Response to Alabama’s Questions for SY 2020-2021

USDA Southeast Regional Office responses are in RED.
State Agency additions are in GREEN.
Alabama Department of Public Health responses are in BLUE.

Water

1. Our schools are either covering up water fountains or disconnecting them all together. We also will have all schools except the high school eating meals in the classroom, which creates a huge issue with how to get potable water to students. If we start providing a free bottle of water to anyone who asks, they all will ask. Serving cupped water is too labor exhaustive and bottled water is too expensive. Potable Water Waiver?
   Response: Per 7 CFR 210.10 (a) (1) (i) Requirements for lunch...Schools must make potable water available and accessible without restriction to children at no charge in the place(s) where lunches are served during the meal service. Therefore, a waiver of the requirement to provide Potable Water would be required. Additional guidance will be provided when it becomes available.

Water is not required at breakfast if the breakfast meal is served in a location other than the cafeteria...

...the SBP regulations at 7 CFR 220.8(a)(1) require schools to make water available and accessible during the meal service if breakfast is served in the cafeteria.

7 CFR 210.10 (a) (1) (i)

Meal Pattern (All Meal Pattern Flexibilities discussed in this section must be granted on a case by case basis)

1. Are two types of milk required to be offered at each meal?
   Response: Yes, See SP 14-2020 Question 2. However, SP 14-2020 Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks: Questions and Answers #3 states that if emergency conditions temporarily prevent Program operators from obtaining milk, the SA may allow Program operators to serve meals w/o milk in the NSLP and SBP, with an alternate form of milk. In addition, the COVID 19: Child Nutrition Response #36 – Nationwide waiver to allow meal pattern flexibility in CNP’s – extension #4 allows milk to be waived when State agencies elect to participate in the waiver. Program operators need to contact their state agency for approval, which will be based on a targeted & justified need for serving meals without milk.

2. How will the weekly NSLP meal pattern look for students who are in school partial days and pick up meals for the remaining days of the week?
   Response: Currently, there aren’t any differences in meal pattern requirements for full school days and/or partial school days. If there are challenges in getting items or with availability, refer to the COVID 19: Child Nutrition Response #36 – Nationwide waiver to allow meal pattern flexibility in CNP’s – extension #4 meal pattern waiver for flexibility options.

3. Can the Meal Pattern Waiver be used if there is a problem with the practicality of packing Grab and Go meals and transporting food for meals in the classroom or to go home?
   Response: The use of the Meal Pattern Waiver is appropriate when shortages and availability make compliance with the meal pattern impracticable. Per COVID 19: Child Nutrition Response #36 – Nationwide waiver to allow meal pattern flexibility in CNP’s – extension #4; when reviewing requests from local Program operators, the State agency should consider requests that are targeted and justified based upon disruptions to the availability of food products resulting from unprecedented impacts of COVID-19.
FNS expects and strongly encourages Program operators to maintain and meet the nutrition standards for each Program to the greatest extent possible.

4. Vegetable Subgroups Compliance Difficulty - While the Meal Pattern waiver helps SFA’s, there are issues other than supply and cost in providing all subgroups. These issues for Grab and Go meals include limited availability of pre-packaged items and suitable recipes that the students like. The particular subgroups that have these issues are the Starchy and Legumes.

Response: Consistent with the Dietary Guidelines, section 210.10(c)(2)(iii) of the regulation identifies the required vegetable subgroups. The Food Buying Guide for Child Nutrition Programs also identifies each vegetable by subgroup. Under Program regulations at 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, Child Nutrition Program meals must meet meal pattern requirements. However, FNS recognizes that, in this public health emergency, appropriate safety measures are necessary. Per COVID-19: Child Nutrition Response #36 – Nationwide waiver to allow meal pattern flexibility in CNP’s – Extension #4; FNS extends its waiver of the requirements at 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, to serve meals that meet the meal pattern requirements during the public health emergency. Consistent with section 2202(a)(2) of the Act, this waiver is automatically available to all States that elect to use it, without further application. When reviewing requests from local Program operators, the State agency should consider requests that are targeted and justified based upon disruptions to the availability of food products resulting from unprecedented impacts of COVID-19. FNS expects and strongly encourages Program operators to maintain and meet the nutrition standards for each Program to the greatest extent possible.

5. How long should a meal pattern waiver last?

Response: For waivers currently granted to Program Operators see COVID-19 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs -Response 36 Ext 4. The waivers that the SA grants to program operators should cover the period of time in which the conditions exist resulting in the need for the meal pattern flexibility. Once those conditions have subsided, the program operator must return to meeting the meal pattern requirements.

