Covid-19 Child Nutrition Program Waivers
Resource – Waiver Information by Program

Reference this guide to review which waivers are available by which dates for child nutrition programs.

Child Nutrition Covid-19 Waiver Information by Program
Updated 8/21/20

Summer Food Service Program (SFSP) Waivers
- Used in Spring 2020: USDA needs to allow SFSP to be used through school year 2020-2021
  - Unanticipated School Closures (See below for details)
- Ending Summer 2020: USDA needs to extend through school year 2020-2021
  - Ending 8/31/20 (*newly extended until Sept. 30th 2020 depending on school reopening date)
    - Non-Congregate Feeding
    - Parent/Guardian Meal Pick-Up
    - Meal Pattern
    - Area Eligibility
  - Ending 9/30/20
    - Meal Service Time
    - Food Service Management Contract Duration
    - Area Eligibility for Closed Enrolled sites
    - Offer Versus Serve
    - First Week Site Visits
- Extended through School Year 2020-21
  - Ending 8/31/21
    - Monitoring Waivers

Child and Adult Care Food Program (CACFP) Waivers
- Already Ended: USDA needs to extend through school year 2020-2021
  - Afterschool Activity Waiver (ended 6/30/20)
- Extended through School Year 2020-21
  - Ending 6/30/21:
    - Non-Congregate Feeding
    - Parent/Guardian Meal Pick Up
    - Meal Pattern
    - Meal Service Time
  - Ending 8/31/21:
    - Monitoring Waivers

Pandemic EBT (P-EBT)
Pandemic EBT: Congress needs to extend through fiscal year 2021. Please note further guidance below.

National School Lunch Program and National School Breakfast Program Waivers

- Already Ended
  - Afterschool Activity (ended 6/30/20)
  - Local School Wellness Policy Triennial Assessments (ended 6/30/20)
- Ending 9/30/20
  - Area Eligibility for Closed Enrolled Sites (for NSLP SSO)
  - Community Eligibility Provision (CEP) Data waiver (multiple waivers, various dates)
- Extended through School Year 2020-21
  - Ending 6/30/21
    - Non-Congregate Feeding
    - Parent/Guardian Meal Pick-Up
    - Meal Service Time
    - Meal Pattern
    - Offer Versus Serve Flexibility for Senior High Schools in NSLP
  - Ending 8/31/21
    - Monitoring Waivers

Fresh Fruit and Vegetable Program (FFVP)

- Extended through school year 2020-21
  - Ending 6/30/21
    - Fresh Fruit and Vegetable Program Parent Pick Up
    - Fresh Fruit and Vegetable Program Alternate Sites

See below for more information about SFSP, CACFP, and Pandemic-EBT. See this FNS site for more information about other Child Nutrition Programs including NSLP, SBP and FFVP.

---

HOW TO USE WAIVER OPTIONS

What does my food bank need to do to use these waivers?

1. See which waivers your state has been approved to use here.
2. Some waivers are issued nationwide and some are issued on a state-by-state basis. For nationwide waivers, your state agency simply needs to tell the USDA they would like to use the waiver. For state-by-state waivers, your state agency will have to apply to use the waiver.
3. If your state has been granted a waiver, as a sponsor you should receive written approval from your state agency to use a waiver before putting it into practice. Follow all reporting instructions indicated by your state. If your state has not received a waiver, contact your state agency for further details.
4. Advocate for waiver extensions to ensure waivers remain available. See the advocacy actions section below.

What does my food bank need to do about waiver end dates?
In this document we use the term “end” to indicate when the flexibilities provided by a waiver will no longer be in effect. Some waivers may also expire upon expiration of the federally declared public health emergency, if earlier than the designated date. Be mindful of waiver expiration dates and adjust your meal service accordingly.

Congress provided the USDA authority to extend waivers only through August 31, 2020. The USDA needs to act before then to ensure that all waivers are extended for the upcoming school year. See the advocacy action section below for more information.

