivers/Extensions: #5 and #25 | June 30, 2021 |
| *#36 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION #4* | FNS waives, for all States, the requirement to serve meals that meet the meal pattern requirements during school year 2020-2021.  (1) This waiver extends the Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION #3 granted on June 8, 2020.  (2) This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program.  (3) This document relates to 7 CFR 210.10(b) and (c), 220.8(b) and (c), and 226.20. | This is the fourth extension of #4 above. More information can be found through this link: [Extension](https://fns-prod.azureedge.net/sites/default/files/resource-files/COVID-19MealPatternNationwideWaiverSY20-21s.pdf)  This waiver applies to:   * NSLP * SBP * CACFP   This waiver is effective July 1, 2020 through June 30, 2021  Related Waivers/Extensions: #13, #24, #26, #38, #45 (SFSP) | June 30, 2021 |
| *#37 Nationwide Waiver to Allow Offer Versus Serve Flexibility for Senior High Schools in the National School Lunch Program for School year 2020-2021.* | (1) FNS waives for all States, the requirement for senior high schools (as defined by the State educational agency) to participate in Offer Versus Serve during school year 2020-2021.  (2) This waiver applies to State agencies administering and local organizations operating the National School Lunch Program.  (3) This document relates to 42 U.S.C. 1758(a)(3) and 7 CFR 210.10€. | This waiver removes the requirement that Senior high schools use Offer Versus Serve in the National School Lunch Program.  This waiver applies to:   * NSLP   This waiver is effective July 1, 2020 – June 30, 2021. | June 30, 2021 |
| *#38 Nationwide Waiver to Allow Meal Pattern Flexibility in the Summer Food Service Program* | This waiver extends the Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION #3 granted on June 8, 2020 that expires on July 31, 2020 for the Summer Food Service Program.  This waiver applies to State agencies administering, and local organizations operating, the Summer Food Service Program.  This document relates to 7 CFR 225.16(d). | This waiver extends #26 above for the Summer Food Service Program.  This waiver applies to:   * SFSP   Related Waivers/Extensions: #4, #13, #24, #26, #36, #45 (SFSP) | ~~September 30, 2020, or for the duration of summer operations, whichever is earlier~~  Superseded |
| *#39 Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Care Food Program* | This waiver waives for all CACFP sponsoring organizations, that CACFP monitoring requirements included at 226.16(d)(4)(iii) be conducted onsite.  To ensure Program integrity, sponsoring organizations should to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). | This waiver applies to:   * CACFP   Related Waivers/Extensions: #7 and #27 | September 30, 2021 |
| *#40 Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 2* | FNS waives, for all State agencies, that CACFP monitoring requirements included at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6) be conducted onsite.  To ensure program integrity, State Agencies should, to the maximum extent practicable, continue monitoring activities of Program operations offsite.  This waiver extended the Nationwide Waiver of monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION granted on June 8, 2020 that expires on August 31, 2020. | This waiver applies to:   * CACFP   Related Waivers/Extensions: #8 and #28 | September 30, 2021 |
| *#41 Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION 2* | FNS waives for all State agencies and school food authorities, school meals onsite monitoring requirements included at 7 CFR 210.8, 210.18, 220.8(h), and 210.18(c).  This waiver extends the Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION granted on June 8, 2020 that expires on August 31, 2020.  This waiver applies to State agencies administering and school food authorities operating the National School Lunch Program and School Breakfast Program. | This waiver applies to:   * SBP * NSLP   Related Waivers/Extensions: #9 and #29 | June 30, 2021 |
| *#42 Nationwide Waiver of Onsite Monitoring Requirements for Sponsoring Organizations in the Summer Food Service Program – EXTENSION 2* | FNS waives, for all SFSP sponsoring organizations, that SFSP monitoring requirements included at 7 CFR 225.15(d) be conducted onsite.  To ensure program integrity, SFSP sponsoring organizations should, to the maximum extent practicable, continue monitoring activities of Program operations offsite.  This waiver extends the Nationwide Waiver of Onsite Monitoring Requirements for Sponsoring Organizations in the Summer Food Service Program – EXTENSION granted on June 8, 2020 that expires on August 31, 2020. | This waiver applies to:   * SFSP   Related Waivers/Extensions: #10 and #30 | September 30, 2021 |
| *#43 Nationwide Waiver of onsite Monitoring Requirements for State Agencies in the Summer Food Service Program – EXTENSION 2* | FNS waives, for all State agencies, that SFSP monitoring requirements included at 7 CFR 225.7(d)(2)(ii) be conducted onsite.  To ensure Program integrity during this time, State agencies should, to the maximum extent practicable, continue monitoring activities of Program operations offsite.  This waiver extends the Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Summer Food Service program – EXTENSION granted on June 8, 2020 that expires on August 31, 2020. | This waiver applies to:   * SFSP   Related Waivers/Extensions: #11 and #31 | September 30, 2021 |
| *#44 Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program – EXTENSION 3* | Under this waiver, Summer Food Service Program operators may provide non-congregate meals during COVID-19 related operations.  This waiver extends the nationwide waiver to allow non-congregate feeding in the Summer Food Service Program granted on May 14, 2020 that expires on August 31, 2020. | This waiver applies to:   * SFSP   SFSP may no longer be operated once schools are open for student instruction, which includes both in person and virtual learning.  Related Waivers/Extensions: #2, #22, and #33 | ~~September 30, 2020, or for the duration of summer operations, whichever is earlier.~~  Superseded |
| *#45 Nationwide Waiver to Allow Meal Pattern Flexibility in the Summer Food Service program – Extension 6* | FNS waives, for all States, the requirements to serve meals that meet the meal pattern requirements during the public health emergency due to COVID-19.  This waiver extends the Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION 5, granted on July 30, 2020, that expires on August 31, 2020 for the Summer Food Service Program. | This waiver applies to:   * SFSP   SFSP may no longer be operated once schools are open for student instruction, which includes both in person and virtual learning.  Related Waivers/Extensions: #4, #13, #24, #26, #36, and #38 | ~~September 30, 2020, or for the duration of summer operations, whichever is earlier.~~  Superseded |
| *#46 Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION* | This waiver extends until September 30, 2020, or for the duration of summer operations, whichever is earlier, the Nationwide Waiver to Extend Area Eligibility Waivers through August 31, 2020.  This document relates to 42 U.S.C. 1761(a)(1)(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). | This waiver applies to:   * SFSP   SFSP may no longer be operated once schools are open for student instruction, which includes both in person and virtual learning  Related Waivers/Extensions: State of Maine Area Eligibility Waiver and #32 | ~~September 30, 2020, or for the duration of summer operations, whichever is earlier.~~  Superseded |
| *#47 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION 3* | Under this waiver, Program operators with an approved waiver allowing non-congregate meal distribution during COVID-19-related operations may distribute meals to a parent or guardian to take home to their children.  State Agencies must have a plan for ensuring that Program operators are able to maintain accountability and program integrity.  This waiver extends the Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children granted on May 14 that expires on August 31, 2020.  This document relates to 42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 220.2 (Breakfast) and 220.8(a), 225.2 (Meals), and 225.9(d)(7). | This waiver applies to:   * SFSP   SFSP may no longer be operated once schools are open for student instruction, which includes both in person and virtual learning.  Related Waivers/Extensions: #5, #25, and #35 | ~~September 30, 2020, or for the duration of summer operations, whichever is earlier.~~  Superseded |
| *#48 Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option - EXTENSION* | This waiver allows SFSP closed enrolled sites during the COVID-19 public health emergency to determine site eligibility through area eligibility without collecting income eligibility applications.  This waiver applies to State agencies administering and local organizations operating the SFSP.  This document relates to 7 CFR 225.15(f). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #56 below.  Related Waivers/Extensions: #14 | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#49 Nationwide Waiver to Waive First Week Site Visits in the Summer Food Service Program - EXTENSION* | FNS waives the requirement that SFSP sponsors are required to visit each of their sites at least once during the first week of operation.  This waiver applies to State agencies administering and local organizations that have operated the SFSP successfully in the previous year, and SFSP sponsors in good standing that have successfully participated in the CACFP or the NSLP.  This document relates to 7 CFR 225.15(d)(2). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #56 below.  Related Waivers/Extensions: #15 | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#50 Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Seamless Summer Option – EXTENSION* | FNS waives the meal service time requirements allowing meals served outside of the standard meal times.  This waiver applies to State agencies administering and local organizations operating the: Summer Food Service Program and National School Lunch Program Seamless Summer Option.  This document relates to 7 CFR 225.16(c)(1) and (2), 210.10(1), and 220.8(1). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #56 below.  Related Waivers/Extensions: #17 | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#51 Nationwide Waiver to Allow Offer Versus Serve Flexibilities in the Summer Food Service Program - EXTENSION* | FNS waives requirements that limit the use of Offer Versus Serve (OVS) to school food authorities and require sponsors to apply OVS under the rules followed by the National School Lunch Program.  This waiver applies to State agencies administering and local organizations operating the Summer Food Service Program.  This document relates to requirements at 42 U.S.C. 1761(f)(7) and 7 CFR 225.16(f)(i)(ii). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #56 below.  Related Waivers/Extensions: #16  This waiver should be referenced for more information on how to properly and safely implement OVS using the SFSP meal pattern. | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#52 Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION 2* | This waiver extends the Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION.  This waiver applies to State Agencies administering and local organizations operating the Summer Food Service Program and the National School Lunch Program Seamless Summer Option.  This document relates to 42 U.S.C. 1761(a)(1(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #56 below.  Related Waivers/Extensions: State of Maine Area Eligibility Waiver, #32, and #46 | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#53 Nationwide Waiver to Allow Meal Pattern Flexibility in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option – EXTENSION 7* | FNS waives the requirements to serve Summer Food Service Program and National School Lunch Program Seamless Summer Option meals that meet the meal pattern requirements during the public health emergency due to COVID-19.  This is an extension of #45.  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service program.  This document relates to 7 CFR 210.10(b) and (c), 7 CFR 210.10(d)(1), 220.8(b) and (c), 220.8(d) and 7 CFR 225.16(d). | Program operators must receive State Agency approval to use this waiver.  This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #56 below.  Related Waivers/Extensions: #4, #13, #24, #26, #36, #38 and #45 | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#54 Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option – EXTENSION 4* | Under this waiver, Summer Food Service program and National School Lunch Program Seamless Summer Option operators may provide non-congregate meals during COVID-19 related operations.  This waiver extends #44.  This waiver applies to State agencies administering, and local organizations operating the Summer Food Service Program and the National School Lunch Seamless Summer Option.  This document relates to 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D) and 7 CFR 225.6(e)(15). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #56 below.  Related Waivers/Extensions: #2, #22, #33, and #44 | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#55 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION 4* | Under this waiver, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in a State with an approved waiver allowing non-congregate meal distribution during COVID-19-related operations may distribute meals to a parent or guardian to take home to their children.  State Agencies must have a plan for ensuring that Program operators are able to maintain accountability and program integrity.  This waiver extends #47.  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service program.  This document relates to 42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast) and 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #56 below.  Related Waivers/Extensions: #5, #25, #35 and #47 | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#56 Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 2020* | This waiver allows the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through December 31, 2020.  This waiver applies to State Agencies administering and local organizations operating the Summer Food Service Program and the National School Lunch Program Seamless Summer Option.  This document relates to 42 U.S.C. 1761(c)(1), (d), and (e), and 7 CFR 225.6(b)(1) and (e)(1). | This waiver applies to:   * SFSP   This waiver does not require SFAs to transition to SFSP operations. | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#57 Nationwide Waiver to Allow Reimbursement for Meals Served Prior to Notification of Approval and Provide Flexibility for Pre-Approval Visits in the Summer Food Service Program* | FNS waives the requirement that reimbursement shall not be paid for meals served at a site before the sponsor has received written notification that the site has been approved for participation in the Program found at 7 CFR 225.9(d).  FNS waives the requirement for the State Agency to conduct pre-approval visits of SFSP sponsors and sites found at 7 CFR 225.7(d)(1).  This waiver applies to State Agencies administering the SFSP. | This waiver applies to:   * SFSP   Reimbursement:  This waiver is effective as of August 31, 2020 and is retroactive for approved SFSP sponsors for allowable meals served during their initial COVID-19 emergency response through August 30, 2020, but that were served prior to their written approval to operate SFSP. | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#58 Nationwide Waiver of Area Eligibility in the Child and Adult Care Food Program At-Risk Afterschool Care Component* | This waiver allows schools and afterschool care centers, regardless of their location, to serve at-risk afterschool meals and snacks to students after the regular school day, through December 31, 2020.  This waiver applies to State Agencies administering and local organizations operating the Child and Adult Care Food Program At-Risk Afterschool Care Component.  This document relates to 42 U.S.C. 1766(r)(1)(B) and 7 CFR 226.17(a)(i). | This waiver applies to:   * CACFP (specifically At-Risk Afterschool Care)   This waiver waives the area eligibility requirement for CACFP at risk afterschool care programs.  Interested sponsors must work with Maine DOE Child Nutrition.  There must be a plan in place for ensuring that new meal sites are targeting benefits to children in need, for example, children who may be newly eligible for benefits due to the impacts of COVID-19. | ~~December 31, 2020\*~~  ~~\*Subject to federal funding~~  Superseded |