This waiver is effective July 1, 2020 through June 30, 2021 for NSLP. The length of each meal pattern waiver granted will be determined on a case by case basis. Documentation must be provided to support the requested length of the waiver. An example of acceptable documentation would be vendor notification that shows when the item is not available.

6. Can the Pre-K meal pattern be waived? Our SFA’s are struggling to meet the NSLP meal pattern. If co-mingling is not occurring with the Pre-K, then an additional meal pattern is required and will be a burden.

Response: SP 37 2017 “Flexibility for Co-Mingled Preschool Meals: Questions and Answers” states that when preschoolers are served meals in a different area or at a different time than K-5 students, schools must follow the preschool meal pattern as outlined in parts 7 CFR 210.10(0)(3), 210.10(p), and 220.8(0). The option to serve the K-5 meal pattern to preschoolers is only allowed when preschoolers are co-mingled with K-5 students during meal service.

Guidance: COVID-19 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs - Response 36 Ext 4
SP 14-2020

Monitoring and Administrative Reviews

1. Has consideration been given to allowing SA to provide TA and postpone AR’s for SY 20-21 (skip a year of AR) and restart AR reviews SY 21-22? This would assist SFA’s to operate in a less stressful environment and assist with program integrity. Postponement would also allow a SA to provide TA if unscheduled school closures occur and allow SFA’s to ensure that students receive meals. The time delay would also assist with food supply chain recovery.

SY 20-21 AR Waiver?

31, 2020, meaning that if State agencies have ARs open, they can elect not to conduct the onsite portion of the review and instead perform a desk audit and close the AR. As of this time, ARs scheduled for after August 31 cannot be subject to this waiver. The requirement to conduct the onsite portion of the AR the same year the review had begun has also been waived, and instead State agencies can elect to be subject to this waiver and conduct the onsite review next school year (2020-2021) no later than June 30, 2020.

Currently there is no on-site monitoring waiver for SY 20/21. ALSDE should continue with their 5-year AR waiver review schedule which should help to minimize the number of Administrative Reviews performed during SY 20-21. If after August 31st, there is another extension to the On-site monitoring waiver, we will be sure to communicate that to the ALSDE.


**Bulk Meals**

1. Will bulk meals be allowed during unanticipated school closures when SSO or SFSP may be used?
   Allowing bulk meals could help the schools with limited staffing and reduce exposure of parents/staff. Waiver #34 mentions distributing multiple meal but this waiver only applies to NSLP, SBP, and CACFP, it does not apply to SFSP or SSO.
   **Response:** No, bulk meals will not be allowed during unanticipated school closures under SSO or SFSP. Bulk meals can be used in SFSP and SSO until schools officially begin for the SFA. Please refer to COVID-19 Congregate Meal Waivers and Q&As on Summer Meal Delivery Using Existing Authority for further guidance.

Multiple Meals and Bulk Meals are not the same. Multiple Meals are when more than one meal is served at the same time with individual sized servings. A multiple meal example would be when two breakfast meals and two lunch meals are provided at the same time. A bulk meal would be when items included are larger than individual serving sizes. For example, a gallon of milk, 64 oz. container of fruit juice, a whole watermelon, etc.

COVID-19 Congregate Meal Waivers and Q&As on Summer Meal Delivery Using Existing Authority includes the question How many home-delivered meals per child may be delivered at once? The response states: "The state agency may approve a distribution approach that includes meals for multiple days, up to one week at a time. The state agency should consider the expected duration of the school closure and the capacity of the SFA to execute such an approach effectively, including meeting state or local food safety requirements. In order to approve an alternative distribution approach, the state agency must request and be approved for a waiver from USDA for time restrictions for meal service, under regulations at 7 CFR 225.16(c)(1) and (2). In addition, requirements to establish meal service times at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A), must be met. An SFA’s delivery plan with designated times for distribution, when approved by the state agency, would fulfill the requirements to establish meal service times."

**New Configuration of Education Delivery (Meal Delivery)**

1. For distance learning or students who attend school on partial days of the week, what meal service will be allowed?
   **Response:** Students who are distance learning, whether full or part time, can be distributed meals under NSLP for the days that they are not fully in the school building, according to the flexibilities provided by FNS in COVID-19 Child Nutrition #35 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION #2.

2. During unanticipated school closure, what meal service will be allowed?
**Response:** Current examples of unanticipated school closures would include closures such as hurricanes, tornadoes, and other disasters. If "remote learning", has been planned to continue following a facility closure this would not be an “unanticipated school closure” and NSLP, SBP, and CACFP would be used for remote learning.

