

Detailed Memo Summary – Federal and State Waivers and Guidance (COVID-19)

Office of School and Community Nutrition Programs

NSLP: National School Lunch Program, SBP: School Breakfast Program, CACFP: Child and Adult Care Food Program, MK: Special Milk Program, SFSP: Summer Food Service Program

WAIVERS				
Multiple Child Nutrition Programs				
Memo Number, Title, and Date	Waiver Summary	Original Waiver Effective Dates	Extended End Date	Programs Included
<p>SM 26-20, CA 09-20, FCC 04-20, MK 05-20, SFSP 09-20 - Nationwide Waiver Allows non-congregate meals in the Child Nutrition Programs</p> <p>March 24, 2020</p>	<p>Waives requirement for congregate feeding, allowing participants to take meals off site. Agencies must obtain written consent from households before initiating delivery.</p> <p>USDA COVID-19 CNP #2</p>	<p>March 20, 2020 through June 30, 2020</p>	<p>August 31, 2020 (for SFSP)</p> <p>June 30, 2021 (for all CNP except SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/ SBP ● CACFP (all) ● FCC ● MK ● SFSP
<p>SM 27-20, CA 10-20, FCC 05-20, MK 06-20, SFSP 10-20 - Nationwide Waiver Allows meal service time flexibility in the Child Nutrition Programs</p> <p>March 26, 2020</p>	<p>Waives the requirement that specific periods elapse between meals, allowing agencies to distribute multiple meals at one time.</p> <p>USDA COVID-19 CNP #1</p>	<p>March 20, 2020 through June 30, 2020</p>	<p>September 30, 2020* (for SFSP)</p> <p>June 30, 2021 (for all CNP except SFSP)</p>	<ul style="list-style-type: none"> ● NSL/SBP ● CACFP (all) ● FCC ● MK ● SFSP
<p>SM 28-20, CA 11-20, FCC 06-20, MK 07-20, SFSP 11-20 - Nationwide Waiver of the Activity Requirement in Afterschool Care Child Nutrition Programs</p> <p>March 25, 2020</p>	<p>Allows schools providing afterschool meals through NSLP and agencies participating in the At-Risk Afterschool Meal Program to serve meals and snacks when no enrichment activity is offered.</p> <p>USDA COVID-19 CNP #3</p>	<p>March 20, 2020 through June 30, 2020</p>		<ul style="list-style-type: none"> ● SM ● CACFP – At Risk

WAIVERS

Multiple Child Nutrition Programs

Memo Number, Title, and Date	Waiver Summary	Original Waiver Effective Dates	Extended End Date	Programs Included
<p>SM 29-20, CA 12-20, FCC 07-20, MK 08-20, SFSP 12-20 - Nationwide Waiver Allows meal pattern flexibility in the Child Nutrition Programs</p> <p>March 30, 2020</p>	<p>Allows agencies to deviate from meal pattern requirements, if certain foods are unavailable. Requires prior approval from MSDE.</p> <p>USDA COVID-19 CNP #4</p>	<p>Effective once approved by MSDE through April 30, 2020</p>	<p>August 31, 2020 (for SFSP)</p> <p>June 30, 2021 (for all CNP except SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP
<p>SM 40-20, CA 19-20, FCC 13-20, MK 12-30, SFSP 23-30 - Nationwide Waiver Extension of Meal Pattern Flexibility in the Child Nutrition Programs</p> <p>April 23, 2020</p>	<p>Extends waivers allowing agencies to deviate from meal pattern requirements, if certain foods are unavailable to May 31, 2020.</p> <p>USDA COVID-19 CNP #13</p>	<p>Effective once approved by MSDE through May 30, 2020</p>	<p>August 31, 2020 (for SFSP)</p> <p>June 30, 2021 (for all CNP except SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP
<p>SM 30-20, CA 13-20, FCC 08-20, MK 09-20, SFSP 13-20 - Nationwide Waiver Allows parents and guardians to pick up meals for participants</p> <p>March 28, 2020</p>	<p>Allows parents and guardians to pick up meals on behalf of their children. Also includes guardians picking up food on behalf of adult participants in the CACFP. Requires prior approval from MSDE.</p> <p>USDA COVID-19 CNP #5</p>	<p>Effective once approved by MSDE through June 30, 2020</p>	<p>August 31, 2020 (for SFSP)</p> <p>June 30, 2021 (for all CNP except SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● MK ● SFSP
<p>SM 49-20, CA 21-20, FCC 15-20, MK 15-20, SFSP 30-20 - Nationwide Waiver Extension of non-congregate feeding, meal service time flexibility, meal pattern flexibility, and parent and guardian pick up of meals</p> <p>May 18, 2020</p>	<p>Extends waivers from memos:</p> <ul style="list-style-type: none"> ● SM 26-20, CA 09-20, FCC 04-20, MK 05-20, SFSP 09-20 ● SM 27-20, CA 10-20, FCC 05-20, MK 06-20, SFSP 10-20 ● SM 29-20, CA 12-20, FCC 07-20, MK 08-20, SFSP 12-20 and SM 40-20, CA 19-20, FCC 13-20, MK 12-30, SFSP 23-30 ● SM 30-20, CA 13-20, FCC 08-20, MK 09-20, SFSP 13-20 <p>USDA COVID-19 CNP #22-25</p>		<p>June 30, 2021 (for all CNP except SFSP)</p> <p>SFSP dates indicated next to original memos</p>	<ul style="list-style-type: none"> ● NSLP/ SBP ● CACFP (all) ● FCC ● MK ● SFSP