| *#59 Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through School Year 2020-2021—EXTENSION* | This waiver allows the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through June 30, 2021.  This waiver applies to State agencies administrating, and local organizations operating, the Summer Food Service Program and the National School Lunch Program Seamless Summer Option.  This document relates to 42 U.S.C. 1761(c)(1), (d), and (e), and 7 CFR 225.6(b)(1) and (e)(1). | This waiver applies to:   * SFSP | June 30, 2021  Subject to federal funding |
| *#60 Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION 3* | This waiver extends until June 30, 2021, the Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION 2  This waiver applies to State agencies administering, and local organizations operating, the Summer Food Service Program and the National School Lunch Program Seamless Summer Option.  This document relates to 42 U.S.C. 1761(a)(1)(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), 225.16(b)(4). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #59 above.  Related Waivers/Extensions: State of Maine Area Eligibility Waiver, #32, #46 and #52 | June 30, 2021 |
| *#61 Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option – EXTENSION 5* | Under this waiver, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators may provide non-congregate meals during COVID–19-related operations. This waiver extends the nationwide waiver to allow non-congregate feeding in the Summer Food Service Program granted on August 31, 2020 that expires on December 31, 2020.  This waiver applies to State agencies administering, and local organizations operating, the Summer Food Service Program and the National School Lunch Program Seamless Summer Option.  This document relates to 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D) and 7 CFR 225.6(e)(15). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #59 above.  Related Waivers/Extensions: #2, #22, #33, #44 and #54 | June 30, 2021 |
| *#62 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION 5* | Under this waiver, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in a State with an approved waiver allowing non-congregate meal distribution during COVID–19-related operations may distribute meals to a parent or guardian to take home to their children. State agencies must have a plan for ensuring that Program operators are able to maintain accountability and program integrity. This waiver extends the Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children granted on August 31 that expires on December 31, 2020.  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program.  This document relates to 42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast) and 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #59 above.  Related Waivers/Extensions: #5, #25, #35 #47 and #55 | June 30, 2021 |
| *#63 Nationwide Waiver to Allow Meal Pattern Flexibility in the*  *Summer Food Service Program and the National School Lunch Program Seamless Summer Option - EXTENSION 8* | FNS waives, for all States, the requirements to serve Summer Food Service Program and National School Lunch Program Seamless Summer Option meals that meet the meal pattern requirements during the public health emergency due to COVID–19. This waiver extends the Nationwide Waiver to Allow Meal Pattern Flexibility in the Summer Food Service Program – EXTENSION 7, granted on August 31, 2020, that expires on December 31, 2020.  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program  This document relates to 7 CFR 210.10(b) and (c), 7 CFR 210.10(d)(1), 220.8(b) and (c), 220.8(d) and 7 CFR 225.16(d). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #59 above.  Related Waivers/Extensions: #4, #13, #24, #26, #36, #38, and #45 | June 30, 2020 |
| *#64 Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option – EXTENSION 2* | Under this waiver, for all States, Summer Food Service Program (SFSP) and National School Lunch Program Seamless Summer Option (SSO) closed enrolled sites during the COVID-19 public health emergency may determine site eligibility through area eligibility without collecting income eligibility applications.  This waiver applies to State agencies administering and local organizations operating the SFSP or SSO.  This document relates to 7 CFR 225.15(f). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #59 above.  Related Waivers/Extensions: #14 and #48 | June 30, 2021 |
| *#65 Nationwide Waiver to Waive First Week Site Visits in the Summer Food Service Program - EXTENSION 2* | FNS waives, for all States, the requirement that Summer Food Service Program (SFSP) sponsors are required to visit each of their sites at least once during the first week of operation.  This waiver applies to State agencies administering and local organizations that have operated the SFSP successfully in the previous year, and SFSP sponsors in good standing that have successfully participated in the Child and Adult Care Food Program (CACFP) or the National School Lunch Program (NSLP).  This document relates to 7 CFR 225.15(d)(2). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #59 above.  Related Waivers/Extensions: #15 and #49 | June 30, 2021 |
| *#66 Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option – EXTENSION 2* | FNS waives, for all States that elect to be subject to this waiver, the meal service time requirements allowing meals served outside of the standard meal times.  This waiver applies to State agencies administering and local organizations operating the: Summer Food Service Program and National School Lunch Program Seamless Summer Option.  This document relates to 7CFR 225.16(c)(1) and (2), 210.10(l), and 220.8(l). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #59 above.  Related Waivers/Extensions: #1, #17, and #50 | June 30, 2021 |
| *#67 Nationwide Waiver to Allow Offer Versus Serve Flexibilities in the Summer Food Service Program – EXTENSION 2* | During the public health emergency due to COVID-19, FNS waives, for all States, requirements that limit the use of Offer Versus Serve (OVS) to school food authorities and require sponsors to apply OVS under the rules followed for the National School Lunch Program.  This waiver applies to State agencies administering and local organizations operating the Summer Food Service Program.  This document relates to requirements at 42 U.S.C. 1761(f)(7) and 7 CFR 225.16(f)(1)(ii). | This waiver applies to:   * SFSP   This waiver is in conjunction with waiver #59 above.  Related Waivers/Extensions: #16 and #51 | June 30, 2021 |
| *#68* Nationwide Waiver of Area Eligibility in the Child and Adult Care Food Program At-Risk Afterschool Care Component- EXTENSION | (1) This waiver allows schools and afterschool care centers, regardless of their location, to serve at-risk afterschool meals and snacks to students after the regular school day, through June 30, 2021. (2) This waiver applies to State agencies administrating and local organizations operating the Child and Adult Care Food Program At-Risk Afterschool Care Component. (3) This document relates to 42 U.S.C. 1766(r)(1)(B) and 7 CFR 226.17a(i). | This waiver applies to:   * CACFP (specifically At-Risk Afterschool Care)   Related Waivers/Extensions: #58 | June 30, 2021 |
| *#69 Nationwide Waiver to Allow Reimbursement for Meals Served Prior to Notification of Approval and Provide Flexibility for Pre- Approval Visits in the Summer Food Service Program- EXTENSION* | FNS waives the requirement that reimbursement shall not be paid for meals served at a site before the sponsor has received written notification that the site has been approved for participation in the Program found at 7 CFR 225.9(d).  FNS waives the requirement for the State agency to conduct pre-approval visits of SFSP sponsors and sites found at 7 CFR 225.7(d)(1). (3) This waiver applies to State agencies administering the Summer Food Service Program. | This waiver applies to:   * SFSP   Related Waivers/Extensions: #57 | June 30, 2021 |
| #70 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION #5 | FNS waives, for all States, the requirements to serve meals that meet the meal pattern requirements during school year 2020-2021. This waiver revises the *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION #4* granted on June 25, 2020, for all programs except the Summer Food Service Program.  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program.  This document relates to 7 CFR 210.10(b), (c) and (d)(1)(i); 220.8(b), (c), (d); and 226.20. | This waiver applies to:   * NSLP * SBP * CACFP   Related Waivers/Extensions: #4, #13, #24, #26, #36, #38, #45 and #63  The State agency must approve use of this waiver on a case-by-case basis. | June 30, 2021 |
| #71 Nationwide Waiver of Food Service Management Contract Duration in the National School Lunch Program and Summer Food Service Program EXTENSION | FNS extends the waiver, for all State agencies, school food authorities, and SFSP sponsors the food service management company contracts duration requirements at 7 CFR 210.16(d) and 225.6(h)(7).  This waiver allows food service management company (FSMC) contracts that may expire by or around June 30, 2021 to be extended through school year 2021-2022 (June 30, 2022).  To ensure Program integrity during this time, extended FSMC contracts are limited to one-year only. | This waiver applies to:   * NSLP * SFSP   Related Waivers/Extensions: #19 | June 30, 2021 |
| #72 Nationwide Waiver for Selected Child Nutrition Program Reporting Requirements | This waiver cancels selected administrative data reporting requirements in the Child Nutrition Programs, specifically the following: Data Element 15, Part B of the FNS-10; FNS-640 Administrative Review Report Form; FNS-828 School Food Authority Paid Lunch Price Report; FNS-834 State Agency (NSLP/SNAP) Direct Certification Rate Data Element Report; FNS-874 Local Educational Agency Second Review of Applications; Ameliorative Action Plans for Verification Results; and Performance-Based Reimbursement (7 Cents) Quarterly Report.  This document relates to: 7 CFR 210.5(d)(1), 7 CFR 210.8(c)(2), 42 U.S.C. 1769c (b)(1)(C)(iv); 7 CFR 210.18(n); 42 U.S.C. 1760 (p)(4); 7 CFR 210.14 (e)(7); 42 U.S.C. 1758 (b)(4)(F); 7 CFR 245.13(c); 7 CFR 245.13(e); 7 CFR 272.8(a)(5); 42 U.S.C. 1769c (b)(6)(E)(ii); 7 CFR 245.11(b)(2); 7 CFR 245.11(i); 7 CFR 245.12(i); 42 U.S.C. 1760(p)(4); 7 CFR 210.14(e)(7); 7 CFR 210.15(a)(8); 42 U.S.C. 1758(h); 7 CFR 210.5(d)(2)(ii) | This waiver applies to:   * NSLP * SBP |  |
| #73 Child Nutrition Waiver Update | This USDA Memo announces the extensions of flexibilities for summer 2021 operations for the SFSP and the NSLP.  The current waivers are in effect through June 30, 2021 and that the waivers listed below are effective beginning July 1, 2021:  • Nationwide Waiver to Allow Meal Pattern Flexibilities for Summer 2021 Operations  • Nationwide Waiver to Allow Non-Congregate Feeding for Summer 2021 Operations  • Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for Summer 2021 Operations  • Nationwide Waiver to Extend Area Eligibility Waivers for Summer 2021 Operations  • Nationwide Waiver of Meal Service Time Restrictions for Summer 2021 Operations  • Nationwide Waiver to Allow Offer Versus Serve Flexibilities in the Summer Food Service Program for Summer 2021 Operations  • Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites for Summer 2021 Operations  • Nationwide Waiver to Waive First Week Site Visits in the Summer Food Service Program for Summer 2021 Operations | This waiver applies to:   * NSLP * SFSP | July 1, 2021 – Summer 2021 |
| #74 Nationwide Waiver to Allow Meal Pattern Flexibilities for Summer 2021 Operations – EXTENSION 9 | FNS waives the requirements to serve National School Lunch Program and School Breakfast Program meals that meet the meal pattern requirements during the public health emergency due to COVID-19. These flexibilities also apply to the Seamless Summer Option.  The waiver and flexibilities apply to State agencies administering and local organizations operating the National School Lunch Program, School Breakfast Program, and Seamless Summer Option during Summer 2021.  This document relates to 42 U.S.C. 1758(a)(2)(A)(i), 7 CFR 210.10(b) and (c), 210.10(d)(1), 220.8(b) and (c), and 220.8(d). | This waiver applies to:   * NSLP * SBP   This waiver does not apply to the Summer Food Service Program. Normal SFSP meal pattern requirements will apply as of July 1, 2021 when the previous meal pattern waiver expires. Prior approvals for SFSP sponsors will expire on June 30, 2021.  To use these flexibilities for NSLP/SBP operators must contact the Maine State agency for approval and provide the State agency any necessary information to complete report requirements. However, prior approvals for NSLP/SBP will continue under this extension through September 30, 2021; no further action is needed. | July 1, 2021 – September 30, 2021 |
