COVID-19 NATIONWIDE WAIVER FLEXIBILITIES FOR CNP SPONSORS

WAIVERS, MEMOS and Q&As

SY 2020-2021

Ben Guthrie, Administrator, ALSDE SFSP/CACFP

Julie Autrey, MS Education Specialist ALSDE CNP School Programs
Click on the link below to access the recorded presentation:
https://alsde.webex.com/alsde/lsr.php?RCID=8bd1b65d71304a06a66a4a7a71196b47
WAIVER PRESENTATION
Review of USDA COVID-19 Waivers
presented by
National School Lunch Programs and Summer Food Service Programs
Alabama State Department of Education

AGENDA

Wednesday
February 24, 2021

Virtual Presentation
Montgomery, AL

1:30 – 1:35 Log In/House Keeping/Welcome
Robbie Scott
Education Specialist
ALSDE

1:35 – 2:00 Waivers Related to SFSP and CACFP
Ben Guthrie
Education Administrator
ALSDE, SFSP

1:35 – 2:00 Waivers Related to SFSP
Ben Guthrie
Education Administrator
ALSDE, SFSP

2:00 – 2:25 Waivers Related to NSLP
Julie Autrey
Education Specialist
ALSDE, NSLP

2:25 – 2:30 Q&As*/Wrap Up
Robbie Scott

*Please present questions in the 'Chat Box' on your screen. Responses to questions will be compiled and emailed following the presentation.
COVID-19 KEY FLEXIBILITIES

SY21 Program Participation:
NSLP
SBP
SSO
SFSP
CACFP

Child Nutrition COVID-19 Waivers | USDA-FNS
OVERVIEW

1. KEY FLEXIBILITIES through COVID-19
   • Waivers in effect till June 30, 2021
   • Waivers in effect till September 30, 2021

2. SFSP State agencies Traditional Waivers

3. Monitoring and Reviews waivers during COVID-19

4. Reporting of Nationwide Waivers

5. Additional Waivers

6. FFVP

7. Q&As & Memos

5. Program Integrity and Accountability during COVID-19 Child Nutrition Meal Service

6. Helpful Resources and Questions
#59

SFSP & SSO OPERATIONS through SCHOOL YEAR 2020-2021

Expires June 30, 2021
SFSP & SSO OPERATIONS through SCHOOL YEAR 2020-2021

EXPIRES JUNE 30, 2021

#59

- Allows the SFSP and SSO to continue to operate through the school year, regardless of school operating status.
- Eliminates the need to collect meal payments and allows all children under 18 and under to eat free.
- Operators must get advanced approval from their state agency.
- Allows use of all SFSP and SSO Nationwide Waivers
- SFAs may choose either SFSP or SSO. The waiver does not require SFSs to transition to SFSP or SSO
MEAL SERVICE TIME FLEXIBILITIES

EXPIRES JUNE 30, 2021
Applicable to all CNP Programs. State agencies may elect to be subject to this waiver or their traditional waiver, if requested and approved. Traditional waivers will remain in effect until April 30, 2022 for SFSP Sponsors.

Meals may be served outside traditional times to maximize flexibility for meal pick-up.

Allows serving multiple meals for up to seven days, and meal delivery. Including bulk meals.

Operators must still establish meal service times or delivery times on the online agreement.
NON-CONGREGATE FEEDING IN CHILD NUTRITION PROGRAMS

EXPIRES JUNE 30, 2021
NON-CONGREGATE FEEDING in Child Nutrition Programs

Expires June 30, 2021

Applicable to all CNP programs

Allows meals to be served in non-group settings to support social distancing

Allows for consumption of meals off-site and outside of group settings.

Grab-n-go
Curbside pick-up
Mobile/bus routes
Home delivery
PARENT and GUARDIANS TO PICK UP MEALS FOR CHILDREN

JUNE 30, 2021
#35 & #62

PARENT and GUARDIANS TO PICK UP MEALS FOR CHILDREN

JUNE 30, 2021

- Applicable to all CNP programs

- Allows parents/guardians to pick-up meals to take home to their children.

- Allows for distributing meals to parents or guardians without a child present.

- States need to ensure integrity and are instructed to work with operators on ways to verify adults have eligible children and ensure that duplicate meals are not served.
Applicable to all programs

Allows operators to serve meals that do not meet the meal pattern requirements during SY2021.

Waives the requirement for schools operating NSLP and SBP and to offer at least two types of milk NSLP.

Operators are expected to maintain nutrition standards for each program and must get advance approval from their state agency.

State should consider requests that are targeted and justified based on plans to support access to nutritious meals while minimizing potential exposure to COVID-19 during SY2021.