WAIVERS

Multiple Child Nutrition Programs

Memo Number, Title, and Date	Waiver Summary	Original Waiver Effective Dates	Extended End Date	Programs Included
<p>SM 65-20, CA 29-20, FCC 24-20, MK 21-20 – Nationwide Waiver Extension of non-congregate feeding, meal service time flexibility, meal pattern flexibility, and parent and guardian pick up of meals</p> <p>July 2, 2020</p>	<p>For all CNP except SFSP, extends waivers from memos:</p> <ul style="list-style-type: none"> ● SM 26-20, CA 09-20, FCC 04-20, MK 05-20, SFSP 09-20 ● SM 27-20, CA 10-20, FCC 05-20, MK 06-20, SFSP 10-20 ● SM 29-20, CA 12-20, FCC 07-20, MK 08-20, SFSP 12-20 and SM 40-20, CA 19-20, FCC 13-20, MK 12-30, SFSP 23-30 ● SM 30-20, CA 13-20, FCC 08-20, MK 09-20, SFSP 13-20 <p>USDA COVID-19 CNP #33-36</p>		June 30, 2021	<ul style="list-style-type: none"> ● NSLP/ SBP ● CACFP (all) ● FCC ● MK
<p>SM 32-20, CA 14-20, FCC 09-20, SFSP 15-20 Nationwide Waiver of Monitoring Requirements for Child Nutrition Programs</p> <p>April 3, 2020</p>	<p>Waives certain onsite monitoring requirements, allows sponsoring organizations and MSDE to conduct reviews off site. Also reduces the number of onsite reviews sponsoring organizations are required to conduct.</p> <p>USDA COVID-19 CNP #7-11</p>	March 25, 2020 through June 30, 2020	<p>June 30, 2021 (for NSLP/SBP)</p> <p>September 30, 2021 (for CACFP, FCC, and SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP
<p>SM 59-20 – Nationwide Waiver Revision Allows new flexibility in the administrative review process.</p> <p>June 12, 2020</p>	<p>Allows MSDE to complete the onsite portion of the administrative review in a different school year than the off-site portion.</p> <p>Revision of USDA COVID-19 CNP #9</p>	March 25, 2020 through August 31, 2020		<ul style="list-style-type: none"> ● NSLP/SBP