| #75 Nationwide Waiver to Allow Non-congregate Feeding for Summer 2021 Operations – EXTENSION 6 | Under this extension, SFSP and SSO operators may provide non-congregate meals during COVID-19 related operations. This waiver extends the Nationwide Waiver to Allow Non-Congregate Feeding in the Summer Food Service Program and National School Lunch Program Seamless Summer Option granted on October 9, 2020, that expires on June 30, 2021 – through September 30, 2021.  This waiver and flexibilities apply to State agencies administering, and local organizations operating, the Summer Food Service Program and the National School Lunch Program Seamless Summer Option during Summer 2021.  This document relates to 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D) and 7 CFR 225.6€(15). | This extension applies to:   * SFSP   To use this flexibility, SFSP operators must contact the Maine State agency for approval and provide the State agency any necessary information to complete the report requirements necessary. Prior elections and approvals will continue under this extension; no further action needed. | July 1, 2021 – September 30, 2021 |
| #76 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for Summer 2021 Operations – EXTENSION 6 | Under this extension, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in a State with an approved waiver allowing non-congregate meal distribution during COVID-19 related operations may distribute meals to a parent or guardian to take home to their children. This waiver extends the Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION 5 granted on October 9, 2020 that expires on June 30, 2021 – through September 30, 2021.  This waiver and flexibilities apply to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program during Summer 2021.  This document relates to 42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast) and 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7). | This waiver applies to:   * SFSP   There must be a plan in place to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed to any child.  SFSP operators must contact the State agency for approval and provide the Maine State agency any necessary information to complete report requirements. | July 1, 2021 – September 30, 2021 |
| #77 Nationwide Waiver to Extend Area Eligibility Waivers for Summer 2021 Operations – EXTENSION 4 | This waiver extends until September 30, 2021, the Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION 3 granted on October 9, 2020 that expires on June 30, 2021.  This waiver and flexibilities apply to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program during Summer 2021.  This document relates to 42 U.S.C. 1761(a)(1)(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(I)(i), 225.14(c)(3), and 225.16(b)(4). | This waiver applies to:   * SFSP   As with prior area-eligibility waivers, sponsors must have a documented plan to ensure children in need are targeted for meal benefits.  This extension may apply to any site operating under the Sponsor plan established to ensure children in need are targeted for meal benefits. | July 1, 2021 – September 30, 2021 |
| #78 Nationwide Waiver of Meal Service Time Restrictions for Summer 2021 Operations – EXTENSION 3 | Under this extension, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in States that elect to be subject to this waiver may serve meals outside of the standard meal times. This waiver extends the Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option granted on October 9, 2020, that expires on June 30, 2021.  This waiver and flexibilities applies to State agencies administering, and local organizations operation, the Summer Food Service Program and the National School Lunch Program Seamless Summer Option during Summer 2021.  This document relates to 7 CFR 225.16(c)(1) and (2), 210.10(1), and 220.8(1). | This waiver applies to:   * SFSP   SFSP operators must contact the Maine State agency for approval and provide the State agency any necessary information to complete report requirements. Prior elections and approval will continue under this extension; no further action is needed. | July 1, 2021 – September 30, 2021 |
| #79 Nationwide Waiver to Allow Offer Versus Service Flexibilities in the Summer Food Service Program for Summer 2021 Operations – EXTENSION 3 | FNS waives for all States, requirements that limit the use of Offer Versus Serve under the rules followed for the National School Lunch Program. This waiver extends the Nationwide Waiver to Allow Offer Versus Serve Flexibilities in the Summer Food Service Program, granted on October 9, 2020, that expires on June 30, 2021.  This waiver applies to State agencies administering and local organizations operating the Summer Food Service Program.  This document relates to requirements at 42 U.S.C. 1761(f)(7) and 7 CFR 225.16(f)(1)(ii). | This waiver applies to:   * SFSP   Refer to waiver #16 above for important guidance on using Offer Versus Serve.  Prior elections and approvals will continue under this extension; no further action is needed. | July 1, 2021 – September 30, 2021 |
| #80 Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites for Summer 2021 Operations – EXTENSION 3 | Under this waiver, for all States, Summer Food Service Program operators of closed enrolled sites during the COVID-19 public health emergency may determine site eligibility through area eligibility, without collecting income eligibility applications. This flexibility also applies to the National School Lunch Program Seamless Summer Option. This waiver extends the Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites in the Summer Food Service Program and National School Lunch Program Seamless Summer Option, granted on October 9, 2020 that expires on June 30, 2021.  This waiver and flexibilities apply to State agencies administering, and local organizations operating, the Summer Food Service Program or National School Lunch Program Seamless Summer Option during Summer 2021.  This document relates to 7 CFR 225.15(f). | This document applies to:   * SFSP   SFSP operators must contact the Maine State agency for approval and provide the State agency any necessary information to complete report requirements. Prior elections and approval will continue under this extension; no further action is needed. | July 1, 2021 – September 30, 2021 |
| #81 Nationwide Waiver to Waive First Week Site Visits in the Summer Food Service Program for Summer 2021 Operations – EXTENSION 3 | FNS waives, for all States, the requirement that Summer Food Service Program sponsors are required to visit each of their sites at least once during the first week of operation. This waiver extends the Nationwide Waiver to Waive First Week Site Visits in the Summer Food Service Program – EXTENSION 2 granted on October 9, 2020, that expires on June 30, 2021.  This waiver applies to State agencies administering and local organizations that have operated the Summer Food Service Program successfully in the previous year, and Summer Food Service Program sponsors in good standing that have successfully participated in the Child and Adult Care Food Program or the National School Lunch Program.  This document related to 7 CFR 225.15(d)(2). | This waiver applies to:   * SFSP   Prior elections and approvals will continue under this extension; no further action is needed. | July 1, 2021 – September 30, 2021 |
| #82 Nationwide Waiver of Community Eligibility Provision Deadlines in the National School Lunch and School Breakfast Programs | FNS is establishing a targeted waiver, for all States and local educational agencies, to extend statutory and regulatory deadlines relating to Community Eligibility Provision (CEP) reporting and election during the public health emergency due to COVID-19.  This waiver applies to State agencies administering and local organizations operating the: National School Lunch Program and School Breakfast Program.  This document relates to: 42 U.S.C. 1759a(a)(1)(F)(iii)(I)(bb); 42 U.S.C. 1759a(a)(1)(F)(v)(I); 42 U.S.C. 1759a(a)(1)(F)(x)(I), (II) and (IV); 7 CFR 245.9(F)(3)(i); 7 CFR 245.9(F)(4)(i) and (iv); 7 CFR 245.9(f)(5) and (6); and 7 CFR 245.9(F)(4)(i). | This waiver applies to CEP for:   * NSLP * SBP | September 30, 2021   |  |  |  | | --- | --- | --- | | CEP Requirement | Annual Deadline | Waiver Deadline | | Data Used to Calculate ISP | April 1 | Anytime between July 1, 2020, and June 30, 2021 | | LEA Notification | April 15 | June 30, 2021 | | State Agency Notification | April 15 | June 30, 2021 | | State Agency Publication | April 15 | June 30, 2021 | | Elect CEP for SY 2021-2022 | June 30 | September 30, 2021 | |
| #83 Nationwide Waiver to Allow Sponsors that Successfully Participated in the Summer Food Service Program in Fiscal Year 2019 to Operate as Experienced Sponsors in Fiscal Year 2021 | FNS allows State agencies to use the streamlined experienced sponsor application and approval process for returning sponsors that successfully participated in the Summer Food Service Program in Fiscal Year 2019, but not in Fiscal Year 2020 due to COVID-19.  This waiver applies to State agencies administering the Summer Food Service Program successfully in Fiscal Year 2019.  This waiver relates to 7 CFR 225.2, and 225.7(d)(1)(i). | This waiver applies to:   * SFSP   Sponsors interested in using this waiver must work with DOE Child Nutrition to operate SFSP in 2021. | September 30, 2021 |
| #84 Child Nutrition Nationwide Waiver Update for School Year 2021-2022 | Memo announced USDA Nationwide waivers for SY 2021-2022 | This waiver applies to:   * Seamless Summer Option (SSO) * NSLP * SBP * CACFP   See waivers #85-96 | See waivers #85-96 |
| #85 Nationwide Waiver to Allow Seamless Summer Option Through School Year 2021-2022 | This waiver allows the National School Lunch Program Seamless Summer Option to operate when school is open during the regular school year through June 30, 2022  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option in school year 2021-2022.  This document relates to 42 U.S.C. 1761(a)(8) | This waiver applies to:   * SSO * NSLP * SBP   This flexibility is open to all school food authorities; it may be used in any school, regardless of its location or the type of SSO site it is operating.  This waiver is intended to benefit all school food authorities who elect to use it, so that every school has the ability to provide a safe and efficient meal service in school year 2021-2022.  This waiver does not require SFAs to operate SSO they may choose to serve meals through the school meal programs. | July 1, 2021 - June 30, 2022 |
| #86 Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022 | This waiver allows school food authorities to claim National School Lunch Program Seamless Summer Option Meals and snacks at the Summer Food Service Program reimbursement rates.  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option in school year 2021-2022.  This document relates to 42 U.S.C. 1761(b)(1)(C). | This waiver applies to:   * SSO   SSO meals are typically reimbursed at the NSLP/SBP rates. This waiver replaces these rates with the SFSP rates which are higher. | July 1, 2021 - June 30, 2022 |
| #87 Nationwide Waiver to Allow Non-congregate Meal Service for School Year 2021-2022 | Under this waiver, National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program operators in States that elect to be subject to this waiver may provide non-congregate meals during COVID-19 operations.  This waiver applies to State agencies, and local organizations operating, the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program. These flexibilities also apply to the National School Lunch Program Seamless Summer Option.  This document relates to 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1773(b)(1)(A), and 7 CFR 226.19(b)(6)(iii). | This waiver applies to:   * NSLP * SBP * CACFP * SSO   Non-congregate feeding flexibilities provide schools and childcare operators the opportunity to provide meal pick-up options for students learning virtually, and also facilitate grab-and-go meals for students in school.  While this waiver is available through June 30, 2022, flexibilities under this waiver should be implemented by program operators until such a time when greater levels of congregation in in-school settings is safe and healthy to pursue. | July 1, 2021 - June 30, 2022 |
| #88 Nationwide Waiver of Meal Time Requirements School Year 2021-2022 | Under this waiver, National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program operators in States that elect to be subject to this waiver may serve meals outside of the standard mealtimes.  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program. These flexibilities apply to the National School Lunch Program Seamless Summer Option.  This document relates to 7 CFR 210.10(1), 220.8(1), and 226.20(k). | This waiver applies to:   * NSLP * SBP * CACFP * SSO   While this waiver is available through June 30, 2022, flexibilities under this waiver should be implemented by program operators until such a time when greater levels of congregation in in-school settings is safe and healthy to pursue. | July 1, 2021 – June 30, 2022 |
| #89 Nationwide Waiver to Allow parents and Guardians to Pick Up Meals for Children for School Year 2021-2022 | Under this waiver, National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program operators in a State with an approved waiver allowing non-congregate meal distribution during COVID-19-related operations may distribute meals to a parent or guardian to take home to their children.  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program. These flexibilities also apply to the National School Lunch Program Seamless Summer Option.  This document relates to 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), and 7 CFR 226.2 (meals). | This waiver applies to:   * NSLP * SBP * CACFP * SSO   There must be a plan for ensuring that local operators are able to maintain accountability and program integrity. This includes putting into place processes to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed to any child.  While this waiver is available through June 30, 2022, flexibilities under this waiver should be implemented by program operators until such a time when greater levels of congregation in in-school settings is safe and healthy to pursue. | July 1, 2021 – June 30, 2022 |