USDA directs State Agencies to only grant this waiver on a case-by-case basis and must inform their regional office when, where and for which components the waiver is in effect.

ALSDE Waiver Requests: Waiver requests were emailed from jragan@alsde.edu on 9/15/20
Applicable to SFSP and SSO

Extends all individually-issued state waivers allowing SFSP and SSO sponsors in good standing to operate open summer meal sites located in areas that do not meet the definition of “areas in which poor economic conditions exist,” where more than half of the children are eligible for free or reduced price meals.

Operators must make note on online agreement
AREA ELIGIBILITY FOR CLOSED ENROLLED SITES IN THE SFSP AND SSO

EXPIRES JUNE 30, 2021

Applicable to SFSP and SSO

Allows closed enrolled sites to determine site eligibility through area eligibility (instead of collecting income eligibility applications).

State agencies may elect to be subject to this waiver or their traditional waiver, if requested and approved. Traditional waivers will remain in effect until April 30, 2022.
AREA ELIGIBILITY IN THE CACFP AT-RISK AFTERSCHOOL CARE COMPONENT

Applicable to CACFP At-Risk

Waives the requirement that CACFP At-Risk Afterschool sites be located within the attendance zone of a school where at least half of students are eligible for free or reduced-price meals.

Aligns CACFP At-Risk Afterschool with the SFSP and SSO which have an area eligibility waiver

EXPIRES JUNE 30, 2021
WAIVER OF THE FIRST WEEK SITE VISIT REQUIREMENT IN THE SFSP

EXPIRES JUNE 30, 2021

Applicable to SFSP and SSO

Waives the requirement that SFSP Sponsors visit each of their sites at least once during their first week of operation. Waiver applies to Sites that successfully operated SFSP the previous year and SFSP sponsors that successfully operate the CACFP or NSLP.

State agencies may elect to be subject to this waiver or their traditional waiver, if requested and approved. Traditional waivers will remain in effect until April 30, 2022.
OFFER VERSUS SERVE (OVS) FLEXIBILITIES IN THE SFSP

EXPIRES JUNE 30, 2021

Applicable to SFSP only

Waives the limitation on the use of Offer versus Serve (OVS) to SFAs. Allows the use of OVS by both Non-SFS and SFA sponsors in good standing.

State agencies may elect to be subject to this waiver or their traditional waiver, if requested and approved. Traditional waivers will remain in effect until April 30, 2022.
#71

FOOD SERVICE MANAGEMENT CONTRACT DURATION IN NSLP & SFSP

EXPIRES JUNE 30, 2021

Applicable to NSLP, SSO and SFSP

Waives FSMC contract duration and extension limits.

Allows FSMC contracts that may expire on or around June 30, 2021 to be extended to through SY2021-2022 ((to June 30, 22 using emergency non-competitive procurement. Contracts negotiated or extended through emergency procurement may not be renewed.
Waives the requirement for an in-person site visit during the first week of a site’s operation.

Waives the site's foodservice review during the first four weeks of operation.

Sponsors must continue to ensure integrity to the maximum extent practicable through remote activities and desk audits.
#27 Allows sponsors to monitor facilities two times (instead of three) this fiscal year, and only one must be unannounced.

- Waives the requirement for at least one unannounced review to include the observation of a meal service.
- Waives the requirement that no more than six months elapse between reviews.
- Allows new facility reviews to be done by desk audit. New facility reviews must still be done within the facility’s first four weeks of operations.

#39 Waives the in-person component of a sponsor’s required monitoring activities.

- Sponsors should conduct reviews as required to the maximum extent possible and sponsors must continue to ensure integrity to the maximum extent practicable through remote activities and desk audits.
#3 WAIVER OF ACTIVITY REQUIREMENT IN AFTER SCHOOL CARE CHILD NUTRITION PROGRAMS


- Program operators may consider offering:
  - Online homework assistance, activity packets, electronic games and books, or other e-learning activities for the children to partake in at home.
  - For example, Team Nutrition offers a variety of online games, books, and nutrition education activities for children at: https://www.fns.usda.gov/tn/digital-nutrition-resources-kids.
  - Although children are not required to participate in or complete the activity in order to receive an afterschool meal or snack, the afterschool care center must offer the activity.