SUMMER FOOD SERVICE PROGRAM (SFSP)

SFSP FLEXIBILITIES EXPIRING THIS SUMMER

*Feeding America is urging the USDA to extend all SFSP waivers through school year 2020-21.

EXPIRING AUGUST 31, 2020

Recently Announced (8.20): Schools with planned opening that begin in September may continue to operate summer meal programs (SFSP/SSO) as currently operating into September, until school begins. These waivers extend through September 30 or until the first day of the new school year, whichever comes first.

- Non-Congregate Feeding Waiver:
  - Allows states to waive the congregate feeding requirements
  - Guidance for States on Non-Congregate Feeding Nationwide Waiver [Extension]

- Parent/Guardian Meal Pickup Waiver:
  - Allows parents and guardians to pick up and take home meals for children without the child present
  - Guidance for States on the Meal Pickup Waiver [Extension]

- Meal Pattern Waiver:
  - Waives the requirement to serve meals that meet meal pattern requirements. Sponsors must receive state approval and show a disruption in food availability.
  - Guidance for States on the Meal Pattern Waiver [Latest Extension (#5)]

- Area Eligibility Waiver
  - Allows states to apply to allow sponsors to operate open sites in areas in areas other than those areas defined by FNS as “areas in which poor economic conditions exist.” Without this waiver, eligibility is limited for sites not operating in areas where at least 50 percent of participants are eligible for free or reduced-price meals.
All 50 states applied for and received this state by state waiver which was then extended nationwide.

EXPIRING SEPTEMBER 30, 2020

- Meal Service Time:
  - Allows meals to be served outside of the standard meal times, for example by allowing sites to offer two meals at the same time without a break in between meal service and to allow multiple days of meals to be given at the same time as approved by the state.
  - Guidance for States on the Covid-19 Meal Times Nationwide Waiver
    - Separate waiver (traditional SFSP waiver): Guidance for States on the Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the NSLP Seamless Summer Option
- Area Eligibility for Closed Enrolled Sites Waiver:
  - Allows closed enrolled sites to be determined eligible through area eligibility.
  - Guidance for States on Area Eligibility of Closed Enrolled Sites
- Offer Versus Serve (OVS) Waiver:
  - Allows use of OVS parameters for non-SFA and SFA sponsors.
  - Guidance for States on Offer Versus Serve Flexibilities
- First Week Site Visits Waiver:
  - Waives the requirement that certain SFSP sponsors visit each of their sites at least once during the first week of program operation.
  - Guidance for States on First Week Site Visits
- Food Service Management Contract Duration (FSMC):
  - Waives FSMC duration requirements.
  - Guidance for States on the Food Service Management Contract Duration

OPERATING SFSP DURING SCHOOL YEAR 2020-21

- School Year 2020-2021: The USDA has not said that they will allow SFSP sponsors to serve meals during the scheduled 2020-2021 school year. When schools close in the upcoming school year due to Covid-19, Feeding America believes the USDA may not allow SFSP sponsors to step in. USDA may use the reasoning that school closures are no longer unanticipated and that school food authorities should handle child nutrition programs this year.
- Background: SFSP is traditionally not available during the scheduled school year. However, beginning in March 2020, the USDA issued Unanticipated School Closure Waivers in every state to allow SFSP and SSO sponsors to serve meals during school closures.
  - Extension: The USDA issued a national waiver extending the authority granted by the Unanticipated School Closure waivers until June 30, 2020 to ease the administrative burden of switching to official summer programming.
- Advocacy: Feeding America is advocating for USDA to allow SFSP to be run during the upcoming school year, including through the Unanticipated School Closure waiver.

