



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

CURRENT WAIVERS				
Waiver Topic	Waiver Summary	Waiver Effective Dates	Programs Included	Relevant Memos
Non-Congregate Meals	<p>Waives requirement for congregate meals, allowing participants to take meals off site. Agencies must obtain written consent from households before initiating delivery.</p> <p>USDA COVID-19 CNP #2, #22, #33, #44, #54</p>	<p>March 20, 2020 through December 31, 2020 (for SFSP)</p> <p>March 20, 2020 through June 30, 2021 (for all CNP except SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/ SBP ● CACFP (all) ● FCC ● MK ● SFSP 	<ul style="list-style-type: none"> ➤ SM 26-20, CA 09-20, FCC 04-20, MK 05-20, SFSP 09-20 – March 24, 2020 ➤ SM 49-20, CA 21-20, FCC 15-20, MK 15-20, SFSP 30-20 – May 18, 2020 ➤ SM 65-20, CA 29-20, FCC 24-20, MK 21-20 – July 2, 2020 ➤ SFSP 45-20 – August 21, 2020 ➤ SSFP 47-20 – September 2, 2020
Meal Service Time Flexibility	<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, #17 #23, #34, #50</p>	<p>March 20, 2020 through December 31, 2020 (for SFSP)</p> <p>March 20, 2020 through June 30, 2021 (for all CNP except SFSP)</p>	<ul style="list-style-type: none"> ● NSL/SBP ● CACFP (all) ● FCC ● MK ● SFSP 	<ul style="list-style-type: none"> ➤ SM 27-20, CA 10-20, FCC 05-20, MK 06-20, SFSP 10-20 – March 26, 2020 ➤ SM 49-20, CA 21-20, FCC 15-20, MK 15-20, SFSP 30-20 – May 18, 2020 ➤ SM 65-20, CA 29-20, FCC 24-20, MK 21-20 – July 2, 2020 ➤ SM 43-20, SFSP 27-20 – April 28, 2020 ➤ SFSP 45-20 – August 21, 2020 ➤ SSFP 47-20 – September 2, 2020

CURRENT WAIVERS

Waiver Topic	Waiver Summary	Waiver Effective Dates	Programs Included	Relevant Memos
Meal Pattern Flexibility	<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, #13, #24, #26, #36, #38, #45, #53</p>	<p>Effective once approved by MSDE through December 31, 2020 (for SFSP)</p> <p>Effective once approved by MSDE through June 30, 2021 (for all CNP except SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP 	<ul style="list-style-type: none"> ➤ SM 29-20, CA 12-20, FCC 07-20, MK 08-20, SFSP 12-20 - March 30, 2020 ➤ SM 40-20, CA 19-20, FCC 13-20, MK 12-30, SFSP 23-30 – April 23, 2020 ➤ SM 49-20, CA 21-20, FCC 15-20, MK 15-20, SFSP 30-20 –May 18, 2020 ➤ SM 65-20, CA 29-20, FCC 24-20, MK 21-20 – July 2, 2020 ➤ SM 60-20, CA 27-20, FCC 21-20, MK 19-20, SFSP 38-20 – June 11, 2020 ➤ SFSP 43-20 – August 4, 2020 ➤ SFSP 45-20 – August 21, 2020 ➤ SSFP 47-20 – September 2, 2020
Parent and Guardian Pick Up of Meals	<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, #25, #35, #47, #55</p>	<p>Effective once approved by MSDE through December 31, 2020 (for SFSP)</p> <p>Effective once approved by MSDE through June 30, 2021 (for all CNP except SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP 	<ul style="list-style-type: none"> ➤ SM 30-20, CA 13-20, FCC 08-20, MK 09-20, SFSP 13-20 – March 28, 2020 ➤ SM 49-20, CA 21-20, FCC 15-20, MK 15-20, SFSP 30-20 –May 18, 2020 ➤ SM 65-20, CA 29-20, FCC 24-20, MK 21-20 – July 2, 2020 ➤ SFSP 45-20 – August 21, 2020 ➤ SSFP 47-20 – September 2, 2020