WAIVERS

Multiple Child Nutrition Programs

Memo Number, Title, and Date	Waiver Summary	Original Waiver Effective Dates	Extended End Date	Programs Included
<p>SM 60-20, CA 27-20, FCC 21-20, MK 19-20, SFSP 38-20 – Nationwide Waiver Extension of Meal Pattern Flexibility and Monitoring Requirements in Child Nutrition Programs</p> <p>June 11, 2020</p>	<p>Extends waivers allowing agencies to deviate from meal pattern requirements, if certain foods are unavailable through July 31, 2020</p> <p>Extends waiver of certain onsite monitoring requirements through August 31, 2020.</p> <p>USDA COVID-19 CNP #26-31</p>		<p>New end dates indicated next to original memos</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP
<p>SM 70-20, CA 32-20, FCC 27-20, MK 23-20, SFSP 44-20 – Nationwide Waiver Extension of Onsite Monitoring Requirements</p> <p>August 10, 2020</p>	<p>Extends waiver of certain onsite monitoring requirements in the child nutrition programs.</p> <p>USDA COVID-19 CNP #39-43</p>	<p>March 25, 2020 through June 30, 2020</p>	<p>June 30, 2020 (for NSLP/SBP)</p> <p>September 30, 2021 (for CACFP, FCC, and SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP
<p>SM 33-20, CA 15-20, FCC 10-20, MK 10-20, SFSP 17-20 - Nationwide Waiver of 60-Day Reporting Requirements for January and February 2020</p> <p>April 3, 2020</p>	<p>Extends the deadline for the submission of January and February 2020 claims by 30 days.</p> <p>USDA COVID-19 CNP #12</p>	<p>April 1, 2020</p>		<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● MK ● SFSP
<p>SM 45-20, SFSF 28-20 - Nationwide Waiver of Food Service Management Contract Duration</p> <p>April 29, 2020</p>	<p>Allows renewal of procurement contracts with food service management companies that would otherwise not be eligible for an extension. Contracts must still be approved in MARS prior to their start date.</p> <p>USDA COVID-19 CNP #19</p>	<p>April 24, 2020 through September 30, 2020</p>		<ul style="list-style-type: none"> ● NSLP/SBP ● SFSP

WAIVERS

Summer Food Service Program

Memo Number, Title, and Date	Waiver Summary	Waiver Effective Dates	Extended End Date	Programs Included
<p>SFSP 13-20 - State Waiver Area eligibility in the Summer Food Service Program during temporary school closures related to covid-19</p> <p>March 30, 2020</p>	<p>Due to increased unemployment claims, allows all SFSP approved sites at 30% free/reduced eligibility to claim meals starting March 18, 2020.</p>	<p>March 18, 2020 through April 2, 2020</p>		<ul style="list-style-type: none"> • SFSP
<p>SFSP 16-20 - State Waiver Updated area eligibility in the Summer Food Service Program during temporary school closures related to COVID-19</p> <p>April 2, 2020</p>	<p>Due to increased unemployment claims, allows all site locations to qualify as area eligible open sites starting April 2, 2020.</p>	<p>April 2, 2020 through June 30, 2020</p>	<p>August 31, 2020</p>	<ul style="list-style-type: none"> • SFSP
<p>SFSP 28-20 – National Waiver Extension of Area Eligibility in the Summer Food Service Program</p> <p>June 11, 2020</p>	<p>Extends area eligibility waiver for SFSP sites until August 31, 2020.</p> <p>USDA COVID-19 CNP #32</p>	<p>April 2, 2020 through August 31, 2020</p>		<ul style="list-style-type: none"> •
<p>SFSP 25-20 - Nationwide Waiver Allows offer versus serve in the SFSP</p> <p>April 27, 2020</p>	<p>Extends the allowable to use offer versus serve (OVS) to all SFSP sponsors, not just LEAs using the NSLP meal pattern.</p> <p>USDA COVID-19 CNP #16</p>	<p>April 21, 2020 through September 30, 2020</p>		<ul style="list-style-type: none"> • SFSP
<p>SFSP 26-20 - Nationwide Waiver of First Week Visit Requirements in the SFSP</p> <p>April 27,2020</p>	<p>Waives the requirement that SFSP sponsors visit all site in the first week of operation. Applies to sites that have operated successfully in the previous year and sponsors that participate in the CACFP or NSLP.</p> <p>USDA COVID-19 CNP #15</p>	<p>April 21, 2020 through September 30, 2020</p>		<ul style="list-style-type: none"> • SFSP