EXTENDED THROUGH SCHOOL YEAR 2020-21
• Child Nutrition Monitoring Waivers
  • Provides options to waive certain onsite monitoring requirements to maintain program integrity and support social distancing while providing meals.
    o Onsite Monitoring Requirements for Sponsoring Organizations in SFSP (Expire 9/30/21)
    o Onsite Monitoring Requirements for State Agencies in SFSP (Expire 9/30/21)
  • Guidance for States on Monitoring Waivers [Extension 1] [Extension 2]

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)

WAIVERS EXPIRING BEFORE SCHOOL YEAR 2020-21

• Afterschool Activity Waiver
  o Waives the requirement that an educational or enrichment program be provided with afterschool snacks for CACFP at-risk afterschool meals and snacks.
  o This waiver expired June 30, 2020 and has not been extended. Therefore, sponsors have to offer an afterschool activity to provide CACFP At-Risk meals for school year 2020-2021. Contact your state to see if options including virtual, hybrid, or take-home activities are available to practice social distancing.
  o Advocacy: Feeding America is urging USDA to extend this waiver for the 2020-2021 school year.
  o Guidance for States on the Afterschool Activity Nationwide Waiver

EXTENDED THROUGH SCHOOL YEAR 2020-21

EXPIRING JUNE 30, 2021

• Non-Congregate Feeding Waiver:
  o Allows states to waive the congregate feeding requirements
  o Guidance for States on Non-Congregate Feeding Nationwide Waiver [Extension 2]
• Parent/Guardian Meal Pickup Waiver:
  o Allows parents and guardians to pick up and take home meals for children without the child present
  o Guidance for States on the Meal Pickup Waiver [Extension 2]
• Meal Pattern Waiver:
  o Waives the requirement to serve meals that meet meal pattern requirements. Sponsors must receive state approval and show a disruption in food availability.
  o Guidance for States on the Meal Pattern Waiver [Extension 4]
• Meal Service Time:
  o Allows meals to be served outside of the standard meal times, for example by allowing sites to offer two meals at the same time without a break in between meal service and to allow multiple days of meals to be given at the same time as approved by the state.
  o Guidance for States on the Covid-19 Meal Times Nationwide Waiver [Extension 2]
EXPIRING SEPTEMBER 30, 2021

- Child Nutrition Monitoring Waivers
  - This group of waivers provide various options to waive certain onsite monitoring requirements to maintain program integrity and support social distancing while providing meals.
  - CACFP Monitoring Waivers Expire 9/30/21
    - Onsite Monitoring Requirements for State Agencies in CACFP
    - Onsite Monitoring Requirements for Sponsors in CACFP
    - Annual Review Requirements for State Agencies in CACFP
- Guidance for States on Monitoring Waivers [Extension 1] [Extension 2]

PANDEMIC EBT (P-EBT)

- **How it works:** P-EBT provides nutritional resources to families who have lost access to free or reduced-price school meals due to school closure. Families receive money on a new or existing EBT card to help fill the school meals gap. The average benefit is $5.70/day per student, retroactive to when school initially closed.
- **Background:** In March 2020, the Families First Coronavirus Response Act of 2020 established the Pandemic Electronic Benefit Transfer (P-EBT) program for children who would otherwise receive free or reduced-price meals. All children who would otherwise receive meals in school are eligible to receive P-EBT if the school is closed for at least 5 consecutive days in fiscal year 2020.
- **State Opt-In:** Every state has been approved to issue P-EBT for, although states differ in how they administer this program. Contact your state for details.
- **Advocacy:** Feeding America is urging Congress to extend P-EBT for school year 2020-2021.
- **How food banks can help:** Learn how your state is administering P-EBT and help ensure program access. This may include helping families apply, sharing information about how to participate, and troubleshooting issues. Use this opportunity to encourage families to apply for free/reduced price meals and for SNAP. Let immigrant families know that P-EBT is available regardless of immigration status and not considered in the public charge test.
- **FNS Guidance for States on Pandemic EBT**

Recently Announced (8.20.20)

- Consistent with the statutory authority provided through the Families First Coronavirus Response Act (FFCRA), USDA has informed States that if they wish to operate the Pandemic EBT (P-EBT) program in the school year 2020-2021 through September 30, USDA will consider State requests to extend their P-EBT plans as part of USDA’s broader effort to help schools restart their school meal programs.
- As schools begin the new school year, schools are choosing between in-person instruction, virtual instruction, and a variety of hybrid combinations in response to COVID-19. FNS is working with State agencies to streamline the process to amend their PEBT plans.
**ADVOCACY ACTIONS**

We know that ensuring children have meals in the 2020-21 school year will be more difficult than ever. Amid the increase in child food insecurity and need to continue practicing social distancing, many schools are making the tough decision to operate virtually and may not be able to get meals to children every day. Feeding America is urging the USDA and Congress to provide maximum program flexibilities to ensure that food banks and other community partners can help step in.