CURRENT WAIVERS

Waiver Topic	Waiver Summary	Waiver Effective Dates	Programs Included	Relevant Memos
Monitoring – CNP Agencies	<p>Waives certain onsite monitoring requirements, allows sponsoring organizations 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, #9, #10, #27, #29, #30, #39, #41, #42</p>	<p>March 25, 2020 through June 30, 2021 (for NSLP/SBP)</p> <p>March 25, 2020 through September 30, 2021 (for CACFP, FCC, and SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP 	<ul style="list-style-type: none"> ➤ SM 32-20, CA 14-20, FCC 09-20, SFSP 15-20 – April 2, 2020 ➤ SM 60-20, CA 27-20, FCC 21-20, MK 19-20, SFSP 38-20 – June 11, 2020 ➤ SM 70-20, CA 32-20, FCC 27-20, MK 23-20, SFSP 44-20 – August 10, 2020
Monitoring - MSDE	<p>Allows MSDE to conduct reviews off site.</p> <p>USDA COVID-19 CNP #8, #9, #11 #28, #29, #31, #40, #41, #43</p>	<p>March 25, 2020 through June 30, 2021 (for NSLP/SBP)</p> <p>March 25, 2020 through September 30, 2021 (for CACFP, FCC, and SFSP)</p>	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● SFSP 	<ul style="list-style-type: none"> ➤ SM 32-20, CA 14-20, FCC 09-20, SFSP 15-20 – April 2, 2020 ➤ SM 60-20, CA 27-20, FCC 21-20, MK 19-20, SFSP 38-20 – June 11, 2020 ➤ SM 70-20, CA 32-20, FCC 27-20, MK 23-20, SFSP 44-20 – August 10, 2020
Food Service Management Contracts	<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 	<ul style="list-style-type: none"> ➤ SM 45-20, SFSF 28-20 – April 29, 2020

CURRENT WAIVERS

Waiver Topic	Waiver Summary	Waiver Effective Dates	Programs Included	Relevant Memos
Area Eligibility on the Summer Food Service Program	<p>Due to increased unemployment claims, allows all site locations to qualify as area eligible open sites.</p> <p>State Waiver Extensions - USDA COVID-19 CNP #32, #46, #52</p>	<p>March 18, 2020 through April 2, 2020 (30% eligibility)</p> <p>April 2, 2020 through December 31, 2020*</p> <p>*Unless notified otherwise</p>	<ul style="list-style-type: none"> ● SFSP 	<ul style="list-style-type: none"> ➤ SFSP 13-20 – March 20, 2020 ➤ SFSP 16-20 – April 2, 2020 ➤ SFSP 28-20 - June 11, 2020 ➤ SSFP 47-20 – September 2, 2020
Offer versus Serve in the SFSP	<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, #51</p>	<p>April 21, 2020 through December 31, 2020</p>	<ul style="list-style-type: none"> ● SFSP 	<ul style="list-style-type: none"> ➤ SFSP 25-20 April 27, 2020 ➤ SSFP 47-20 – September 2, 2020
First Week Visit Requirements in SFSP	<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, #49</p>	<p>April 21, 2020 through December 31, 2020</p>	<ul style="list-style-type: none"> ● SFSP 	<ul style="list-style-type: none"> ➤ SFSP 26-20 – April 27, 2020 ➤ SSFP 47-20 – September 2, 2020

CURRENT WAIVERS

Waiver Topic	Waiver Summary	Waiver Effective Dates	Programs Included	Relevant Memos
Area Eligibility for Closed Enrolled Sites	<p>Waives the requirement that closed enrolled summer sites collect meal benefit application. Instead, sites may use area eligibility.</p> <p>USDA COVID-19 CNP #14, #48</p>	April 21, 2020 through December 31, 2020	<ul style="list-style-type: none"> ● SFSP 	<ul style="list-style-type: none"> ➤ SFSP 32-20, SM 54-20 – June 5, 2020 ➤ SSFP 47-20 – September 2, 2020
Summer Food Service Operations	<p>Allows SFSP operations to continue through December 31, 2020.</p> <p>USDA COVID-19 CNP #56</p>	Start of the school year through December 31, 2020	<ul style="list-style-type: none"> ● SFSP 	<ul style="list-style-type: none"> ➤ SSFP 47-20 – September 2, 2020
Triennial Assessment	<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>	June 30, 2021	<ul style="list-style-type: none"> ● NSLP/SBP 	<ul style="list-style-type: none"> ➤ SM 44- 20 – April 29, 2020
Fresh Fruit and Vegetable Program (FFVP) Parent or Guardian Pick Up	<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> <p>September 22, 2020 through June 30, 2021</p>	<ul style="list-style-type: none"> ● FFVP 	<ul style="list-style-type: none"> ➤ SM 47-20 – May 12, 2020 ➤ SM 77-20 – September 15, 2020