- As customary with CACFP At-Risk, activities must be available to all who receive meals, but participation is not required.
  - At-risk afterschool care centers providing non-congregate meals under Nationwide Waiver to Allow Non-congregate feeding in the Child Nutrition Program – Extension #2 must comply with the requirement to provide an education or enrichment activity (7 CFR 226.17a(b)(1)). However, under the non-congregate and parent pick-up waivers, these activities may be conducted virtually or in other non-congregate ways.
ADDITIONAL WAIVERS, FLEXIBILITIES and GUIDANCE RELATED TO SCHOOL PROGRAMS
REPORTING OF NATIONWIDE WAIVERS

- State Agency is required to submit a report to USDA no later than one year after receipt of each waiver.
  - A summary of the use of this waiver by the State agency and local program operators, and
  - A description of whether this waiver resulted in improved services to children.
- Local Program operators participating under the waivers are required to maintain records to document compliance with Program requirements and should maintain documentation of their participation for future reviews.
  - Questionnaires and Surveys were emailed from jragan@alsde.edu
  - Operators submitted surveys and questionnaires to opt-in to the waivers.
  - Documentation of the answers to the questionnaire will be reviewed during an audit.
**NSLP Reviews for each site by February 1.
* SSO Reviews for each site to be completed annually.

On-site monitoring is not required. Instead, to the maximum extent possible, sponsors should review Program operations off-site by desk audit.
RESPONSE #18
LOCAL SCHOOL
WELLNESS POLICY ASSESSMENTS

RESPONSE #37
OFFER VS SERVE IN
SENIOR HIGH SCHOOLS

ADDITIONAL WAIVERS
• Approval of non-congregate setting.
• May be served to children even if they are not enrolled in a participating school.
• May be served outside the typical school day alongside other meals being distributed but may not be used as meal components for other meals.
• May serve up to one week at a time.

SP 19-2020 5-19-20

• May serve children of all ages.
• May not retain funds for next school year.
• May reallocate funds from elementary schools not serving meals to participating elementary schools that are.

SP 23-2020 8-21-20

• FFVP can be provided outside of a regular school day and with grab-n-go/curbside meals.
• Elementary schools that are providing multiple days of meals, may also provide multiple servings of FFVP foods.

SP 3-2021 10-23-20

• Flexibilities are still in place for service times for in person and hybrid schedules.
• FFVP may be served to all children through SSO/SFSP.
• May reallocate funds from elementary schools not serving meals to participating elementary schools that are.
• If fresh produce cannot be used and would need to otherwise be disposed of, the produce may be donated to another FFVP school, food bank or 501(c)3

• Reiterates that state waivers are required for:
  ➢ Parent guardian pick up without their child present.
  ➢ Serving from sites that are not approved FFVP elementary schools.
USDA APPROVED ALABAMA FFVP WAIVERS FOR SY 2020-2021

On August 28th USDA approved Alabama’s FFVP waiver for SFAs to distribute FFVP foods to a parent or guardian to take home to their children through June 30, 2021.

On September 28th USDA approved an extension for Alabama’s waiver allowing SFAs to serve FFVP foods at sites that are not elementary schools through June 30, 2021.
All SFAs who accepted applications before October 1 must carry out verification.

Verification of applications must be finished by February 28, 2021.

Verification Summary Report must be submitted by March 8, 2021.
TEAM NUTRITION GUIDANCE RELATED TO PARENT PICK UP, MULTIPLE MEALS, AND BULK MEALS: RELEASED 9/21/20

Team Nutrition COVID-19 Resources

- School Meals Programs: Providing Multiple Meals at a Time During the Coronavirus (COVID-19) Pandemic | USDA-FNS
- Child and Adult Care Food Program: Providing Multiple Meals at a Time During the Coronavirus Pandemic | USDA-FNS
Q&A GUIDANCE RELATED TO MEAL DELIVERY:
WITH STATE AGENCY APPROVAL

- Allows direct to home and mobile feeding.
  - Sponsor must obtain written consent from households for home delivery.
  - Postage or delivery fees are allowable expenses.
- Allows service of two meals per day, per child up to one week at a time.
- Public notification is required.
- Requires accommodations for limited English proficiency, language assistance or other special needs.
Q&As RELATED TO CIVIL RIGHTS

- The nondiscrimination statement must still appear on informational materials.
- It is not feasible or cost-effective to require that each classroom in a school display an And Justice for All Poster.
  - You may display posters in prominent locations throughout the school, such as a bulletin board in the main building entrance, the school office, or another area frequently visited by parents.
- Racial and ethnic data can be collected through school enrollment, ALSDE information or DHR-SNAP.
- Operators must still make meal accommodations for participants with disabilities.
WATER REQUIREMENTS

According to Memo SP 24-2020:

1. Are schools required to provide potable water to students eating lunch at school when lunch is served in the classroom? Yes.

2. Are schools required to provide potable water to students eating breakfast at school when breakfast is served in the classroom? No.