Specifically, Feeding America is asking the USDA and Congress to:

- Allow the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) to be used to feed children during the upcoming school year.
- Extend all nationwide waivers for SFSP and SSO, including the non-congregate and area eligibility waivers, through the school year.
- Waive the Afterschool Activity Requirement for the Afterschool Meal Program and the Snack Programs available through the Child and Adult Care Food Program (CACFP) and National School Lunch Program (NSLP).
- Allow those providing meals through the Summer Food Service Program or Seamless Summer Option to also utilize Afterschool Meal and Snack Programs.
- Extend Fresh Fruit and Vegetable Program flexibilities and waivers through the school year.
- Extend the Pandemic EBT (P-EBT) program, which allows states to provide resources on an EBT card for children who are eligible for free and reduced-priced school lunch meals when schools are closed longer than 5 days, throughout the summer and into the school year.
- Provide continued flexibility around Supplemental Nutrition Assistance Program (SNAP) program operations.

See these letters Feeding America recently sent to the USDA for more information:

- National Partner Sign-On Letter
- National State and Local Sign-On Letter

**HOW YOU CAN HELP**

- USDA's authority to extend these waivers will end on August 31, 2020. We have been working with coalition partners, but with the days dwindling down, it is time for a full-scale public campaign to ensure the Administration extends the waivers.

- **Our ask:** We need an immediate extension of all school waivers until the end of the school year (June 30, 2021). We ask that USDA use its existing waiver authority available through the Families First Coronavirus Response Act for an immediate extension of all school waivers until the end of the school year (June 30, 2021). **Key times of activation:** The last two weeks of August.

- **How you can help:**
Email Members of Congress and ask them to tell USDA to extend the child nutrition waivers: You can use our template email to contact congressional delegations with this urgent ask.

Write an LTE: Use our LTE template to tell USDA the importance of the waivers and how without them, children in your community will go hungry.

- Let your Member of Congress know why it’s so important to extend P-EBT in the next Covid-19 legislative package. Include the need to extend P-EBT in all advocacy or lobbying efforts.
- Share information about your child nutrition programs and their impact with Feeding America. Complete this Program Practice Spotlight template to help us learn more about your programs and provide information for future advocacy.

ADDITIONAL INFORMATION

- USDA FNS
  - Child Nutrition Program: Covid-19 Waivers by State
  - Child Nutrition Q&As
  - Response to Covid-19
- Feeding America Action
  - Federal Nutrition Programs Information
  - Legislation Resources
  - Blog: As Child Food Insecurity Grows Amid a Pandemic, Summer Feeding Matters More Than Ever
- National Advocacy Letters
  - National USDA Child Nutrition Waivers Letter
  - Local/State USDA Child Nutrition Waivers Letter
- HungerNet
  - Covid-19 Government Relations Resources
    - Child Nutrition Covid-19 FAQ
    - Pandemic EBT Resources
  - Child and Family Programs
- Program-Specific Guides
  - FRAC CACFP Resources
  - FRAC Pandemic EBT Webpage
  - CLASP 5 Ways to Help Ensure Pandemic EBT Reaches Immigrant Families
- Find Meal Sites
  - SOS Find Summer Meals Near You
  - FNS Find Meals for Kids
  - Feeding America Find Your Local Food Bank
- Other Resources
  - FRAC COVID-19 Child Nutrition Guidance and Meal Sites by State
  - FRAC Report: Ensuring Access to the Child Nutrition Programs In the Event of School Closures
  - Protecting Immigrant Families: Immigrant Eligibility for Public Programs During Covid-19
If you have questions, please contact policy@feedingamerica.org.