WAIVERS

Summer Food Service Program

Memo Number, Title, and Date	Waiver Summary	Waiver Effective Dates	Extended End Date	Programs Included
<p>SM 43-20, SFSP 27-20 - Nationwide Waiver Allows meal service time flexibility in the Summer Programs</p> <p>April 28, 2020</p>	<p>Extension of the waiver outlined SM 27-20, CA 10-20, FCC 05-20, MK 06-20, SFSP 10-20. Waives the requirement that specific periods elapse between meals, allowing agencies to distribute multiple meals at one time for SFSP and SSO ONLY.</p> <p>USDA COVID-19 CNP #17</p>	<p>July 1, 2020 through September 30, 2020</p>		<ul style="list-style-type: none"> • SFSP
<p>SM 46-20, SFSP 29-20 - Nationwide Waiver Extends unanticipated school closures to June 30, 2020</p> <p>April 29, 2020</p>	<p>Extends SFSP and SSO pandemic operations to June 30, 2020.</p> <p>USDA COVID-19 CNP #21</p>	<p>April 27, 2020 through June 30, 2020</p>		<ul style="list-style-type: none"> • SFSP
<p>SFSP 32-20, SM 54-20 – Nationwide Waiver Allows closed enrolled sites to use area eligibility</p> <p>June 5, 2020</p>	<p>Waived the requirement that closed enrolled summer sites collect meal benefit application. Instead, sites may use area eligibility.</p> <p>USDA COVID-19 CNP #14</p>	<p>April 21, 2020 through September 30, 2020</p>		<ul style="list-style-type: none"> • SFSP
<p>SFSP 43-20 – Nationwide Waiver Extension of Meal Pattern Flexibility in the Summer Food Service Program</p> <p>August 4, 2020</p>	<p>Extends waiver allowing agencies to deviate from meal pattern requirements, if certain foods are unavailable to August 31, 2020 for agencies participating in the SFSP.</p> <p>USDA COVID-19 CNP #38</p>	<p>Effective once approved by MSDE through August 31, 2020</p>		<ul style="list-style-type: none"> • SFSP

WAIVERS

School Meals Program

Memo Number, Title, and Date	Waiver Summary	Waiver Effective Dates	Extended End Date	Programs Included
<p>SM 31-20 - Nationwide Waiver Extends community eligibility provision (CEP) deadlines in the National School Lunch and School Breakfast Programs</p> <p>March 30, 2020</p>	<p>Extends deadline for determining the identified student percentage (ISP) for LEAs electing the CEP. Counts of identified and enrolled students may be calculated using data from any date from April 1, 2020 and June 30, 2020. LEAs must notify MSDE if they are electing CEP by August 31, 2020.</p> <p>USDA COVID-19 CNP #6</p>	<p>March 25, 2020</p>		<ul style="list-style-type: none"> • NSLP/SBP
<p>SM 44-20 - Nationwide Waiver Extends triennial assessment deadline</p> <p>April 29, 2020</p>	<p>Extends the deadline for the triennial assessment of wellness policies to June 30, 2021 for LEAs unable to complete the assessment by June 30, 2020.</p> <p>USDA COVID-19 CNP #18</p>	<p>April 23, 2020</p>		<ul style="list-style-type: none"> • NSLP/SBP
<p>SM 47-20 – State Waiver Allows Fresh Fruit and Vegetable Program parent or guardian pick-up</p> <p>May 12, 2020</p>	<p>Allows sites approved to operate the Fresh Fruit and Vegetable Program (FFVP) to provide the produce to parents or guardians, even if their children are not present. Requires MSDE approval.</p>	<p>May 12, 2020 through June 30, 2020</p>		<ul style="list-style-type: none"> • FFVP
<p>SM 62-20 – Nationwide Waiver Changes the data used to calculate USDA Foods entitlement</p> <p>June 22, 2020</p>	<p>USDA Foods entitlement for SY 2020-2021 will be calculated using the SY 2018-2019 lunch counts, due the decrease in lunches served under NSLP in SY 2019-2020 because of unanticipated school closures.</p>			<ul style="list-style-type: none"> • NSLP/SBP
<p>SM 64 - 30 Nationwide Waiver Waives offer versus serve requirement</p> <p>June 30, 2020</p>	<p>Waives the requirement that high schools serve meals using offer versus serve, allowing delivery or pick up of complete meals.</p> <p>USDA COVID-19 CNP #37</p>	<p>July 1, 2020 through June 30, 2021</p>		<ul style="list-style-type: none"> • NSLP/SBP