3. Are schools required to provide potable water to students who are doing virtual learning and who are not eating lunch at school? No.
Can teachers be provided a meal with lunch in the classroom like breakfast in the classroom?

Yes, only if they conduct meal counts.

- FNS Instruction 782-5 “Meals served to adults who are directly involved in the operation and administration of the school nutrition programs may at the discretion of the SFA be furnished at no charge.”

- SP 17-2017 SSO/SSFP Under SSO -“Program Adults work directly with the meal service at the site as either volunteers or paid employees. Meals may be served free to adults who meet this definition.”

- ALSDE Financial Management 2020: Meals served to adults that are directly involved in the production and service of the meals to children are considered program related adults. Meals may be served without charge to CNP employees at the discretion of the school board or School Food Authority (SFA). Meals served to CNP employees are allowable costs of the non-profit food service operation. CNP employees are defined as those employees that are responsible for the preparation, service, or operation of the CNP and paid 100% from CNP funds (Funding Source 5101). At no time may employees that are non-program employees be provided meals without charge, except for employees conducting meal counts for meals served in the classroom. Principals of schools are not entitled to receive meals free of charge. The school district must reimburse the CNP for non-program adult meals provided without charge.
SFAs may operate different CNP Programs within a school district based on the needs of each school.

SFAs may operate NSLP/ SBP, SSO or SFSP.
• As permitted by earlier guidance, meals may be served through SFSP or SSO on weekends and holidays during the school year.

SFAs may operate Afterschool Snack through NSLP, SSO or CACFP together with any of these programs.
• Children can not receive more than the number of reimbursable meals allowed in an individual program.
PROGRAM INTEGRITY and ACCOUNTABILITY

Child Nutrition COVID-19 Waivers | USDA-FNS
Impact reports must be submitted by the State to USDA within a year:

- Summarize use of the waivers
- Summarize how waivers improved meal service

Three Questionnaires were emailed to sponsors to opt-in to waivers:

- 7/9/20 – Waivers #1 - #32
- 9/4/2020 – Waivers #33 - #56
- 1/5/2021 – Waivers #57 - #70

Schools and CACFP providers are not obligated to utilize flexibilities like the non-congregate waiver. However, if you opt-in, you must make meals available for all enrolled children, including remote learners and those who are not physically present.
PROGRAM INTEGRITY AND ACCOUNTABILITY
During Covid-19 Child Nutrition Program Meal Service

State Memo
March 27, 2020

Ensure parents have eligible children.
- Valid child ID
- School ID card
- Sign up for meals or order ahead.

Ensure duplicate meals are not served.
- School Rosters
- Daily parent/guardian pickup roster
- Punch card for meal pickup
HELPFUL RESOURCES

- Child Nutrition COVID-19 Waivers | USDA-FNS

- No Kid Hungry | Summary of COVID-19 Child Nutrition Program Response Nationwide Waivers & Memos
School Food Authority Monitoring of the School Meal Programs
School Year 2020-2021

Off-site Monitoring During the COVID-19 Public Health Emergency
Issued November 2020

During the current public health emergency school food authorities may forgo on-site monitoring and instead, to the maximum extent practicable, review Program operations off-site (e.g., through a desk audit). COVID-19: Child Nutrition Response #51: Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the School Meal Programs is in effect through June 30, 2021. This waiver allows for all review elements found at 7 CFR 210.8 and 220.11 to be conducted off-site for the National School Lunch Program and School Breakfast Program. School food authorities are required to complete these reviews annually by February 1 unless a waiver of this requirement has been approved.

Off-site Monitoring Strategies

The required review elements found at 7 CFR 210.8 and 220.11 can be completed off-site by reviewing documents, electronic systems, or by using other means of technology. Off-site, school food authorities may review and verify records that have been tested, emailed, or otherwise provided, or through virtual observation, for example, by using video. School food authorities may also conduct interviews with school staff and Program participants to verify information in photos via telephone or video conference. School food authorities may wish to use the Food and Nutrition Service on-site review checklist or other means to document that the review was completed. School food authorities should use the documentation and information provided by the site to answer any questions in the checklist or otherwise document the information required to complete the review.

When using technology such as video or photos, Program operators should follow any Federal and State laws related to technology use and privacy. Information that contains Personally Identifiable Information (PII), such as applications or benefit status, should be protected. Information shared by Program operators should be password protected or sent via other secure methods to ensure privacy.

School food authorities should record details to thoroughly document off-site monitoring, including, but not limited to:

- The time and date the review was conducted;
- Names and contact information of school food authority staff interacting with virtually; and
- Any technical assistance the school food authority provided.