| #90 Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022 | FNS waives, for all States, the requirements to serve meals that meet specified meal pattern requirements during the public health emergency due to COVID-19.  This waiver applies to State agencies administering and local organizations operating the National School Lunch Program and School Breakfast Program. These flexibilities also apply to the National School Lunch Program Seamless Summer Option.  This document relates to 7 CFR 210.10(b), (c), (d), (f), (o), and (p); and 220.8(b), (c), (d), (f), and (o). | This waiver applies to:   * NSLP * SBP * SSO   With the exception of the sodium requirements, local program operators must request waivers from their State agency.  It is expected that the flexibilities provided for SY 2021-2022 will only be utilized as needed, and that schools will seek to meet the meal pattern requirements to the greatest extant possible.  Therefore, for all States, FNS is establishing a waiver of the NSLP and SBP requirements below. FNS also extends these flexibilities to SSO for the duration of this waiver.   * That menus meet the dietary specification for sodium, at 7 CFR 210.10(b), (c), and (f); and 220.8(b), (c), and (f); * That all grains offered be whole grain-rich, at 7 CFR 210.10(c); and 220.8(c); * That, for pre-schoolers, at least one serving per day, across all eating occasions, must be whole grain-rich, at 7 CFR 210.10(o)(3) and (p); and 220.8(o); * To offer a variety of vegetables from the vegetable subgroups, at 7 CFR 210.10 (c) and 220.8(c); * To offer a variety (at least two different options) of fluid milk, at 7 CFR 210.10(d)(1)(i) and 220.8(d); * That low-fat milk must be unflavored, at 7 CFR 210.10(c) and (d)(1)(i), and 220.8(c) and (d); and * To plan menus and offer food components for specified age/grade groups in the stated combinations, at 7 CFR 210.10(c) and 220.8(c).   All other meal pattern requirements remain in effect. This waiver is effective October 1, 2021 and remains in effect until June 30, 2022.  The State agency must consider approval of this waiver for whole grains, vegetable subgroups, milk variety, low-fat flavored milk, and the age/grade groups on a case-by-case basis. For sodium, State agencies should allow all local program operators to implement sodium flexibilities because, due to COVID–19 safety concerns, many schools are relying on grab-and-go or shelf-stable foods that are pre-packaged, many which are higher in sodium than the foods that were typically used by schools prior to COVID–19.  When reviewing requests from local program operators, the State agency should consider requests that are targeted and justified with a demonstrated need, based on plans to support access to nutritious meals while minimizing potential exposure to COVID–19.  Federal procurement regulations continue to apply. As a reminder, procurement regulations permit an exception at 2 CFR 200.320(c)(3), for noncompetitive proposals when there is a public emergency that will not permit a delay. | October 1, 2021 – June 30, 2022 |
| #91 Nationwide Waiver to Allow Specific meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022 | Under this waiver, Child and Adult Care Food Program operators in States that elect to be subject to this waiver may serve meals that do not meet specified meal pattern requirements during the public health emergency due to COVID-19.  This waiver applies to State agencies administering and local organizations operating the Child and Adult Care Food Program.  This document relates to 7 CFR 226.20(a) and (c). | This waiver applies to:   * CACFP   FNS expects local operators to meet the meal standards to the best of their ability, but recognizes that, in some situations, it might not be possible to meet every component of the meal pattern requirements. Given the challenges when employing appropriate safety measures for COVID–19, this waiver allows States to grant requests from program operators for the flexibilities listed.  It is expected that these flexibilities will be utilized only as needed, and that program operators will seek to meet the meal pattern requirements to the greatest extent possible.  Therefore, FNS is establishing a waiver for all States of the following CACFP requirements:   * That at least one serving per day, across all eating occasions, must be whole grain-rich, at 7 CFR 226.20(a)(4)(i)(A) and 226.20(c); * That the crediting of grains by ounce equivalents must be fully implemented by October 1, 2021, at 7 CFR 226.20(c); and * That low-fat milk (1 percent) must be unflavored at 7 CFR 226.20(a)(1)(iii) and 226.20(c).   All other meal pattern requirements remain in effect. This waiver is effective July 1, 2021, and remains in effect until June 30, 2022.  Local program operators must contact the State agency for approval to use this waiver, and provide the State agency any necessary information to complete reporting requirements. The State agency must consider approval of this waiver for whole grains, grains ounce equivalency, or low-fat flavored milk requirements on a case-by-case basis, and must report to the FNS Regional Office regarding these flexibilities. When reviewing requests from local program operators, the State agency should consider requests that are targeted and justified with a demonstrated need, based on plans to support access to nutritious meals while minimizing potential exposure to COVID–19.  FNS expects and strongly encourages program operators to maintain and meet the nutrition standards to the greatest extent possible.  Federal procurement regulations continue to apply. As a reminder, procurement regulations permit an exception to competitive procurements at 2 CFR 200.320(c)(3) when there is a public emergency that will not permit a delay. | July 1, 2021 – June 30, 2022 |
| #92 Nationwide Waiver to Allow Offer Versus Serve Flexibility for Senior High Schools for School Year 2021-2022 | FNS waives, for all States, the requirement for senior high schools (as defined by the State education agency) to participate in offer versus serve during school year 2021-2022.  This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program. These flexibilities also apply to the National School Lunch Program Seamless Summer Option.  This document relates to 42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e). | This waiver applies to:   * NSLP * SSO | July 1, 2021 – June 30, 2022 |
| #93 Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in School Year 2021-2022 | This waiver allows schools and at-risk afterschool care centers, regardless of their location, to claim all National School Lunch Program Afterschool Snack Service and Child and Adult Care Food Program At-risk Afterschool Program meals and snacks at the free rate. This waiver also allows day care homes participating in the Child and Adult Care Food Program to claim all meals served to enrolled children at the Tier 1 rate, regardless of their location.  This waiver applies to State agencies administrating, and local organizations operating, the National School Lunch Program and the Child and Adult Care Food Program  This document relates to: 42 U.S.C. 1766(f)(3)(A)(ii); 42 U.S.C. 1766a(c)(1); 42 U.S.C. 1766(r)(1)(B); 7 CFR 226.2; 226.6(b)(1)(viii); 226.6(f)(1)(ix)(B) and (C); 226.15(f); 226.15(g); 226.17a(b)(1)(iv); 226.17a(e)(2)(iv); 226.17a(f)(1); and 226.17a(i)(1) and (2). | This waiver applies to:   * CACFP * NSLP Afterschool Snack Service   The purpose of this waiver is to assist schools, community organizations, and day care homes with reopening and to ensure that children are able to receive benefits with appropriate safety measures.  This waiver allows schools, regardless of their location, to claim all afterschool snacks at the free rate. It allows at-risk afterschool care centers, regardless of their location, to apply to participate in the CACFP and claim all meals and snacks at the free rate. It also allows all day care homes, regardless of their location, to receive the Tier I reimbursement rate for all meals and snacks. | July 1, 2021 – June 30, 2022 |
| #94 Nationwide Waiver of Onsite Monitoring requirements in the School Meal Programs – Revised – Extension 3 | FNS waives, for all State agencies and school food authorities, school meal programs onsite monitoring requirements included at 7 CFR 210.8, 210.16(a), 210.18, 220.7, 220.8(h), and 220.11(d) . This waiver extends the Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION 2 granted on August 4, 2020 that expires on June 30, 2021.  This waiver and flexibilities applies to State agencies administering, and school food authorities operating, the National School Lunch Program and School Breakfast Program. This waiver remains in effect until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services. | This extension applies to:   * NSLP * SBP   This waiver extends the *Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION 2*, granted on August 4, 2020, that expires on June 30, 2021 – until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services.  Please note that to ensure Program integrity during this time, State agencies and SFAs should continue monitoring activities of Program operations offsite (e.g., through a desk audit). | Expires 30 days after the end of the public health emergency. |
| #95 Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 3 | FNS waives, for all State agencies, that CACFP monitoring requirements included at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6) be conducted onsite. To ensure Program integrity during this time, State agencies should continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver extends the Nationwide Waiver of Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 2 granted on August 4, 2020 that expires on September 30, 2021.  This waiver applies to State agencies administering the Child and Adult Care Food Program. This waiver remains in effect until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services. | This waiver applies to:   * CACFP   This waiver extends the *Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 2*, granted on August 4, 2020, that expires on September 30, 2021 – until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services. This extension applies to the Child and Adult Care Food Program (CACFP).  Please note that to ensure Program integrity during this time, State agencies should continue monitoring activities of Program operations offsite (e.g., through a desk audit). | Expires 30 days after the end of the public health emergency. |
| #96 Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Care Food Program - EXTENSION | FNS waives, for all CACFP sponsoring organizations, that CACFP monitoring requirements included at 7 CFR 226.16(d)(4)(iii) be conducted onsite. To ensure Program integrity during this time, sponsoring organizations should continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver extends the Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program granted on August 4, 2020 that expires on September 30, 2021.  This waiver applies to sponsoring organizations administering the Child and Adult Care Food Program. This waiver remains in effect until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services. | This waiver applies to:   * CACFP   This waiver extends the *Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Care Food Program*, granted on August 4, 2020, that expires on September 30, 2021 – until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services. This extension applies to the Child and Adult Care Food Program (CACFP).  Please note that to ensure Program integrity during this time, sponsoring organizations should continue monitoring activities of Program operations offsite (e.g., through a desk audit). | Expires 30 days after the end of the public health emergency. |
| #97 Nationwide Waiver to Provide Flexibility for School Meal Programs Administrative Reviews of School Food Authorities Operating Only the Seamless Summer Option in School Year (SY) 2021-2022. | This waiver facilitates State agencies abilities to conduct a school meals programs administrative review when a School Food Authority is only operating the National School Lunch Program Seamless Summer Option in school year 2021-2022.  This waiver applies to State agencies administering, and local organizations operating the national School Lunch Program Seamless Summer Option in school year 2021-2022.  This document relates to 42 U.S.C. 1769c and 7 CFR 210.18. | This was applies to:   * SSO |  |
| #98 Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs | FNS waivers, for each State that elects to be subject to it, the requirement that local educational agencies (LEAs) conduct their assessment by June 30, 2021, and instead allows LEAs to conduct their assessment by June 30, 2022.  This waiver applies to State agencies administering and LEAs operating the National School Lunch Program and School Breakfast Program.  This document relates to 42 U.S.C. 1758b(B0 and 7 CFR 210.31(e)(2). | This waiver applies to:   * NSLP * SBP   LEAs required to complete a triennial assessment by June 30, 2021, may choose to accept the new regulatory deadline and instead complete their first assessment by June 30, 2022. These LEAs then would complete a second triennial assessment by June 30, 2025. FNS recognizes that some LEAs may be prepared to complete their triennial assessment by June 30, 2021, and encourages those that are prepared to do so to complete their assessments on time. | June 30, 2022 |
| #99 Nationwide Waiver of the Annual Half Aggregate Monitoring Requirement in the Summer Food Service Program | FNS waives, for all State agencies the monitoring requirements included at 7 CFR 225.7(d)(2)(ii)(B).  This waiver and flexibilities apply to State agencies administering, and sponsors operating, the Summer Food Service Program.  This waiver remains in effect until September 30, 2022 | This waiver applies to:   * SFSP   State agencies must continue to meet all other monitoring requirements including the requirements found at:  • 7 CFR 225.7(d)(2)(ii)(A) Conduct a review of every new sponsor at least once during the first year of operation;  • 7 CFR 225.7(d)(2)(ii)(C) Annually review every sponsor which experienced significant operational problems in the prior year;  • 7 CFR 225.7(d)(2)(ii)(D) Review each sponsor at least once every three years; and  • 7 CFR 225.7(d)(2)(ii)(E) As part of each sponsor review, conduct reviews of at least 10 percent of each sponsor’s sites, or one site, whichever number is greater. | September 30, 2022 |
| #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 | FNS waives the requirements to take fiscal action during the public health emergency for meal pattern violations related to COVID-19 supply chain disruptions.  This waiver is available to State agencies administering the National School Lunch Program and School Breakfast Program. These flexibilities also apply to the National School Lunch Program Seamless Summer Option.  This document relates to 7 CFR 210.18(1)(2). | This waiver applies to:   * SBP * NSLP * SSO   FNS is granting a waiver, for all States, for the following regulations when there is a supply chain disruption with respect to foods served under the NSLP, SBP, or SSO and such disruption is due to COVID–19:  • The requirement to apply fiscal action for missing food components or missing production records as detailed in 7 CFR 210.18(l)(2)(i); and  • The requirement to apply fiscal action for repeated violations involving milk type and vegetable subgroups as detailed in 7 CFR 210.18(l)(2)(ii).  Under 7 CFR 210.18(l)(2)(iii-iv) fiscal action for repeat violations of the requirements for food quantities and whole grain-rich foods, and for  repeat violations of the dietary specifications for calories, saturated fat, sodium, and trans fat is discretionary. FNS strongly encourages State agencies to use this discretion not to take fiscal action for meal pattern violations resulting from supply chain issues when there is a supply chain disruption with respect to foods served under the NSLP, SBP, or SSO and such disruption is due to COVID–19. | June 30, 2022 |