3. Will non-area eligibility waiver be extended for all programs?  
**Response:** At this time COVID-19 Child Nutrition #32 Nationwide Waiver to Extend Area Eligibility Waivers are for SFSP and SSO until August 31, 2020, only.

4. Can virtual school students’ pickup curbside with regular school in session too?  
**Response:** Yes, students who are distance learning, can be distributed meals under NSLP for the days that they are not fully in the school building, according to the flexibilities provided by FNS in COVID-19 Child Nutrition #35 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION #2.

5. We have a performing arts school that is typically a boarding and day student facility. Boarding will not be allowed and students from across the state will be completing online courses for ASFA. The school last year was 20% F/R. The question is how will the students receive a meal if they are scattered throughout the state?  
**Response:** (still conducting research)

**COVID-19 Child Nutrition #32 Nationwide Waiver to Extend Area Eligibility Waivers through August 31, 2020**  
Through this nationwide waiver, FNS extends the ability for States to continue operating open sites in areas that are not located in “Areas in which poor economic conditions exist,” as defined at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced in regulation at 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4), through August 31, 2020.

**Operation**

1. Can SFAs operate under SFSP for August and September even if school starts in August? Then, Oct 1, switch to NSLP. Or can NSLP and SFSP operate at the same time? If so, how would this look?  
**Response:** No, SFSP and NSLP cannot operate at the same time, Per 7 CFR 225.1. SFA must switch from SFSP or SSO operations to NSLP once school reopens. State agency, along with local SFAs, should develop a plan that complies with federal rules and regulations associated with operating NSLP and SBP as stated in 7 CFR 210 and 7 CFR 220 requirements for school authority participation and 7 CFR 226 for Child and Adult Care program that fall within the limitations of the national flexibility allowed for SY 2020 – 2021.

2. Will SFSP/SSO extend into the school year or will NSLP/SBP takeover. If SFSP/SSO continues, will they still just have to do tally marks or will they change from an open site to a closed enrolled site and do a roster/POS meal count by eligibility?  
**Response:** Refer to Operation question #1

3. Can students take meals home with them for the following day if they are on a rotating schedule of days at school and days at home? Can multiple meals be sent home?  
**Response:** Yes, State agency may approve a distribution approach that includes meals for multiple days, up to one week at a time. The State agency should consider the expected duration and the capacity of the SFA to execute such an approach effectively, including meeting State or local food safety requirements, according to COVID-19 Child Nutrition #35 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION #2, allows program operators flexibility to send student meal homes for multiple days; as long as State agency is also participating and implementing the COVID-19: Child Nutrition #34 Nationwide Waiver - to Allow Meal Service Time Flexibility in the National School Lunch
Program, School Breakfast Program, and Child and Adult Care Food Program – EXTENSION #2 which approves a waiver from USDA for time restrictions for meal service.

4. Are we required to provide meals to virtual students OR to students who are quarantined due to a positive case in their class?  
(Sent to the NO – National Office - for clarification)

5. Will individual eligibility per child be required for each meal period?  
Response: Yes, SFAs would continue to claim and be reimbursed for meals based on the eligibility status of the individual student. SFAs are responsible for meal counting and claiming. The methods of pickup, meal pattern compliance and proper accounting from meals served based on eligibility status is the responsibility of the SFA in consultation with the SA. State agencies may want to consult local program operators when developing their plans as local program operators are best situated to determine how to provide these assurances.

Alabama Department of Public Health Questions

1. Does the CNP staff need to wear masks the whole time or while preparing and serving?  
Response: Under the current health order only those food workers who interact with the customers must wear a mask/face covering. The current health order expires July 31, 2020.

2. Due to having to provide water, can water fountains for bottle fillers be utilized?  
Response: CDC's current guidance for schools doesn't prohibit drinking fountains, but advises to clean "frequently" or for students to bring their own water.

3. What about individually wrapped items?  
Response: As far as packaged individual items - here are some recommendations from CDC: if food is offered at any event, have pre-packaged boxes or bags for each attendee instead of a buffet for family-style meal. Avoid sharing food and utensils and ensure the safety of children with food allergies.  

   Link to CDC's current guidance for schools. About halfway down is information on school food service. Please check this link frequently as it is subject to being updated at any time.


Waiver Responses Effective for SY 2020-2021

COVID-19: Child Nutrition #33 - Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs – EXTENSION #2

COVID-19: Child Nutrition #34 - Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program – EXTENSION #2

COVID-19: Child Nutrition #35 - Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION #2

COVID-19: Child Nutrition #36 - Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – #4 EXTENSION, and

COVID-19: Child Nutrition #37 - Nationwide Waiver to Allow Offer Versus Serve Flexibility for Senior High Schools in the National School Lunch Program for School Year 2020-2021