CURRENT WAIVERS

Waiver Topic	Waiver Summary	Waiver Effective Dates	Programs Included	Relevant Memos
Offer versus Serve In the National School Lunch Program	<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>	July 1, 2020 through June 30, 2021	<ul style="list-style-type: none"> ● NSLP/SBP 	➤ SM 64-20 – June 20, 2020
Five Year Review Cycle	<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>	July 1 2020 through June 30, 2024	<ul style="list-style-type: none"> ● NSLP/SBP 	➤ SM 68-20 – July 20, 2020
Reimbursement for Meals Served Prior to Approval in the Summer Food Service Program	<p>Allows MSDE to reimburse sponsors for meals served prior to notification of approval. This waiver is retroactive for approved SFSP sponsors for meals served through August 30, 2020, but that were served prior to their written approval to operate the SFSP.</p> <p>USDA COVID-19 CNP #57</p>	August 31, 2020 through December 31, 2020	<ul style="list-style-type: none"> ● SFSP 	➤ SM 76-20, SFSP 49-20 – September 15, 2020
Fresh Fruit and Vegetable (FFVP) pick-up at non-elementary schools	<p>Allows districts to designate an alternate site if a selected FFVP site is not open for meal service.</p>	September 22, 2020 through June 30, 2021	<ul style="list-style-type: none"> ● FFVP 	➤ SM 78-20 – September 16, 2020

CURRENT WAIVERS

Waiver Topic	Waiver Summary	Waiver Effective Dates	Programs Included	Relevant Memos
Expanded Eligibility in the At-Risk Afterschool Program	Allows participating agencies, regardless of their site locations, to serve at-risk afterschool meals and snacks to children after the regular school day. USDA COVID-19 CNP #58	September 18, 2020 through December 31, 2020	<ul style="list-style-type: none"> ● CACFP – At Risk 	<ul style="list-style-type: none"> ➤ SM 79-20, SFSP 50-20, CA 36-20, FCC 31-20, MK 24-20 – September 23, 2020

EXPIRED WAIVERS

Waiver Topic	Waiver Summary	Waiver Effective Dates	Programs Included	Relevant Memos
Waiver of Activity Requirement in Afterschool Care Child Nutrition Programs	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. USDA COVID-19 CNP #3	March 20, 2020 through June 30, 2020	<ul style="list-style-type: none"> ● SM ● CACFP – At Risk 	➤ SM 28-20, CA 11-20, FCC 06-20, MK 07-20, SFSP 11-20 March 25, 2020
Flexibility in the Administrative Review Process	Allows MSDE to complete the onsite portion of the administrative review in a different school year than the off-site portion. Revision of USDA COVID-19 CNP #9	March 25, 2020 through August 31, 2020	<ul style="list-style-type: none"> ● NSLP/SBP 	➤ SM 59-20 – June 12, 2020
Waiver of 60 Day Reporting Requirements	Extends the deadline for the submission of January and February 2020 claims by 30 days. USDA COVID-19 CNP #12	April 1, 2020 through May 30, 2020	<ul style="list-style-type: none"> ● NSLP/SBP ● CACFP (all) ● FCC ● MK ● SFSP 	➤ SM 33-20, CA 15-20, FCC 10-20, MK 10-20, SFSP 17-20 - April 3, 2020
Unanticipated School Closures	Extends SFSP and SSO pandemic operations to June 30, 2020. USDA COVID-19 CNP #21	April 27, 2020 through June 30, 2020	<ul style="list-style-type: none"> ● SFSP 	➤ SM 46-20, SFSP 29-20 – April 29, 2020

EXPIRED WAIVERS

Waiver Topic	Waiver Summary	Waiver Effective Dates	Programs Included	Relevant Memos
CEP Deadlines	<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>ISP data: June 30, 2020</p> <p>CEP Election: August 21, 2020</p>	<ul style="list-style-type: none"> ● NSLP/SBP 	<p>➤ SM 31-20 – March 30, 2020</p>
USDA Foods Entitlement	<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 62-20 – June 30, 2020</p>