| #101 Nationwide Waiver to Allow Non-Congregate Meal Service for Service Institutions Operating the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022 | Under this waiver, Summer Food Service Program service institutions in States that elect to be subject to this waiver may provide non-congregate meals during COVID-19 operations during unanticipated school closures in school year 2021-2022.  This waiver applies to State agencies administering, and service institutions operating, the Summer Food Service Program.  This document relates to 7 CFR 225.6(e)(15). | This waiver applies to:   * SFSP   Unanticipated school closures only occur when instruction is not provided to children.  If the school plans to offer virtual learning or a mix of in-person classes and virtual learning, the school is considered open and any meals provided to children must be offered through the Seamless Summer Option (SSO) under existing waiver #85 or through SBP/NSLP if applicable.  This new nationwide waiver is applicable to any service institution operating SFSP during unanticipated school closures as defined above. | Effective 10/1/21 – 6/30/22 |
| #102 Nationwide Waiver of Meal Times Requirements for Service Institutions Operating the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022 | Under this waiver, Summer Food Service Program operators in States that elect to be subject to this waiver may serve meals outside of the standard meal times during unanticipated school closures in School year 2021-2022.  This waiver applies to State agencies administering, and service institutions operating, the Summer Food Service Program.  This document relates to 7 CFR 225.16(c)(1) and (2). | This waiver applies to:   * SFSP   Unanticipated school closures only occur when instruction is not provided to children.  If the school plans to offer virtual learning or a mix of in-person classes and virtual learning, the school is considered open and any meals provided to children must be offered through the Seamless Summer Option (SSO) under existing waiver #85 or through SBP/NSLP if applicable.  This new nationwide waiver is applicable to any service institution operating SFSP during unanticipated school closures as defined above. | Effective 10/1/21 – 6/30/22 |
| #103 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals Served by Service Institutions through the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022 | |  | | --- | | Under this waiver, Summer Food Service Program operators in States that elect to be subject to this waiver, and that elected to allow non-congregate meal distribution during COVID–19-related operations via *COVID-19: Child Nutrition Response #101*, may distribute meals to a parent or guardian to take home to their children during an unanticipated school closure in School Year 2021-2022.  This waiver applies to State agencies administering, and service institutions operating, the Summer Food Service Program.  This document relates to 7 CFR 225.2 and 225.9(d)(7). | | This waiver applies to:   * SFSP   Unanticipated school closures only occur when instruction is not provided to children.  If the school plans to offer virtual learning or a mix of in-person classes and virtual learning, the school is considered open and any meals provided to children must be offered through the Seamless Summer Option (SSO) under existing waiver #85 or through SBP/NSLP if applicable.  This new nationwide waiver is applicable to any service institution operating SFSP during unanticipated school closures as defined above. | Effective 10/1/21 – 6/30/22 |
| #104 Nationwide Waiver of Area Eligibility Requirements for Service Institutions Operating the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022 | |  | | --- | | Under this waiver, service institutions operating the Summer Food Service Program (SFSP) in States, whose agencies elect to be subject to this waiver, may operate open sites in areas that are not located in “Areas in which poor economic conditions exist” during unanticipated school closures in school year 2021-2022.  This waiver applies to State agencies administering, and service institutions operating the SFSP.  This document relates to 42 U.S.C. 1761(a)(1)(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). | | This waiver applies to:   * SFSP   Unanticipated school closures only occur when instruction is not provided to children.  If the school plans to offer virtual learning or a mix of in-person classes and virtual learning, the school is considered open and any meals provided to children must be offered through the Seamless Summer Option (SSO) under existing waiver #85 or through SBP/NSLP if applicable.  This new nationwide waiver is applicable to any service institution operating SFSP during unanticipated school closures as defined above. | Effective 10/1/21 – 6/30/22 |
| #105 Nationwide Waiver to Allow Service of Meals at School Sites during Unanticipated School Closures in School Year 2021-2022 | |  | | --- | | Under this waiver, Summer Food Service Program (SFSP) and the National School Lunch Program Seamless Summer Option (SSO) operators in States that elect to be subject to this waiver may serve meals at school sites during unanticipated school closures in school year 2021-2022.  This waiver applies to State agencies administering, and local organizations operating, the SFSP and SSO in school year 2021-2022.  This document relates to Section 13(c)(1) of the National School Lunch Act (42 U.S.C. 1761(c)(1)) and 7 CFR 225.6(d)(1)(iv). | | This waiver applies to:   * SFSP * SSO   Unanticipated school closures only occur when instruction is not provided to children.  If the school plans to offer virtual learning or a mix of in-person classes and virtual learning, the school is considered open and any meals provided to children must be offered through the Seamless Summer Option (SSO) under existing waiver #85 or through SBP/NSLP if applicable.  This new nationwide waiver is applicable to any service institution operating SFSP during unanticipated school closures as defined above. | Effective 10/1/21-4/30/22 |
| #106 Nationwide Waiver for Selected Child Nutrition Program Reporting Requirements | This waiver cancels selected administrative data reporting requirements in the Child Nutrition Programs, specifically the following: FNS-640 Administrative Review Report Form; FNS-828 School Food Authority Paid Lunch Price Report; FNS-874 Local Educational Agency Second Review of Applications; Ameliorative Action Plans for Verification Results; State Agency Food Safety Inspections Report; and Performance-Based Reimbursement (7 Cents) Quarterly Report.  This waiver applies to State agencies administering and LEAs operating the National School Lunch Program and School Breakfast Program.  This document relates to:   |  | | --- | | 7 CFR 210.18(n); 42 U.S.C. 1769c (b)(1)(C)(iv); 7 CFR 210.14 (e)(7); 7 CFR 210.15(a)(8); 42 U.S.C. 1769c (b)(6)(E)(ii); 7 CFR 245.11(b)(2); 7 CFR 245.12(i); 42 U.S.C. 1758(h)(3)(B); 7 CFR 210.5(d)(2)(ii); 42 U.S.C. 1758(h)(1)(A) | |  |  |
| #107 Nationwide Waiver to Extend Area Eligibility Waivers for Summer 2022 Operations – Extension 5 | (1) This waiver extends until September 30, 2022, the Nationwide Waiver to Extend Area Eligibility Waivers – Extension 4 granted on March 9, 2021 that expired on September 30, 2021. (2) This waiver and flexibilities apply to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program during Summer 2022. (3) This document relates to 42 U.S.C. 1761(a)(1)(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). |  | This extension applies to the Summer Food Service Program (SFSP) and FNS is extending this flexibility to the National School Lunch Program Seamless Summer Option (SSO) until September 30, 2022. |
| #108 Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites for Summer 2022 Operations – EXTENSION 4 | (1) Under this waiver, for all States, Summer Food Service Program operators of closed enrolled sites during the COVID–19 pandemic may determine site eligibility through area eligibility, without collecting income eligibility applications until September 30, 2022. This flexibility also applies to the National School Lunch Program Seamless Summer Option. This waiver extends the Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites in the Summer Food Service Program and National School Lunch Program Seamless Summer Option, granted on March 9, 2021 that expired on September 30, 2021. (2) The waiver and flexibilities apply to State agencies administering, and local organizations operating, the Summer Food Service Program or National School Lunch Program Seamless Summer Option during Summer 2022. (3) This document relates to 42 U.S.C. 1761(a)(1)(A)(i)(III) and 7 CFR 225.15(f). |  |  |
| #109 Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates for the Seamless Summer Option in Summer 2022 | (1) This waiver allows school food authorities to claim National School Lunch Program Seamless Summer Option meals and snacks at the Summer Food Service Program reimbursement rates through September 30, 2022. (2) This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option in summer 2022. (3) This document relates to 42 U.S.C. 1761(b)(1)(C). |  | This waiver is effective immediately and remains in effect through September 30, 2022. |
| #110 Waiver to Allow Fiscal Action Flexibility for Meal Pattern Violations Related to COVID-19 Supply Chain Disruptions Impacting School Meals in School Year 2022-2023 -- EXTENSION | (1) FNS waives, for all States, the requirements to take fiscal action for meal pattern violations related to COVID 19 supply chain disruptions during School Year 2022-2023. (2) This waiver is available to State agencies administrating the National School Lunch Program and School Breakfast Program. These flexibilities also apply to the National School Lunch Program Seamless Summer Option. (3) This document relates to 7 CFR 210.18(l)(2). |  | This waiver is available through June 30, 2023. |
| #111 Nationwide Waiver to Allow Non-Congregate Feeding for Summer 2022 Operations – EXTENSION 7 | (1) Under this extension, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in States that elect to be subject to this waiver may provide non-congregate meals through September 30, 2022. This waiver extends the Nationwide Waiver to Allow Non-Congregate Feeding in the Summer Food Service Program and National School Lunch Program Seamless Summer Option granted March 9, 2021, that expired September 30, 2021, through September 30, 2022. (2) This waiver and flexibilities apply to State agencies administering, and local organizations operating, the Summer Food Service Program and the National School Lunch Program Seamless Summer Option during Summer 2022. (3) This document relates to 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D) and 7 CFR 225.6(e)(15). |  | This waiver extends for Summer 2022 the Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option – EXTENSION 6—granted March 9, 2021, which expired September 30, 2021— through September 30, 2022. This extension applies to the Summer Food Service Program (SFSP) and FNS is extending this flexibility to the National School Lunch Program Seamless Summer Option (SSO). |
| #112 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for Summer 2022 Operations – EXTENSION 7 | (1) Under this extension, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in States that elect to be subject to this waiver to allow non-congregate meal distribution during COVID–19 related operations may distribute meals to a parent or guardian to take home to their children through September 30, 2022. This waiver extends the Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION 6 granted on March 9, 2021 that expired on September 30, 2021. (2) This waiver and flexibilities apply to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program during Summer 2022. (3) This document relates to 42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast) and 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7). |  | This waiver extends for summer 2022 the Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION 6 granted on March 9, 2021, that expired on September 30, 2021— through September 30, 2022. This extension applies to the Summer Food Service Program (SFSP) and FNS is extending this flexibility to the National School Lunch Program Seamless Summer Option (SSO). |
| #113 Nationwide Waiver of Meal Service Time Restrictions for Summer 2022 Operations – EXTENSION 4 | (1) Under this extension, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in States that elect to be subject to this waiver may serve meals outside of the standard meal times through September 30, 2022. This waiver extends the Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option granted on March 9, 2021, that expired on September 30, 2021. (2) This waiver and flexibilities apply to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program during Summer 2022. (3) This document relates to 7 CFR 225.16(c)(1) and (2), 210.10(l), and 220.8(l). |  | This waiver extends for summer 2022 the Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option –EXTENSION 3 – granted on March 9, 2021, that expired on September 30, 2021, through September 30, 2022. This extension applies to the Summer Food Service Program (SFSP) and FNS is extending this flexibility to the National School Lunch Program Seamless Summer Option (SSO). |
| #114 Nationwide Waiver of the Summer Sponsor Application Deadline and to Allow Reimbursement for Meals Served Prior to Notification of Approval for Summer 2022 Operations | (1) Under this waiver and flexibility, Summer Food Service Program Sponsors and National School Lunch Program Seamless Summer Option Sponsors do not need to have submitted an application by June 15 for Summer 2022 operations. (2) FNS will allow reimbursement for meals served at a site before the sponsor has received written notification that the site has been approved for participation in the Program. (3) This document relates to 7 CFR 225.6(b)(1) and 7 CFR 225.9(d). |  | This waiver is effective immediately and remains in effect through September 30, 2022. FNS also extends these flexibilities to SSO operations for the duration of this waiver. |
| Summer 2022 and SY 2022-2023 12(I) waivers | Maine was granted approval on May 17, 2022 for a variety of Waivers to support Summer 2022 and SY 2023 operations during the COVID-19 Public Health Emergency. See Summer 2022 and SY 2023 12(I) waivers below. |  |  |
|  |  |  |  |