If any of the required review elements cannot be fully completed within the required review time frame school food authorities may request additional waivers of statute or Program regulations to ensure compliance with oversight responsibilities. Child Nutrition Program Waiver Request Guidance and Protocol: Revised describes the waiver request process.

1 The content of this document does not have the force and effect of law and is not meant to bind the public in any way. This document is intended only to provide clarity regarding existing requirements.

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During the current public health emergency, Sponsoring Organizations may forgo on-site monitoring and instead, to the maximum extent practicable, review Program operations, off-site (e.g., through a desk audit). COVID-19 Child Nutrition Response 202: Nationwide Waiver of On-site Monitoring Requirements for Sponsors in the Summer Food Service Program. In effect until September 30, 2021, allows sponsoring organizations to conduct monitoring requirements in the Summer Food Service Program (SFSP) off-site. Frequency and timing of SFSP sponsor reviews is pursuant to Program regulations unless their State agency has an alternative approved approach through an individual State agency oversight waiver.

Off-site Monitoring Strategies
When conducting off-site reviews, sponsor organizations should review all elements of Program operations that they would normally review while on-site to the best of their ability. This includes review elements as required by 7 CFR 225.15. This includes all the review elements outlined in the monitoring review forms developed by the sponsoring organization’s State agency; these elements can be completed by using other means of technology. Off-site monitoring through a desk review can be conducted by reviewing records that have been emailed, mailed, faxed, or delivered to the sponsoring organization. For example, monitors may evaluate Program documentation related to monitoring, food delivery tickets, food safety, sanitation, health inspections, meal count sheets, and civil rights via desk review.

In situations where direct observation normally occurs, such as observation of meal delivery or preparation, meal pattern components, point of service meal counting, verification of attendance and health and safety issues, alternative observation can be conducted virtually by using video and/or photos of meal preparation and meal service. Sponsoring organizations may also conduct interviews with site supervisors and Program participants to verify information in photos via telephone or video conference. Below are examples of documentation which can be reviewed through off-site means. The below list is not all encompassing and reviewers should, to the best of their ability, complete review components outlined in their State agency developed review forms.

- Meal count records (review meal counts for more than one day to ensure daily meal counts are being recorded) - Review scanned copy, picture, or video.
- Menus and other food service records, such as production records if used, to ensure meal pattern compliance - Review scanned copy, picture, or video.
- Meal delivery receipts - Review scanned copy, picture, or video.
- Health and safety inspections - Review scanned copy, picture, or video.
- “And Justice for All” poster - verify via photo and/or video that the “And Justice All” poster is displayed in institutions.
- Income Eligibility Forms, if applicable - For camps, National Youth Sports Program and closed enrolled sites, verify that income eligibility forms are available for all enrollees that are listed as receiving free or reduced price meals.

When using technology such as video or photos, sponsoring organizations should follow Federal and State laws related to technology use and privacy. Information that contains Personally Identifiable Information (PII), such as applications or benefit status, should be protected. Information shared by Program operators should be password protected or sent via other secure methods to ensure privacy.

Off-site Monitoring Documentation
Sponsoring organizations should continue to record details to thoroughly document off-site monitoring, including, but not limited to:
- The time and date the review was conducted:
- Names and contact information of site staff that participated virtually; and
- Any technical assistance provided.

If any of the required review elements cannot be fully completed within the required review timeframe, sponsors may request additional waivers of statute or Program regulations to ensure compliance with oversight responsibilities. Child Nutrition Program Waiver Request Guide and Process (Revised) describes the waiver request process.

The content of this document does not have the force and effect of law and is not meant to bind the public in any way. This document is intended only to provide clarity regarding existing requirements.
USDA FACT SHEETS RELATED TO SPONSORING ORGANIZATION MONITORING OF THE CHILD AND ADULT CARE FOOD PROGRAM FY2021

OFF-SITE MONITORING

Sponsoring Organization Monitoring of the Child and Adult Care Food Program Federal Fiscal Year 2021

Off-Site Monitoring During the COVID-19 Public Health Emergency

During the current public health emergency, USDA has made changes to the performance management of the Child and Adult Care Food Program (CACFP). Sponsoring organizations are expected to conduct all required off-site monitoring through electronic means. You may contact your State agency for more information.

For the most up-to-date guidance, please see the CACFP Off-Site Monitoring Guidance Document on the USDA website.

1.3 The content of this document does not have the force and effect of law and must not be used to bind the public in any way. This document is intended only to provide clarity regarding reporting requirements.
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(1) mail: U.S. Department of Agriculture
- Office of the Assistant Secretary for Civil Rights
- 1400 Independence Avenue, SW
- Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or
- email: program.intake@usda.gov.

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