

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 September 30, 2020 | | |
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| Waiver Summary | Effective Dates | Programs Included |
| National Waiver – Food Service Management Contracts 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. | April 24, 2020 through September 30, 2020 | <ul style="list-style-type: none"> • NSLP/SBP • SFSP |
| 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 |

| Expiring December 31, 2020 | | |
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| Waiver Summary | Effective Dates | Programs Included |
| 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 |
| 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"> • SFPS |

| Expiring June 30, 2021 | | |
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| 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 |

Expiring September 30, 2021

| Waiver Summary | Effective Dates | Programs Included |
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| 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 | | | |
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| 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 September 30, 2020 | SFSP 45-20 Extensions: Nationwide Waivers for SFSP Non-Congregate Meals, Area Eligibility, Parent Guardian Pick Up of Meals, and Meal Pattern Flexibility through September 30, 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 September 30, 2020 | SFSP 45-20 Extensions: Nationwide Waivers for SFSP Non-Congregate Meals, Area Eligibility, Parent Guardian Pick Up of Meals, and Meal Pattern Flexibility through September 30, 2020 |
| 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 September 30, 2020 | SFSP 45-20 Extensions: Nationwide Waivers for SFSP Non-Congregate Meals, Area Eligibility, Parent Guardian Pick Up of Meals, and Meal Pattern Flexibility through September 30, 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 | Pending | |

| MSDE Waiver Requests | | | |
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| 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 | Covered under existing waiver | 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 and non-elementary schools | August 19, 2020 | Pending | |