**Summer 2022 and SY 2023 12(I) waivers**

*Summer Operations (SFSP/SSO)*

The waivers in this section apply to the SFSP and the SSO for summer 2022. These waivers are effective May 16, 2022, through September 30, 2022. However, FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

Waiver 1: Non-Congregate Meal Service during Summer 2022 (SFSP/SSO) Under the NSLA, 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and program regulations at 7 CFR 225.6(e)(15), meals must be served in a congregate setting and must be consumed by participants on site. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements to serve meals through the SFSP in a congregate setting this summer. Any other requirements referenced in these provisions remain in effect. FNS also extends the non-congregate feeding flexibilities to SSO for the duration of this waiver.

Waiver 2: Parent and Guardian Meal Pick Up during Summer 2022 (SFSP/SSO) Under the NSLA, 42 U.S.C. 1761(f)(3) and program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7) meals must be served to eligible children. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirement that meals may only be served directly to children this summer. Any other requirements referenced in these provisions remain in effect. FNS also extends the parent and guardian pick up flexibility to SSO for the duration of this waiver. State agencies must have a plan for ensuring that program operators are able to maintain accountability and program integrity. This includes putting in place processes to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate SFSP or SSO meals are not distributed to any child. School Year Operations (NSLP/SBP) The waivers in this section are intended to provide needed flexibility to support school food authorities (SFAs) in continuing to offer nutritious meals. While these waivers are available through June 30, 2023, flexibilities under these waivers should only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

Waiver 3: Non-Congregate Meal Service (NSLP and SBP) Under the NSLA, 42 U.S.C. 1753(b)(1)(A), the Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A), NSLP and SBP meals must be served in a congregate setting and must be consumed by participants on site. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements to serve meals through the NSLP and SBP in a congregate setting. Any other requirements referenced in these provisions remain in effect.

Waiver 4: Parent and Guardian Meal Pick Up (NSLP and SBP) Under program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), and 7 CFR 220.8(a), meals must be served to eligible children. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the requirement that meals may only be served directly to children. Any other requirements referenced in these provisions remain in effect. State agencies opting to use this flexibility must have a plan for ensuring that local operators are able to maintain accountability and program integrity. This includes putting in place processes to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed to any child.

Waiver 5: Meal Service Times (NSLP and SBP) Under program regulations at 7 CFR 210.10(l) and 7 CFR 220.8(l), meals served in the NSLP and SBP must follow meal service time requirements. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements that set meal time parameters for school lunch and breakfast.

Waiver 6: Offer Versus Serve (NSLP) Under the NSLA, 42 U.S.C. 1758(a)(3) and program regulations at 7 CFR 210.10(e), Program operators of senior high schools (as defined by the State education agency) must participate in offer versus serve at lunch. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the requirement to serve school lunches to senior high school students using offer versus serve. FNS also extends the offer versus serve flexibility to SSO for the duration of this waiver, when there is an unanticipated school closure during the school year.

*School Year Administration (NSLP/SBP/SFSP)*

The waivers in this section allow State and local Program operators to overcome administrative challenges resulting from COVID-19 and 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 expects program operators to use the flexibilities for only the duration and extent that they are needed.

Waiver 7: Local School Wellness Policy Triennial Assessment (NSLP) Section 9A(b) of the NSLA, 42 U.S.C. 1758b(b), establishes requirements for local school wellness policies related to implementation, evaluation, and publicly reporting on progress of local school wellness policies. FNS regulations further require at 7 CFR 210.31(e)(2) that, at least once every three years, local educational agencies (LEAs) assess compliance with the local school wellness policy and make assessment results available to the public. Based on the July 1, 2017, implementation of the local school wellness policy regulations, the first triennial assessments were due June 30, 2020. On April 2, 2020, FNS issued a nationwide waiver delaying the deadline for the first triennial assessment to June 30, 2021, and on June 11, 2021, FNS issued a nationwide waiver delaying the deadline for the first triennial assessment to June 30, 2022. FNS recognizes that States and schools continue to devote additional resources to pandemic recovery and the transition back to normal operations. Due to this ongoing pandemic response and recovery, the resources required to meet the upcoming Local School Wellness Policy triennial assessment deadlines are better spent planning for the upcoming school year and ensuring that students are fed. Pursuant to the Section 12(l) waiver authority cited above, FNS waives, for Program operators the above referenced statutory and regulatory requirements and provides a new first triennial assessment deadline of June 30, 2023. Accordingly, LEAs required to complete a triennial assessment by June 30, 2022, may choose to accept the new regulatory deadline and instead complete their first assessment by June 30, 2023. These LEAs then would complete a second triennial assessment by June 30, 2026. FNS recognizes that some LEAs may be prepared to complete their triennial assessment by June 30, 2022, and encourages those that are prepared to do so to complete their assessments on time.

Waiver 8: Food Service Management Company (FSMC) Contract Duration (NSLP and SFSP) Under Program regulations at 7 CFR 210.16(d) and 225.6(h)(7), SFAs and SFSP sponsors with a FSMC may contract for no longer than one year, with options for a yearly renewal not to exceed four additional years. Many SFAs and SFSP sponsor FSMC contracts may be nearing the end of their last renewal year. However, FNS recognizes that during this transition year, requiring SFAs and sponsors to conduct a competitive procurement process for a new FSMC contract may place an undue administrative burden on local operators. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives 7 CFR 210.16(d) and 7 CFR 225.6(h)(7) to permit SFAs and SFSP sponsors to extend existing FSMC contracts that would not otherwise be eligible for extension through SY 2022-2023 or June 30, 2023.

Waiver 9: Administrative Review Onsite Requirements (NSLP and SBP) Under Program regulations at 7 CFR 210.8(a)(1), 210.9(c)(7), 210.16(a)(3), 210.18, 220.7(d)(1)(iii), and 220.11(d)(1), SFAs are required to conduct portions of the administrative review onsite. However, FNS recognizes that during this transition year and in order to provide meals and meal supplements and ensure continuity of operations, suspending onsite monitoring is vital. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives 7 CFR 210.8(a)(1), 210.9(c)(7), 210.16(a)(3), 210.18, 220.7(d)(1)(iii), and 220.11(d)(1) to exclude the onsite monitoring requirements. Please note that to ensure Program integrity during this time, State agencies and SFAs should continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver is effective when the public health emergency, which was declared on January 31, 2020, by the United States Department of Health and Human Services, ends and continues through June 30, 2023.

Waiver 10: FNS-874 Second (Independent) Review of Applications (NSLP) Under 42 U.S.C 1769c(b)(6)(E)(iii) and program regulations at 7 CFR 245.11(b)(2), each State agency must submit a report, as specified by FNS, describing the results of the second reviews of eligibility determinations conducted by each LEA in their State. The report must provide information about applications reviewed in each LEA and include activities required under 7 CFR 245.11. This report is due March 15th of each year. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives 7 CFR 245.11(b)(2) to permit States the time to focus on continuity of operations during this transition year, and in recognition of the fact that nationwide waiver flexibilities adopted by State agencies during the prior two school years extensively impacted free and reduced price certifications, as well as oversight activities. This waiver pertains to the requirement to submit the FNS874 report due March 15, 2023, which would provide information about application reviewed in each LEA and include activities required under 7 CFR 245.11. This waiver only applies to the reporting requirements associated with the independent review process. The underlying requirement for LEAs that collect school lunch program applications in SY 2022-2023 to conduct independent reviews as applicable remains in effect.

Waiver 11: FNS-640 Administrative Review Data Report (NSLP) Under the NSLA, 42 U.S.C. 1769c(b)(1)(C)(iv) and program regulations at 7 CFR 210.18(n), State agencies shall submit to FNS each year the FNS-640 report containing the results of the reviews conducted in the preceding school year. This report is due March 1st of each year. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives 7 CFR 245.11(b)(2) to permit States the time to focus on continuity of operations, and in recognition that the FNS-640 report for SY 2022-2023 would cover a time period during which operations were extensively impacted by nationwide waiver flexibilities. This waiver pertains to the requirement to submit the FNS-640 report due March 1, 2023, which would provide data collected from conducted administrative reviews for SY 2021-2022.

*Special Milk Program Operations*

The waivers in this section are intended to provide needed flexibility to support schools and institutions in continuing to offer milk service. The waivers in this section are effective July 1, 2022, through June 30, 2023. However, FNS expects that flexibilities under these waivers will only be implemented by Program operators when congregate service is limited by the COVID-19 pandemic.

Waiver 12: Non-Congregate Milk Service (SMP) Section 3(a)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(1)) and program regulations at 7 CFR 215.1 require SMP milk to be served and consumed in nonprofit schools, which do not participate in a meal service program authorized by the NSLA, or other eligible institutions devoted to the care of children. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements, which require the service of SMP milk in a congregate setting. This flexibility will allow milk to be made available and consumed off site.

Waiver 13: Parent and Guardian Milk Pick Up (SMP) SMP distribution requirements at Section 3(a)(7) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(7)) and 7 CFR 215.7(d)(2)(i) and 215.13a(a) require SMP operators to provide milk directly to children, not to parents and guardians. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements to allow the distribution of SMP milk to a parent or guardian to take home to their children. State agencies opting to use this flexibility must have a plan for ensuring that Program operators are able to maintain accountability and program integrity. This includes putting in place processes to ensure that SMP milk is distributed only to parents or guardians of eligible children, and that duplicate servings are not distributed to any child. Fresh Fruit and Vegetable Program Operations The waivers in this section are effective July 1, 2022, through June 30, 2023. However, FNS expects that flexibilities under these waivers will only be implemented by Program operators when congregate service is limited by the COVID-19 pandemic.

