



#079-21

Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #079-21

DATE: March 26, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **USDA Announces Extension of Eight Nationwide Child Nutrition Waivers**

On Tuesday, March 9, 2021, the United States Department of Agriculture (USDA) Food and Nutrition Service announced the extension of eight nationwide child nutrition waivers. These timely extensions will provide school food authorities (SFAs) and community nutrition programs with stability to ensure children continue to receive access to nutritious meals and snacks during the summer months. All waivers were extended to September 30, 2021.

Eight Waiver Extensions

- **Meal Pattern Flexibilities:** Under this waiver, the National School Lunch Program (NSLP), School Breakfast Program (SBP), and NSLP Seamless Summer Option (SSO) meal pattern requirements are waived when sponsors can demonstrate a need. This extension also waives the requirement that schools must offer students a variety of fluid milk. NSLP/SBP and SSO sponsors must apply to the VDOE for use of this waiver and provide supporting documentation.
 - **NOTE:** this waiver extension does not apply to the Summer Food Service Program (SFSP). The SFSP will transition back to its meal pattern requirements effective July 1, 2021.
- **Non-Congregate Feeding Waiver:** Under this waiver, sponsors may provide meals and snacks to participants in a non-congregate setting. This flexibility will help ensure children receive access to meals and snacks while also following the Centers for

Disease Control and Prevention (CDC) social distancing guidelines. This waiver applies to SFSP and SSO.

- **Parent and Guardian Meal Pickup Waiver:** Under this waiver, students do not have to be present to receive a meal or snack. Parents and guardians can pick up meals on behalf of their children. This waiver applies to SFSP and SSO.
- **Meal Service Time Restrictions:** Under this waiver, meal service time restrictions are waived for streamlined meal service. This waiver applies to SFSP and SSO.
- **Area Eligibility:** Under this waiver, sponsors may operate open meal sites in areas where less than 50 percent of children qualify for free or reduced-price meals. This waiver applies to SFSP and SSO.
- **Offer vs Serve (OVS) Flexibility:** This waiver extension allows SFAs and community sponsors to utilize OVS in SFSP operations under SFSP meal service parameters without application in order to ease menu planning and food procurement and reduce food waste. This waiver applies to SFSP.
- **Area Eligibility for Closed Enrolled Sites:** Under this waiver, sponsors of closed enrolled sites may use area eligibility to qualify sites rather than collect income eligibility applications from families. This waiver applies to SFSP and SSO.
- **First Week Site Visits:** Under this waiver, the first week site visit required of SFSP sponsors is waived if the site operated successfully in the previous year and for sponsors who successfully participate in the Child and Adult Care Food Program (CACFP) or the NSLP. This waiver applies to SFSP.

Sponsors who have already elected to use a waiver do not need to elect an extension.

Sponsors who wish to apply for a new waiver must complete the [School Year 2020-2021 Waiver Survey](#).

For more information

For more information, please contact Dr. Sandy Curwood, Director, Office of School Nutrition Programs via email at Sandra.Curwood@doe.virginia.gov, by phone at (804) 225-2074, or via the SNP Policy Mailbox at SNPPolicy@doe.virginia.gov.

JFL/SCC/CEJ

- A. Attachment: [School Year 2020-2021 Waivers - SFSP](#) (DOCX)
- B. Attachment: [School Year 2020-2021 Waivers - SSO](#) (DOCX)
- C. Resource: [School Year 2020-2021 Waiver Survey](#)