

Summary Federal and State Waivers (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

Expiring December 31, 2020		
Waiver Summary	Effective Dates	Programs Included
National Waiver – Meal Service Time Flexibility Waives the requirement that specific periods elapse between meals, allowing SFSP agencies to distribute multiple meals at one time.	March 20, 2020 through December 31, 2020	<ul style="list-style-type: none"> • SFSP
National Waiver – OVS in Summer Meals Extends the allowable to use offer versus serve (OVS) to all SFSP sponsors, not just local education agencies (LEAs) using the NSLP meal pattern.	April 21, 2020 through December 31, 2020	<ul style="list-style-type: none"> • SFSP
National Waiver – SFSP First Week Visits 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.	April 21, 2020 through December 31, 2020	<ul style="list-style-type: none"> • SFSP
National Waiver – Area Eligibility for Closed Enrolled Site Waived the requirement that closed enrolled summer sites collect meal benefit application. Instead, sites may use area eligibility.	April 21, 2020 through December 31, 2020	<ul style="list-style-type: none"> • SFSP
National Waiver – Non-congregate Meals (Summer Food Service Program) Waives requirement for congregate feeding, allowing participants to take meals off site. Agencies must obtain written consent from households before initiating delivery.	March 20, 2020 through December 31, 2020	<ul style="list-style-type: none"> • SFSP
National Waiver – Parent/Guardian Pick Up of Meals (Summer Food Service Program) Allows parents and guardians to pick up meals on behalf of their children. Requires prior approval from MSDE.	Effective once approved by MSDE through December 31, 2020	<ul style="list-style-type: none"> • SFSP
State waiver – Area Eligibility Due to increased unemployment claims, allows all site locations to qualify as area eligible open sites.	April 2, 2020 through December 31, 2020	<ul style="list-style-type: none"> • SFSP

Expiring December 31, 2020		
Waiver Summary	Effective Dates	Programs Included
National Waiver – Meal Pattern Flexibility (Summer Food Service Program) Allows agencies to deviate from meal pattern requirements, if certain foods are unavailable. Requires prior approval from MSDE.	Effective once approved by MSDE through December 31, 2020	<ul style="list-style-type: none"> • SFSP
National Waiver – Summer Food Service Program Allows agencies to serve meals under the Summer Food Service Program, even if there is not an unanticipated school closure	September 1 through December 31, 2020	<ul style="list-style-type: none"> • SFSP
National Waiver – 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.	September 18, 2020 through December 31, 2020	<ul style="list-style-type: none"> • CACFP – At Risk

Expiring June 30, 2021		
Waiver Summary	Effective Dates	Programs Included
National Waiver – Non-congregate Meals Waives requirement for congregate feeding, allowing participants to take meals off site. Agencies must obtain written consent from households before initiating delivery.	March 20, 2020 through June 30, 2021	<ul style="list-style-type: none"> • NSLP/ SBP • CACFP (all) • FCC • MK
National Waiver – Meal Pattern Flexibility Allows agencies to deviate from meal pattern requirements, if certain foods are unavailable. Requires prior approval from MSDE.	Effective once approved by MSDE through June 30, 2021	<ul style="list-style-type: none"> • NSLP/SBP • CACFP (all) • FCC
National Waiver – Meal Service Time Flexibility Waives the requirement that specific periods elapse between meals, allowing agencies to distribute multiple meals at one time.	March 20, 2020 through June 30, 2021	<ul style="list-style-type: none"> • NSL/SBP • CACFP (all) • FCC • MK
National Waiver – Parent/Guardian Pick Up of Meals 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.	Effective once approved by MSDE through June 30, 2021	<ul style="list-style-type: none"> • NSLP/SBP • CACFP (all) • FCC • MK
National Waiver – Offer versus Serve Waives the requirement that high schools use “offer versus serve” for meals served under the National School Lunch Program	July 1, 2020 through June 30, 2021	<ul style="list-style-type: none"> • NSLP
National Waiver – USDA Foods 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.	School Year 2020-2021	<ul style="list-style-type: none"> • NSLP
National waiver – Monitoring (National School Lunch Program and School Breakfast Program) Waives certain onsite monitoring requirements, allows LEAs and MSDE to conduct reviews off site.	March 25, 2020 through September 30, 2021	<ul style="list-style-type: none"> • NSLP/SBP
State Waiver – FFVP Parent or Guardian Pick-Up 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.	September 22, 2020 through June 30, 2021	<ul style="list-style-type: none"> • FFVP

Expiring June 30, 2021

Waiver Summary	Effective Dates	Programs Included
State Waiver – FFVP pick-up at non-elementary schools Allows districts to designate an alternate site if a selected FFVP site is not open for meal service.	September 22, 2020 through June 30, 2021	<ul style="list-style-type: none">• FFVP

Expiring September 30, 2021

Waiver Summary	Effective Dates	Programs Included
National waiver – Monitoring (Child and Adult Care Food Program and Summer Food Service Program) 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.	March 25, 2020 through September 30, 2021	<ul style="list-style-type: none">• CACFP (all)• FCC• SFSP

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
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

MSDE Waiver Requests			
Subject	Date Submitted	Status	Memo Number
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