QUESTIONS AND ANSWERS

Topic	Summary	Programs Included	Memo Number
SFSP Meal Delivery	Allows schools serving meals through the SFSP to deliver meals to students' homes. Schools must obtain written consent from households before initiating delivery.	<ul style="list-style-type: none"> • SFSP 	SM 25-20, SFSP 08-20 – March 20, 2020
Fresh Fruit and Vegetable Program	Provides guidance on operating the Fresh Fruit and Vegetable Program (FFVP) during school closures due to COVID-19.	<ul style="list-style-type: none"> • FFVP 	SM 35-20 - April 10, 2020
Meal Service during Novel Coronavirus Outbreaks	Provides guidance on several aspects of meal service during the current public health emergency. This memo provides clarifications, but does not include additional waivers.	<ul style="list-style-type: none"> • NSLP/SBP • CACFP (all) • FCC • MK • SFSP 	SM 37-20, CA 16-20, FCC 11-20, MK 11-20, SFSP 19-20 - April 13, 2020
Nationwide Waivers	Provides answers to questions about previously released waivers regarding meal times, non-congregate feeding, and activities during afterschool care programs.	<ul style="list-style-type: none"> • NSLP/SBP • CACFP (all) • FCC • SFSP 	SM 36-20, CA 17-20, FCC 12-20, MK 12-20, SFSP 20-20 - April 13, 2020
P-EBT	Provides answers to common questions about P-EBT including questions about data sharing.	<ul style="list-style-type: none"> • SM 	SM 39-20, SFSP 22-20 - April 17, 2020
Meal Service during Novel Coronavirus Outbreaks	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 	SM 42-20, CA 20-20, FCC 14-20, MK 14-20, SFSP 24-20 - April 27, 2020
FFVP	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 	SM 50-20 – May 26, 2020

QUESTIONS AND ANSWERS

Topic	Summary	Programs Included	Memo Number
Summer Food Service Program	Provides answers to questions about four national waivers related to the Summer Food Service Program.	<ul style="list-style-type: none"> • SFSP 	SM 55-20, CA 23-20, FCC 17-20, MK 17-20, SFSP 33-20 - June 5, 2020
Unanticipated School Closures	Provides answers to questions about unanticipated school closure operations through June 30, 2020.	<ul style="list-style-type: none"> • SFSP • CACFP – At Risk 	SM 56-20, CA 24-20, FCC 18-20, SFPS 34-20 - June 5, 2020
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 	SM 55-20, CA 23-20, FCC 17-20, MK 17-20, SFSP 33-20 - June 5, 2020
Food Service Management Contracts	Provides additional guidance about food service management contract and allowable costs during the COVID 19 pandemic	<ul style="list-style-type: none"> • SM • SFSP 	SM 58-20, CA 26-20, FCC 20-20, SFSP 36-20 - June 11, 2020
Child Nutrition Programs during School Year 2020-2021	Provides guidance for participants in Child Nutrition Programs during the transition to the 20-21 school year.	<ul style="list-style-type: none"> • NSLP/SBP • CACFP (all) • FCC • SFSP 	SM 73-20, CA 34-20, FCC 29-20, SFSP 46-20 - August 24, 2020
Fresh Fruit and Vegetable Program	Provides guidance for schools participating in the Fresh Fruit and Vegetable Program (FFVP) during school year 20-21	<ul style="list-style-type: none"> • FFVP 	SM 74-20 – August 25, 2020
Summer Food Service Program Operations Through December 2020	Provides answer to many of the questions related to Child Nutrition Program operations during the COVID-19 pandemic	<ul style="list-style-type: none"> • NSLP/SBP • CACFP (all) • FCC • SFSP 	SM 75-20, CA 35-20, FCC 30-20, SFSP 48-20 – September 14, 2020

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
	Extension through June 30, 2021 requested on August 20, 2020	Nationwide waiver extension through December 31, 2020	SFSP 47-20, Extended: Nationwide Waivers for Summer Food Service Program through December 31, 2020
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
	Extension through June 30, 2021 requested on August 20, 2020	Nationwide waiver extension through December 31, 2020	SFSP 29-20, Extension – Area Eligibility Waiver in the Summer Food Service Program
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
	Extension for SFSP requested August 20, 2020	Nationwide waiver extension through December 31, 2020	SFSP 47-20, Extended: Nationwide Waivers for Summer Food Service Program through December 31, 2020

MSDE Waiver Requests			
Subject	Date Submitted	Status	Memo Number
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
	New request for school year 2020-2021 submitted August 19, 2020	Approved	SM 77-20: Parent and Guardian Pick-Up Waiver for the Fresh Fruit and Vegetable Program
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	Denied, August 20, 2020	
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	
Age/grade group waiver for School Meals Programs	August 13, 2020	Withdrawn, covered under CNP waiver #36	SM 73-20, CA 34-20, FCC 29-20, SFSP 46-20, Questions and Answers for the Child Nutrition Programs during School Year 2020-2021
Fresh Fruit and Vegetable (FFVP) pick-up at non-elementary schools	August 19, 2020	Approved	SM 78-20: Non-Elementary School Site Waiver for the Fresh Fruit and Vegetable Program