WAIVERS

School Meals Program

Memo Number, Title, and Date	Waiver Summary	Waiver Effective Dates	Extended End Date	Programs Included
<p>SM 68-20 – State Waiver Allows MSDE to implement a five year review cycle July 20,2020</p>	<p>Waives the requirement that LEAs operating the NSLP and SBP be reviewed at least once during a three-year review cycle, allowing MSDE to move to a 5-year review cycle</p>	<p>July 1 2020 through June 30, 2024</p>		<ul style="list-style-type: none"> • NSLP/SBP

QUESTIONS AND ANSWERS

Memo Number, Title, and Date	Memo Summary	Programs Included
<p>SM 25-20, SFSP 08-20 Child Nutrition Program Meal Service during COVID-19 Outbreaks: SFSP Meal Delivery Guidance with Q&As March 20, 2020</p>	<p>Allows schools serving meals through the SFSP to deliver meals to students’ homes. Schools must obtain written consent from households before initiating delivery.</p> <p>USDA COVID-19 Meal Delivery Authority Now superseded by USDA waivers #2 and #22</p>	<ul style="list-style-type: none"> • SFSP
<p>SM 35-20 Fresh Fruit and Vegetable Program During COVID-19 April 10, 2020</p>	<p>Provides guidance on operating the Fresh Fruit and Vegetable Program (FFVP) during school closures due to COVID-19.</p>	<ul style="list-style-type: none"> • FFVP
<p>SM 37-20, CA 16-20, FCC 11-20, MK 11-20, SFSP 19-20 Meal Service during Novel Coronavirus Outbreaks: Questions and Answers April 13, 2020</p>	<p>Provides guidance on several aspects of meal service during the current public health emergency. This memo provides clarifications, but does not include additional waivers.</p>	<ul style="list-style-type: none"> • NSLP/SBP • CACFP (all) • FCC • MK • SFSP
<p>SM 36-20, CA 17-20, FCC 12-20, MK 12-20, SFSP 20-20 Nationwide Waivers: Questions and Answered April 13, 2020</p>	<p>Provides answers to questions about previously released waivers regarding meal times, non-congregate feeding, and activities during afterschool care programs.</p>	<ul style="list-style-type: none"> • NSLP/SBP • CACFP (all) • FCC • SFSP
<p>SM 39-20, SFSP 22-20 Pandemic EBT Frequently Asked Questions</p>	<p>Provides answers to common questions about P-EBT including questions about data sharing.</p>	<ul style="list-style-type: none"> • SM