Waiver 14: Parent and Guardian Pick Up (FFVP) Section 19(b) of the NSLA (42 U.S.C. 1769a), requires Program operators to provide FFVP foods directly to students, not to parents and guardians Pursuant to the waiver authority granted at Section 12(l) of the NSLA, this waiver allows the State agency to approve SFAs participating in FFVP to provide FFVP foods to parents or guardians of children whose elementary school is closed and who are learning virtually.

Waiver 15: Alternate Site (FFVP) Section 19(a) of the NSLA (42 U.S.C. 1769a(a)), limits availability of FFVP foods to elementary schools. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, this waiver allows the State agency to approve SFAs participating in FFVP to provide FFVP foods at sites that are not FFVP elementary schools when FFVP elementary schools are closed.

*Unanticipated School Closures*

The waivers in this section apply to the SFSP and the SSO during unanticipated school closures. These waivers are effective October 1, 2022, through April 30, 2023. However, FNS expects that flexibilities under these waivers will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

Waiver 16: Non-Congregate Meal Service during Unanticipated School Closures (SFSP/SSO) Under NSLA, 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and program regulations at 7 CFR 225.6(e)(15), SFSP meals must be served in a congregate setting and must be consumed by participants on site. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements to serve meals through the SFSP during an unanticipated school closure in a congregate setting. Any other requirements referenced in these provisions remain in effect. FNS also extends the noncongregate feeding flexibility to SSO for the duration of this waiver.

Waiver 17: Parent and Guardian Meal Pick-Up during Unanticipated School Closures (SFSP/SSO) Under the NSLA, 42 U.S.C. 1761(f)(3) and Program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7) meals must be served to eligible children. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirement that meals may only be served directly to children. Any other requirements referenced in these provisions remain in effect. FNS also extends the parent and guardian pick up flexibility to SSO for the duration of this waiver.

Waiver 18: Meal Service Times for Unanticipated School Closures (SFSP/SSO) Under program regulations at 7 CFR 225.16(c)(1) and (2) meals served in the SFSP must follow meal service time requirements. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements that set meal time parameters for SFSP sites. Any other requirements referenced in these provisions remain in effect. FNS also extends the meal service times flexibility to SSO for the duration of this waiver.

Waiver 19: Service of Meals at School Sites during Unanticipated School Closures Under the NSLA, 42 U.S.C. 1761(c)(1) and program regulations at 7 CFR 225.6(d)(1)(iv), State agencies are required to only approve meal service operations at non-school sites during unanticipated school closures. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirement that limits the operation of SFSP during an unanticipated school closure to non-school sites. FNS also extends the service of meals at school sites during unanticipated school closures flexibility to SSO for the duration of this waiver.

*Child and Adult Care Food Program Operations*

The waivers in this section apply to CACFP. These waivers are effective July 1, 2022, through June 30, 2023. However, FNS expects that flexibilities under these waivers will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

Waiver 20: Non-Congregate Meal Service (CACFP) Under the NSLA, 42 U.S.C. 1753(b)(1)(A) and program regulations at 7 CFR 226.19(b)(6)(iii), CACFP meals must be served in a congregate setting and must be consumed by participants on site. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirement to serve meals through CACFP in a congregate setting. Any other requirements referenced in this provision remain in effect.

Waiver 21: Parent and Guardian Meal Pick Up (CACFP) Under Program regulations at 7 CFR 226.2 (Meals), meals must be served to eligible children and eligible adult participants. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirement that meals may only be served directly to children and adult participants. Any other requirements referenced in these provisions remain in effect.

Waiver 22: Meal Service Times (CACFP) Under Program regulations at 7 CFR 226.20(k) meals served in the CACFP must follow meal service time requirements. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements that set meal time parameters for CACFP institutions and facilities.

*Child and Adult Care Food Program Administration*

The waivers in this section are effective when the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services, ends and continue through June 30, 2023.

Waiver 23: State Agency Onsite Monitoring Visits (CACFP) Under Program statute and regulations, State agencies are required to conduct one scheduled visit of CACFP institutions at not less than 3-year intervals. CACFP regulations at 7 CFR 226.6(m)(6) go on to require State agencies to annually review at least 33.3 percent of all CACFP institutions. Additionally, per 7 CFR 226.6(b)(1), State agencies are required to do a pre-approval visit of all new CACFP sponsors. However, FNS recognizes that as the country continues to respond to COVID-19, onsite monitoring may not be possible. Therefore, pursuant to the Section 12(l) waiver authority cited above, FNS waives the requirement that CACFP monitoring requirements included in 7 CFR 226.6(b)(1) and 226.6(m)(6) be conducted onsite. Please note that to ensure Program integrity during this time, State agencies that elect to use this waiver should continue monitoring activities of Program operations offsite (e.g., through a desk audit).

Waiver 24: Sponsoring Organization Onsite Monitoring Visits (CACFP) Under Program regulations at 7 CFR 226.16(d)(4)(iii), CACFP sponsoring organizations must review each facility three times each year and: 1) at least two of the three reviews must be unannounced; 2) at least one unannounced review must include observation of meal service; 3) at least one review must be made during each new facility’s first four weeks of Program operations; and 4) not more than six months may elapse between reviews. However, FNS recognizes that as the country continues to respond to COVID-19, onsite monitoring may not be possible. Therefore, pursuant to the Section 12(l) waiver authority cited above, FNS waives the requirement that CACFP monitoring requirements included in 7 CFR 226.16(d)(4)(iii) be conducted onsite. Please note that to ensure Program integrity during this time, CACFP sponsoring organizations that elect to use this waiver should continue monitoring activities of Program operations offsite (e.g., through a desk audit). Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS approves Maine DOE’s waiver request for the provisions mentioned above. Effective dates of each waiver are listed in the associated sections above.

*Additional Flexibilities (NSLP/SBP):*

The following waivers provide needed flexibility and allow State and local Program operators to overcome challenges resulting from COVID-19. FNS expects Program operators will only use these flexibilities for the duration and extent that they are needed.

Waiver 25: Paid Lunch Equity (NSLP) Under Program requirements, SFAs must meet Paid Lunch Equity (PLE) requirements as outlined in Section 12(p) of the NSLA, 42 U.S.C. 1760(p) and implemented in NSLP regulations at 7 CFR 210.14(e). Currently through Section 752, Division A of the Consolidated Appropriations Act of 2022 (P.L. 117-103) enacted on March 15, 2022, Congress provided that only SFAs that had a negative balance in the nonprofit school food service account as of December 31, 2021, shall be required to establish prices for paid lunches according to the PLE provision. In meeting PLE requirements, SFAs may need to increase paid lunch prices or offset any difference with non-Federal funds. However, FNS recognizes that during this transition year requiring SFAs to increase their paid meal prices could place a burden upon families who have not paid for meals over the last two school years. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives paid lunch equity requirements found at Section 12(p) of the NSLA, 42 U.S.C. 1760(p) and implemented at 7 CFR 210.14(e). This waiver pertains to school lunch prices for SY 2022-2023.

Waiver 26: Carryover Eligibility (NSLP and SBP): At 42 U.S.C. 1758(b)(9)(C) and 7 CFR 245.6(c)(1), the statute and regulations indicate that eligibility for free or reduced price meals remains in effect for the entire school year and for a certain number of days into the subsequent school year. Under Program regulations at 7 CFR 245.6(c)(2), eligibility from the preceding year must be used to determine eligibility for the first 30 operating days of the school year, or until a new eligibility determination is made in the current school year, whichever comes first. Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned statutory and regulatory requirements and allows schools that operated under the SSO in SY 2021-2022 and do not have eligibility determinations from SY 2021-2022 to use the most recent free and reduced price determinations since SY 2019-2020 during the 30-day carryover period of SY 2022-2023. This waiver is effective for the carryover period during SY 2022- 2023.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS approves Maine DOE’s waiver request for the provisions mentioned above. Effective dates of each waiver are listed in the associated sections above.

**Additional USDA Memos**

USDA has issued a series of question and answer documents on flexibilities and waivers for the Child Nutrition Programs intended to support effective operations and provide meals, while also supporting social distancing in order to reduce the exposure to the novel coronavirus (COVID-19). Each document is available through the Resource page of the Food and Nutrition Service website, under “Policy Memos”.

* Guidance on SFSP Meal Delivery (EO Guidance Document # FNS-GD-2020-0031) <https://fns-prod.azureedge.net/sites/default/files/resource-files/SFSP-Meal-Delivery-QA.pdf>
* 4/9/2020: SP 11-2020, CACFP 06-2020, SFSP 05-2020 Questions and Answers related to the Child Nutrition Program Monitoring and Reporting Nationwide Waivers <https://fns-prod.azureedge.net/sites/default/files/resource-files/CN-COVID-RepMonitoringQA.pdf>
* 4/9/2020: SP 12-2020: Fresh Fruit and Vegetable Program during COVID19: <https://fns-prod.azureedge.net/sites/default/files/resource-files/CN-COVID-FFVPQA.pdf>
* 4/11/2020: SP 13-2020, CACFP 07-2020, SFSP 06-2020 Child Nutrition Program Nationwide Waivers: Questions and Answers <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP13-2020s-a.pdf>
* 4/11/2020: SP 14-2020, CACFP 08-2020, SFSP 07-2020 Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks: Questions and Answers #3 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP14-2020s-a.pdf>
* 4/22/2020: SP15-2020, CACFP 09-2020, SFSP 08-2020 Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks: Questions and Answers #4
* 5/19/2020: SP 18-2020, SFSP 10-2020 Summer Food Service Program and National School Lunch Program Seamless Summer Option Nationwide Waivers – Questions and Answers <https://www.fns.usda.gov/cn/sfsp-and-nslp-sso-nationwide-waivers-qas>
* 5/19/2020: SP 19-2020 Fresh Fruit and Vegetable Program during COVID-19: Questions and Answers #2 <https://www.fns.usda.gov/ffvp/covid-19-qas-2>
* 5/29/2020: SP 20 CACFP 11 SFSP 11-2020 Questions and Answers on the Nationwide Waiver to Extend Unanticipated School Closure Operations through June 30, 2020 <https://www.fns.usda.gov/cn/questions-and-answers-nationwide-waiver-extend-unanticipated-school-closure>
* 6/3/2020: SP 21-2020, CACFP 12-2020, SFSP 12-2020 Questions and Answers related to Food Service Management Company Contracts and Allowable Costs during the COVID-19 Pandemic <https://www.fns.usda.gov/cn/qas-fsmc-contracts-and-allowable%20costs-covid19>
* 8/21/2020: SP 23-2020, Fresh Fruit and Vegetable Program Operations for SY 2020-21 during COVID-19 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP23-2020s.pdf>
* 8/21/2020: SP24 CACFP13 SFSP13-2020 Questions and Answers for the Child Nutrition Programs during School Year 2020-21 - #5 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP24_CACFP13_SFSP13-2020s.pdf>
* 9/11/2020: SP 25-2020, CACFP 14-2020, SFSP 14-2020 Questions and Answers Relating to the Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 2020 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP25_CACFP14_SFSP14_2020s.pdf>
* 10/14/2020: SP 01-2021, CACFP 01-2021, SFSP 01-2021 Questions and Answers Relating to the Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through School Year 2020-2021 – EXTENSION – Q&As #2 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP01_CACFP01_SFSP01-2021os.pdf>
* 10/23/2020: SP 03-2021 Fresh Fruit and Vegetable Program Operations for SY 2020-21 during COVID-19 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP03-2021os.pdf>
* 11/2/2020: SP04 CACFP 03, SFSP 03-2021 Questions and Answers Relating to the Nationwide Waiver to Allow SFSP and Seamless Summer Option Operations through SY 2020-21 – Q&As #3 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP04_CACFP03_SFSP03-2021os.pdf>
* 1/5/2021: SP05, CACFP 04, SFSP04-2021 Questions and Answers Relating to the Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations during School Year 2020-2021 – Q&As #4 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP05-CACFP04-SFSP04s.pdf>
* 4/19/21: CACFP 09-2021, SP 10-2021, SFSP 05-2021 Questions and Answers Regarding Child Nutrition Program Oversight, Administration, and Reporting During COVID-19 <https://fns-prod.azureedge.net/sites/default/files/resource-files/COVID-19-Oversight-Reporting-Questions-Final.pdf>
* 6/7/2021: CACFP 12-2021 Reimbursement for Meals and Snacks Served to Young Adults in the Child and Adult Care Food Program – Questions and Answers <https://fns-prod.azureedge.net/sites/default/files/resource-files/CACFP12-2021s.pdf>
* 6/11/2021: SP15-2021, CACFP 13-2021, SFSP 08-2021 Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022 <https://www.fns.usda.gov/cn/QA-Child-Nutrition-Program-Operations-SY-2021-2022>
* 7/14/2021: SP16-2021, CACFP 14-2021 Previously Issued Questions and Answers Relating to Operation of the Child Nutrition Programs: Updated for School Year 2021-2022 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP16_CACFP14-2021os.pdf>
* 7/22/21: SP18-2021 Community Eligibility Provision Operations during School Year 2021-2022: Questions and Answers <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP18-2021s.pdf>
* 8/9/21: SP19-2021 Fresh Fruit and Vegetable Program Operations for SY 2021-2022 during COVID-19 <https://fns-prod.azureedge.net/sites/default/files/resource-files/SP19-2021os.pdf>
* 9/29/21: SP 22-2021, CACFP 17-2021, SFSP 10-2021 Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022, Q&A #2
* Additional Memos are available here: <https://www.maine.gov/doe/schools/nutrition/laws>