QUESTIONS AND ANSWERS

Memo Number, Title, and Date	Memo Summary	Programs Included
April 17, 2020		
SM 42-20, CA 20-20, FCC 14-20, MK 14-20, SFSP 24-20 Child Nutrition Program Meal Service During Novel Coronavirus Outbreaks: Additional Questions and Answers	Provides answers to questions about meal service during the novel coronavirus outbreak, focusing on CACFP and civil rights.	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP
April 27, 2020		
SM 50-20 Fresh Fruit and Vegetable Program During COVID-19, Additional Questions and Answers	Provides additional guidance on operating the Fresh Fruit and Vegetable Program (FFVP) during school closures due to COVID-19.	<ul style="list-style-type: none"> ● FFVP
May 26, 2020		
SM 55-20, CA 23-20, FCC 17-20, MK 17-20, SFSP 33-20 Nationwide Waivers for the Summer Food Service Program, Questions and Answers	Provides answers to questions about four national waivers related to the Summer Food Service Program.	<ul style="list-style-type: none"> ● SFSP
June 5, 2020		
SM 56-20, CA 24-20, FCC 18-20, SFPS 34-20 Questions and Answers on the Nationwide Waiver to Extend Unanticipated School Closure Operations through June 30, 2020	Provides answers to questions about unanticipated school closure operations.	<ul style="list-style-type: none"> ● SFSP ● CACFP - At Risk
June 5, 2020		
SM 55-20, CA 23-20, FCC 17-20, MK 17-20, SFSP 33-20 Questions And Answers About Waivers Relating to the Summer Food Service Program	Provides answers to questions relating to four nationwide waivers announced in memos <ul style="list-style-type: none"> ● SFSP 32-20, SM 54-20 ● SFSP 26-20 ● SFSP 25-20 ● SM 43-20, SFSP 27-20 	<ul style="list-style-type: none"> ● SFSP
June 5, 2020		
SM 58-20, CA 26-20, FCC 20-20, SFSP 36-20 Questions and Answers Related to Food Service Management Company Contracts and Allowable Costs	Provides additional guidance about food service management contract and allowable costs during the COVID 19 pandemic.	<ul style="list-style-type: none"> ● SM ● SFSP
June 11, 2020		

MISCELLANEOUS

Memo Number, Title, and Date	Memo Summary	Programs Included
<p>SFSP 21-20, CA 18-20 Meal Limitations and Claims for Reimbursement</p> <p>April 14, 2020</p>	<p>Reminds agencies that meal limitations for SFSP and At-Risk Afterschool Program are still in effect.</p>	<ul style="list-style-type: none"> ● CACFP – At Risk ● SFSP
<p>SM 38-20 USDA Food Storage Fees</p> <p>April 14, 2020</p>	<p>MSDE will be providing payment for all storage fees related to direct delivery of USDA at Sysco Baltimore and Dori Foods.</p>	<ul style="list-style-type: none"> ● SM

MSDE Waiver Requests

Subject	Date Submitted	Status	Memo Number
Non-congregate feeding in SFSP	March 9, 2020	Nationwide waiver issued	SM 26-20, CA 09-20, FCC 04-20, MK 05-20, SFSP 09-20, Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs
Non-congregate feeding in CACFP	March 13, 2020	Nationwide waiver issued	SM 26-20, CA 09-20, FCC 04-20, MK 05-20, SFSP 09-20, Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs
Meal number and type waiver in SFSP	March 14, 2020	Denied, June 15, 2020	
Expansion of area eligibility in SFSP	March 18, 2020, updated March 29, 2020 Extended on June 10, 2020	Approved	SFSP 16-20, Updated - Area Eligibility in the Summer Food Service Program during Temporary School Closures related to COVID-19
Meal pattern flexibility	March 20, 2020	Nationwide waiver issued	SM 29-20, CA 12-20, FCC 07-20, MK 08-20, SFSP 12-20, Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs
Parent pick-up of meals	March 24, 2020	Nationwide waiver issued	SM 30-20, CA 13-20, FCC 08-20, MK 09-20, SFSP 13-20, Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Participants
Parent pick-up of Fresh Fruit and Vegetable (FFVP) portions	May 8, 2020	Approved	SM 47-20, Fresh Fruit and Vegetable Program – Parent or Guardian Pick-up
Extension of CACFP At-Risk meals to August 31, 2020	June 16, 2020	Denied, July 1, 2020	
5-year administrative review cycle	June 23, 2020	Approved July 14, 2020	SM 68-20 State Waiver – Five Year Administrative Review Cycle
Potable water in the School Meals Programs	July 22, 2020	Pending	
Professional standards	July 28, 2020	Pending	
Meal pattern flexibility extension for SFSP	July 28, 2020	National waiver issued	SFSP 43-20: Nationwide Waiver to Allow Meal Pattern Flexibility in the Summer Food Service Program – EXTENSION TO AUGUST 31
Activity waiver for the At-Risk Afterschool Program	August 5, 2020	Pending	