**References and Links**

* FNS Response to COVID—19 website: <https://www.fns.usda.gov/disaster/pandemic/covid-19>
* [Nationwide Waiver to Allow Meal Service Time Flexibility in the Child Nutrition Programs](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520Meal%2520Times%2520Nationwide%2520Waiver.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C89b50ec17bac46a9d94308d7cd46a846%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637203576118245053&sdata=%2Fd%2FQ%2FaEMIxoNL3feKgZHeGn3%2BMc7Zy1oWPWhnG2TVaA%3D&reserved=0): FNS has provided a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus.
* [Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520NonCongregate%2520Nationwide%2520Waiver.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C89b50ec17bac46a9d94308d7cd46a846%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637203576118255049&sdata=RMiCAP66u9tf9emlU4QTXTPPx%2B2Ahee0tFpbapZP44c%3D&reserved=0): FNS has provided a nationwide waiver of congregate feeding requirements to support access to nutritious meals while minimizing potential exposure to the novel coronavirus.
* [Nationwide Waiver of the Activity Requirement in Afterschool Care Child Nutrition Programs](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520Afterschool%2520Activity%2520Nationwide%2520Waiver.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C89b50ec17bac46a9d94308d7cd46a846%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637203576118255049&sdata=uCAz17AP2a%2B0r6n8X4t2Lyet7Q6U1LYNnaKxLPdn8x0%3D&reserved=0):  FNS has provided a nationwide waiver to support access to nutritious meals and snacks while minimizing potential exposure to the novel coronavirus.
* [Nationwide Meal Pattern Waiver:](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520Meal%2520Pattern%2520Nationwide%2520Waiver%2520FINAL.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C4d4b0ad72d3046c5dd8908d7d18febc6%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637208288917730967&sdata=k4EiTi70E53BIUsOa7A9mtRNOnfM1s5HiYA4yNIP8y0%3D&reserved=0) FNS has provided nationwide approval for States to locally waive specific meal pattern requirements as needed to support access to nutritious meals when certain foods are not available due to the novel coronavirus.
* [Nationwide Parent/Guardian Meal Pickup Waiver](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520Parent%2520Pickup%2520Nationwide%2520Waiver%2520FINAL.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C4d4b0ad72d3046c5dd8908d7d18febc6%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637208288917740960&sdata=axu9iRh7mecWgLP6x%2B4IZJ%2FMUmzkipNDfO%2BqY5dzopU%3D&reserved=0): FNS is allowing States approved for non-congregate feeding to waive the rule preventing parents and guardians from picking up meals for their children, as long as they protect accountability and integrity.
* [Nationwide Community Eligibility Provision (CEP) Data Waiver](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520CEP%2520Deadlines%2520Nationwide%2520Waiver%2520to%2520FINAL.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C4d4b0ad72d3046c5dd8908d7d18febc6%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637208288917740960&sdata=fA8NGrn8OYEAu6NaXqi%2FoQvFClkE3NXK2hI6dRiuu2s%3D&reserved=0): FNS is extending the deadlines for reporting SY 2019-20 student counts to establish SY 2020-21’s identified student percentage for CEP, as well as for the required LEA and State notifications and CEP election.
* [Nationwide School Meals Programs Onsite Monitoring Waiver](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520Monitoring%2520Nationwide%2520Waiver%2520Schools.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C1d3de23f33d64d00759b08d7d34f04e5%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637210209225894921&sdata=sasLHJFtLJITRJsgGtdRJlkH9SVOyoYFBxVkbkKgH40%3D&reserved=0): FNS is waiving school meals onsite monitoring requirements for all State agencies and SFAs. In instances where a State agency is not able to conduct any monitoring of school meals this year due to school closures, the State agency may postpone the administrative review until school year 2020-2021.
* [Nationwide Child and Adult Care Food Program (CACFP) Onsite Monitoring Waiver for State Agencies](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520Monitoring%2520Nationwide%2520Waiver%2520CACFP%2520State.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C1d3de23f33d64d00759b08d7d34f04e5%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637210209225894921&sdata=9bL3xtVNIm6Ry2FafiRo5G3P3owcqZPt61RJHJ4HWmQ%3D&reserved=0): FNS is waiving CACFP onsite monitoring requirements for all State agencies.
* [Nationwide Child and Adult Care Food Program (CACFP) Onsite Monitoring Waiver for Sponsoring Organizations](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520Monitoring%2520Nationwide%2520Waiver%2520CACFP%2520Sponsor.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C1d3de23f33d64d00759b08d7d34f04e5%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637210209225904878&sdata=QFtl%2BhS1PGCDeTMgn5nGDjzNQ0MnK%2FVZDQxOPScmvtI%3D&reserved=0): FNS is waiving specific CACFP onsite monitoring requirements around frequency, number, and nature of onsite reviews for all sponsoring organizations.
* [Nationwide Summer Food Service Program (SFSP) Onsite Monitoring for State Agencies](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520Monitoring%2520Nationwide%2520Waiver%2520SFSP%2520State.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C1d3de23f33d64d00759b08d7d34f04e5%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637210209225904878&sdata=ZFBkMxvV9giPq%2BKIteoNOdNLNn35aKv8PHTAwNSQxn8%3D&reserved=0): FNS is waiving that monitoring must be completed onsite for all State agencies. Additionally, State agencies may postpone required site visits until summer 2020 for SFSP sponsors who operate the Program during normal summer operations (May through August).
* [Nationwide Summer Food Service Program (SFSP) Onsite Monitoring for Sponsoring Organizations](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpartnerweb.usda.gov%2Fsites%2FCNP%2Fcndpolicy2%2FProgramsLibrary2014%2FCOVID19%2520Monitoring%2520Nationwide%2520Waiver%2520SFSP%2520Sponsors.pdf&data=02%7C01%7Cadriane.Ackroyd%40maine.gov%7C1d3de23f33d64d00759b08d7d34f04e5%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637210209225914834&sdata=cUkInYohr%2FbBFl1pDzjzx8TtLZHZ7kDjsGmx0tgEeYg%3D&reserved=0): FNS is waiving that monitoring must be completed onsite for all SFSP sponsoring organizations. Additionally, SFSP sponsoring organizations may postpone required site visits until summer 2020 for SFSP sponsors who operate the Program during normal summer operations (May through August).
* FNS Documents & Resources. Policy Memos. <https://www.fns.usda.gov/resources?f%5B0%5D=resource_type%3A160>

**Maine Waivers Pending USDA Approval:**

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| **Submitted Waiver** | **Additional Information** |
| Combining SFSP Claims during the COVID-19 Unanticipated School Closure | This waiver would allow SFSP claims to be combined regardless of the 225.9(d)(3) 10-day limit.  This has been submitted to provide greater flexibility for SFSP claim submissions during COVID-19 Unanticipated School Closures.  This waiver is pending. |
| Spring Break (April Vacation)\* | This waiver would allow meals to be served and reimbursed over Spring Break during the unanticipated school closure.  USDA has provided verbal approval. This is covered in policy memo SP 14-2020, CACFP 08-2020, SFSP 07-2020 |
| Bulk Meals\* | This waiver would allow operators to provide up to 7 days of bulk meals (not unitized) that meet SFSP meal requirements to minimize contact.  Verbal USDA permission provided. Waiver submission was not required as this falls under other approved waivers, including #2 and #4. |
| CACFP Attendance List Waiver\* | This waiver requests that CACFP At-Risk sites operating during COVID-19 Unanticipated School Closures only require documentation of Point of Service meal counts rather than counts plus daily attendance lists.  This is covered in policy memo SP 11-2020, CACFP 06-2020, SFSP 05-2020 |
| FFVP Waiver\* | This waiver would allow schools who were awarded FFVP funds in SY 2020 to use these funds to provide a fresh fruit and vegetable snack to students during the Unanticipated school closure.  Verbal USDA permission has been provided. This is covered under policy memo SP 12-2020 |
| Non-congregate extension and Parent/Guardian Pickup Waiver extension\* | Maine applied for these two waivers; however, national waiver extensions were provided. |
| Area Eligibility Extension | On May 8, 2020, Maine DOE applied for an extension for the Area Eligibility waiver that expires June 30, 2020.  Area eligibility waiver was extended until June 30, 2021. |
| Onsite Site Monitoring Visits | In May 2020, Maine DOE applied for a waiver to extend the onsite monitoring requirements for sponsors and the State Agency through September 30, 2020. Offsite/desk monitoring would still be required, and onsite monitoring suggested if able to safely do so.  Nationwide waiver covers this. |
| Onsite Monitoring Requirements for CACFP Sponsors | On May 15, 2020 Maine applied for a waiver that would allow CACFP sponsors to waive the requirement to conduct on-site monitoring of facilities through September 30, 2020.  The request is to waive the monitoring requirements at 7 CFR 226.16(d)(4)(iii) to review each facility 3 times each agreement year with no more than 6 months to elapse between reviews.  This topic is covered in the FNS approved Maine DOE monitoring waiver. |
| Unanticipated School Closure September 2020 | On July 8, 2020 Maine applied for a waiver that would allow the Unanticipated School Closure waiver to be used during September 2020.  Nationwide waivers cover. |
| Water Availability During Mealtimes | In July 2020 Maine applied for a waiver for the requirement that during NSLP service, potable water be available and accessible without restriction to children. Due to COVID-19 restrictions, Sponsors may have trouble meeting the requirement in a way that is safe. |
| After School Snack Service | On July 7, 2020 Maine applied for a waiver to allow Sponsors/Districts to provide After School snacks/meals in a non-congregate manner and without the enrichment activity requirement.  Nationwide waiver covered non-congregate. |
| Balance Too High | In July 2020, Maine requested a state-wide waiver of the requirement to monitor LEA’s net cash resources as it relates to Excess Cash for SY 2020. |
| Milk Requirement | On August 24, 2020, Maine requested a waiver to waive the requirement that schools operating the SBP or NSLP must offer a choice of milk as one of the components at breakfast and lunch meals, and instead allow one type of milk to be offered.  Meal pattern waiver covers. |
| Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs | In December 2020, Maine DOE CN submitted a waiver request to delay the triennial assessment of wellness policies. |
| At-Risk Attendance List Waiver | In January 2021, Maine DOE Child Nutrition submitted a waiver to request permission for CACFP At-Risk sites to operate like SFSP, by only requiring documentation of point of service meal counts. |

\* Indicates, a waiver is not required for this issue per USDA.